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Tuesday, 17 September 2002

The PRESIDENT (Senator the Hon. Paul Calvert) took the chair at 2.00 p.m., and read prayers.

QUESTIONS WITHOUT NOTICE

Veterans: Doctors Fees

Senator MARK BISHOP (2.01 p.m.)—My question is to Senator Hill, the Minister for Defence and Minister representing the Minister for Veterans’ Affairs in this chamber. Can the minister confirm that, just as doctors are refusing to accept the gold card held by veterans and war widows, they are also not accepting the white card held by veterans for the free treatment of their war-caused injury or illness? Does this mean that veterans must either pay for the treatment themselves and claim reimbursement or go to another doctor with no familiarity with their case? What possible reason can the government have for simply refusing to honour the longstanding commitment of the Australian people to care for veterans injured in the course of their service?

Senator HILL—I have not seen evidence to support that assertion. To the contrary, what I have seen suggests that an overwhelming number of doctors are continuing to honour the card, and in doing so they are meeting their responsibility to veterans and to the community as a whole. I think they should be applauded for doing so. I have heard from some who might be described as doctors union representatives that they wish to do what amounts to using veterans as a lever to increase the remuneration attached to the existing scheme—but that is an entirely different thing. As I said, the vast majority of doctors contribute significantly to our community as a whole, and to veterans in particular, by honouring that scheme and showing the respect that we all hold towards the veteran community.

Senator MARK BISHOP—Mr President, I ask a supplementary question. You must have different advice to me, Minister; the AMA reports that 41 per cent of doctors are considering withdrawing from the gold card scheme. But let me to come to my supplementary question. Can the minister confirm that numerous current ADF personnel who hold the DVA white card due to their injury on service overseas, including those injured in Timor, also face the inconvenience caused by the inability of the government to come to an agreement with the AMA? Minister, why is the Howard government reneging on the bipartisan commitment that all of the costs of injuries suffered while on active service in the defence forces will be covered by the white card?

Senator HILL—I do not know of any circumstance where we have reneged on any undertaking that has been given, but I will pursue the detail of that question and see whether there is something that has not been brought to my attention. I will be surprised if that is the case. It is interesting that the honourable senator in his supplementary question refers to the assertion having been made by the AMA. The AMA is attempting to use the veterans issue to lever the government to a higher level of remuneration for its members. I regret that it is seeking to use the veterans community in that way. Our responsibility to veterans will be honoured, and I take this opportunity to specifically thank those doctors who cooperate and assist us in doing so.

Small Business: Growth

Senator JOHNSTON (2.04 p.m.)—My question is to the Minister representing the Minister for Small Business and Tourism, Senator Abetz. Will the minister inform the Senate of how initiatives of the Howard government are assisting Australia’s vital small business sector. Is the minister aware of any alternative policies that threaten small business viability?

Senator ABETZ—I thank Senator Johnston for his ongoing interest in small business, and thank him for yet another coalition question on small business. I note that it is now 311 days since the last election and Labor have not asked a single question in this place about small business. I note that Labor simply do not care about the 1.2 million small businesses in Australia—and, more importantly, the people that they employ. The Howard government is committed to small business, and recognises its very real importance in driving the Australian
One program that we have delivered on for the small business sector is the Export Market Development Grants Scheme. In this year’s budget, the Treasurer announced that we would increase the minimum grant under the scheme from $2,500 to $5,000. This change demonstrates the government’s practical assistance to Australian small businesses. We do not just talk about it; we actually provide it. The reason why this government is so supportive of small business is simple: small businesses drive the economy, and they are the job creators for Australians. Unfortunately, Labor just do not get it. They do not understand why support for small business is so important. Labor still cannot comprehend that in order to distribute wealth you have to create it in the first place.

The Howard government has policies that assist in the creation of the wealth of our nation. The great tragedy is that the only aspect of trade that the Labor Party are interested in is how they can restrict it for the benefit of the unions. They continue to oppose giving small business the defence they need against the threat of secondary boycotts. They oppose legislation to protect small business from those sorts of boycotts. They reject the proposal that small business from those sorts of boycotts. The opposition to small business is simple: small businesses drive the economy, and they are the job creators for Australians. Unfortunately, Labor just do not get it. They do not understand why support for small business is so important. Labor still cannot comprehend that in order to distribute wealth you have to create it in the first place.

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Senator BOLKUS (2.09 p.m.)—My question is to Senator Minchin, the Minister for Finance and Administration. The ABC reported the minister on 13 September as describing paid maternity leave as ‘middle-class welfare’. Is this true and does the minister stand by his statement? Why is the minister doing his best to rule out a scheme of paid maternity leave when the Prime Minister has made a commitment to Pru Goward that he will properly consider such a scheme?

Senator MINCHIN—I answered a similar question yesterday on the government’s position on paid maternity leave. The government’s position is clear: we are considering the question of whether any taxpayer funded paid maternity leave scheme should be introduced in the context of our review of the current quite generous and comprehensive range of programs that support families in caring for their children. Ms Goward is preparing a report which will be considered in the light of that review. We have made it quite clear that we are not going to mandate paid maternity leave on employers. We do encourage enlightened employers who are running family-friendly workplaces to seek to put in place appropriate paid maternity leave schemes, but we will not mandate it. We will certainly not force small businesses to be paying maternity leave. In my responsibility as finance minister, I have sought to place on the public record, in the context of the consideration of this issue, the fact that the bare minimum scheme paid to women without having to be a member of a union. What a radical proposal! And guess what? He was hissed, he was booed and his proposal was roundly defeated by the great thinkers in the Labor Party. And, of course, the Leader of the Opposition was at that conference and showed no support for his small business spokesman, who believes that small business does in fact have a role. Even people like Joel Fitzgibbon cannot convince the Labor Party. (Time expired)

Workplace Relations: Paid Maternity Leave

Senator BOLKUS (2.09 p.m.)—My question is to Senator Minchin, the Minister for Finance and Administration. The ABC reported the minister on 13 September as describing paid maternity leave as ‘middle-class welfare’. Is this true and does the minister stand by his statement? Why is the minister doing his best to rule out a scheme of paid maternity leave when the Prime Minister has made a commitment to Pru Goward that he will properly consider such a scheme?

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up to $780 million a year if you replicate their wages. I have also placed on record my view, and I think it is shared widely, that this will do nothing about Australia’s declining fertility rate. I do not have anything to add to the answer beyond that.

Senator BOLKUS—Mr President, I ask a supplementary question. Can the minister confirm that the cost of one of the models of paid maternity leave would actually be less than the government’s baby bonus scheme when fully implemented—a scheme which is grossly unfair and offers the greatest benefit to the richest working women—or is this cost issue just another element of the ongoing argument that he is having with Pru Goward?

Senator MINCHIN—The bare minimum scheme was $415 million a year, but that was only on the basis of their having worked for one employer for the whole period. I cannot imagine, if one were to introduce such a scheme, that one would penalise those who had changed employers in the 12 preceding months. Therefore, the bare minimum scheme is, in reality, $475 million. Yesterday, in answer to a question from Senator Stott Despoja, I made it clear that the government remains absolutely and utterly committed to its very enlightened and sensible policy of the baby bonus scheme, which is an appropriate recognition of the costs of having the first baby and seeks to return to a mother part of the tax she has paid in the 12 months prior to her having the baby. In that sense it is a tax-averaging scheme based on a return of some of the tax that she has paid, and therefore a very good policy.

Financial Services: Disclosure

Senator WATSON (2.13 p.m.)—My question is directed to Senator Coonan, the Minister for Revenue and the Assistant Treasurer. Minister, what steps is the Howard government taking to improve disclosure in the financial services industry and give consumers the ability to make informed choices? Is the minister aware of any alternative policies?

Senator COONAN—I thank Senator Watson for his question and note his long-standing interest in this important issue. Australian consumers have every right to expect protection in their financial transactions. They have a right to be given the information they need to allow them to make informed decisions about which financial products to acquire. They also want an assurance that they can deal with licensed financial service providers who possess the appropriate competencies, skills and experience to do the job properly. This is the very reason the Howard government introduced the Financial Services Reform Act, which requires, among other things, that fees and charges be fully disclosed to consumers. This is an important protection and it applies across all financial products, including bank accounts, managed investments and of course superannuation funds.

For consumers, the legislation introduces a consistent framework of consumer protection across the financial services industry. It helps consumers understand and compare different financial products and ensures that they have access to efficient complaints handling mechanisms for resolving disputes with financial service providers. For industry, the legislation helps to reduce compliance costs and removes regulatory barriers to the introduction of technological innovations. The government has sought to build on these important protections with disclosure regulations for superannuation products. In recognition of their importance, the government consulted widely over a couple of years on their content and scope in the lead-up to the introduction of the new regime but, at the eleventh hour, Labor decided that they wanted to pull the rug out from under consumers in these very important reforms. Combining with the minor parties in the Senate, Senator Conroy, in particular, and his colleagues took the irresponsible step yesterday of using their numbers in the Senate to disallow disclosure regulations. This action was taken some three months after the regime commenced and without any apparent concern for the consumers Labor pretend to be interested in. As my colleague Senator Ian Campbell has said, this is complete folly. With no suggested alternative regulatory regime and no sense of responsibility, Labor have recklessly ignored the interests of consumers.
Senator Allison—Mr President, I raise a point of order. The minister is reflecting on the vote of the Senate, which is against standing orders.

The President—Minister, I would ask you to continue and, if you are reflecting on the vote of the Senate, I would ask you not to.

Senator Conroy interjecting—

The President—I have already ruled. For your information, Senator Conroy, you intervened nine times during the last question to Senator Minchin and in this question you have so far intervened nine times. I do not think that sets a very good example for the rest of your colleagues.

Senator COONAN—Thank you, Mr President. Consumers must be wondering why there is so much noise in the Senate. Labor express concern about whether disclosure will be adequate and, on the other hand, Labor vote down the disclosure requirements without offering any alternative or proposing any model at all. The regulations that were voted down at the last minute did improve—

Senator Allison—Mr President, I raise a point of order. The minister continues to reflect on the vote of the Senate, and I ask you to urge her not to do so.

Senator Alston—On the point of order, Mr President: it is perfectly proper for Senator Coonan to highlight the position that the Labor Party take on this and a range of other issues where they are clearly captive to the trade union organisation. All this nonsense about modernisation ought to be seen for what it is: hypocrisy. She is not reflecting on the vote of the Senate; she is reflecting on the Labor Party's attitude to the issue.

The President—I do not believe I can direct a minister how to answer the question, but I will listen carefully to the remainder of her answer, and I rule that there is no point of order.

Senator COONAN—Continuing on the question I was asked about alternative policies, the Labor option is to have no consistency, no alternative, no replacement and no certainty for consumers, and Labor will be judged very harshly by consumers. It is becoming increasingly clear that the Labor Party are not interested in consumers; Labor are more interested in what the unions and their industry superannuation funds have to say than in what is best for Australian investors. We are seeing exactly the same attitude from the ALP when it comes to the government's plans to introduce choice of superannuation fund. The Labor Party do not in fact want choice; they are nothing but a roadblock. They wish to keep Australians in funds without giving them any choice at all, and certainly without disclosure that would enable them to make an informed choice.

Minister for Family and Community Services: Press Release

Senator JACINTA COLLINS (2.19 p.m.)—My question is to the Minister for Family and Community Services. I refer the minister to her humiliating personal explanation yesterday, when she withdrew the incorrect figures on breaching.

Senator Alston—On a point of order, Mr President: is it appropriate for a question, which is supposed to be a fact-finding exercise, to be prefaced by cheap personal abuse? I would not have thought so.

The President—I do not believe it was personal abuse, Minister Alston. There is no point of order. Senator Collins, I would ask you to keep to the question—if you can hear over the noise from your colleagues.

Senator JACINTA COLLINS—I refer the minister to her personal explanation yesterday, when she withdrew the incorrect figures on breaching that she released in a statement on 5 August this year. Is the minister aware that her attempts to denigrate ACOSS are reflected in full in the press release still available on her web site today?

ACOSS should have checked its figures before making embarrassing claims about increases in breaches ...

And:

This just shows again the reason why agencies that are publicly funded to sponsor responsible debate need to check that their information is right.
She then suggests that they contact her office to correct the facts. In light of the minister's own failure to check her facts in this important debate, and given her experience with the fictional Wright family, will she now withdraw and apologise for the offending press release?

Senator VANSTONE—I thank Senator Collins for her question, because it gives me an opportunity to say, firstly, that if the one small paragraph that is incorrect has not been removed from the press release on the website—

Senator Jacinta Collins—The denigration is the point!

Senator VANSTONE—I am sorry, Senator Collins; I thought you had had the opportunity to put your question, and I am trying to answer it. If that has not been done—and I must say that I did not ask for it to be done; I think I just assumed that it would be—it will be done, probably by the time I get back from question time. But it will be done very soon after that if it is not. You raised the question of the figures and the remarks made about ACOSS. For the benefit of senators who were not here, it gives me the opportunity to clarify the point that you raise and indicate that we did put out a press release saying that ACOSS had inadvertently misled, and we did say that they should check with us before doing the comparison between one set of figures and another, because they were not the same. That still stands, and the allegation made by ACOSS is still incorrect. If you were here yesterday when I made the explanation, Senator—

I would normally spot your shining presence, but it might have escaped me—you will understand that what I said is that all of the press release is basically correct in reference to the annual figures but that, near the end of the press release, we had taken two particular quarters and compared them and that those quarters were in fact incorrect.

I apologise to the Senate for that error. I indicated that Centrelink had provided the figures. It was an unfortunate series of events. They were in fact trying to produce better information for estimates committees in relation to breaches. The reason for that is so they might be able to give better information about breaches that, in some circumstances, are not always being imposed in the time period that the breach activity actually occurs. This was a series of events where they were trying to improve the information and that led to some of the information being incorrect. Although ACOSS had actually inadvertently misled through their gross miscalculation as to the breaching figures, the basis of the press release still remains. It is, as I said yesterday, just that particular paragraph that refers to the quarters of the year that was incorrect, not the references to the whole year figures.

Senator JACINTA COLLINS—Mr President, I ask a supplementary question. Further on the issue of breaching, in spite of the minister’s claims that the government’s breaching regime is fair, can the minister explain why the number of activity and administrative test breaches overturned in the year ended June 2002 is running between 40 and 52 per cent on appeal? Does this not show that the minister’s system applies breaches in an unfair way?

Senator VANSTONE—I believe that the system is a fair system. It is a fairer system since the changes that we announced in February. I might remind you that it is a system that, as I understand it, your party voted for and endorsed. When your party was in government, Senator, if you had a breach then you had a 100 per cent breach. You had no chance of having a loss of a bit one time, a loss of a bit more the next time and then a whole breach the third time. Your colleagues voted for the change.

You asked me about the breach rate on appeal. I will check your figures, because I suspect that you are referring to the recommended breaches from the network that are then upheld by Centrelink—that is one figure you could be referring to and I think it is the one that you are referring to—as opposed to breaches that are actually imposed by Centrelink and then overturned on appeal. But I will check on it. (Time expired)

Foreign Affairs: Iraq

Senator BARTLETT (2.25 p.m.)—My question is to the Minister representing the Prime Minister, Senator Hill. Minister, in
your response to the question I asked you yesterday regarding potential military action against Iraq, you stated that military actions ‘are sometimes legitimate without the authority of the Security Council’. Can the minister outline the precise circumstances—other than self-defence, which would require evidence that an attack by Iraq was imminent—under which military action against Iraq would be legal under international law if it were not authorised by the Security Council?

Senator HILL—I had in mind self-defence. The point I was seeking to make to the honourable senator was that the interpretation of self-defence has been evolving according to changed circumstances—in particular, the circumstances of terrorism and the development of weapons of mass destruction. It is important that there be a doctrine that surrounds self-defence as stated within the charter but, as weapons have developed in a way that reduces the time lines so considerably from the traditional situation and as weapons have been developed that are so devastating, not surprisingly the doctrine has evolved to meet those changed circumstances. That was the point that I was seeking to make yesterday.

Senator BARTLETT—Mr President, I ask a supplementary question. I thank the minister for his answer. Can the minister please confirm then that there are no circumstances other than self-defence, in the context of an imminent attack, where military action against Iraq would be legal under international law? Whilst he states that the concept or interpretation of self-defence and imminent attack is evolving in relation to recent events, would it not be appropriate for that interpretation to be ruled upon by the Security Council itself rather than unilaterally interpreted by individual nations?

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Senator HILL—If a country is, to take the extreme, under attack, nobody is suggesting that it need go to the Security Council for an authorisation to respond. As the honourable senator has now recognised, the doctrine of self-defence and the jurisprudence surrounding it is evolving to meet changing circumstances. It is within those changes that I was answering the question yesterday.

Telecommunications: Interception

Senator KIRK (2.27 p.m.)—My question is to Senator Ellison, the Minister for Justice and Customs. Can the minister confirm that there are no external accountability arrangements applying to the use of listening devices, video and tracking devices by the Australian Federal Police and the National Crime Authority? Can he also confirm that more than a year ago the Commonwealth Ombudsman recommended that his jurisdiction over the use of telecommunications interception by Commonwealth law enforcement agencies be extended to cover the use of other electronic surveillance devices and that this recommendation was strongly supported by the Parliamentary Joint Committee on the National Crime Authority? Why then has the government failed to respond to this recommendation, more than the year after it was tabled?

Senator ELLISON—There have been some misleading comments in the press recently, particularly by the opposition spokesman on these matters, Mr Melham. I notice that the Sydney Morning Herald pointed out today quite adequately that he had it wrong. He was trying to say that a disproportionate amount of telephone intercepts were being conducted in Australia when compared with the United States. As usual, he had it wrong—he was comparing apples with pears. The United States has a different reporting mechanism. One has to ask: what do they include? Do they include the fact that their federal authorities do conduct telephone intercepts?

Senator Faulkner—Are there accountability arrangements for listening devices?

Senator ELLISON—I can tell you that we do have a very sound basis for conducting telephone intercepts and we have safeguards in place. The government recognises that strong safeguards are essential to maintain an appropriate balance between the need to conduct telephone intercepts and the protection of individual liberty. A highly effective oversight regime is set up under our Telecommunications (Interception) Act. The
Commonwealth Ombudsman monitors compliance with that act by Commonwealth agencies, while state agency compliance is monitored by—

Senator Bolkus—What about state agencies?

Senator ELLISON—State agencies are monitored by state ombudsmen, Senator Bolkus. Under the T(I) Act there are a number of safeguards to ensure that TI warrants are issued only to law enforcement agencies where they will assist in the investigation of serious crime. I will give you some examples. Such safeguards include: warrants may only be issued by a judge—

Senator Faulkner interjecting—

Senator ELLISON—I think a judge is external; I do not think a judge is law enforcement. I think that is a respectable entity to issue a warrant. I do not think Senator Faulkner would argue with that. Warrants may only be issued by a judge or by a nominated Administrative Appeals Tribunal member if they are satisfied that the interception will be likely to assist in the investigation of a serious offence punishable by at least seven years imprisonment and that it is justified having regard to the privacy of any person, the gravity of the offence and the availability and likely effectiveness of other forms of investigation. As well as that judicial oversight—it is a judicial officer that issues that warrant—there are of course reporting conditions. They are dealt with in an annual report to parliament. And the intercepted information and information relating to the issue or existence of warrants is protected and may not be disclosed to anyone other than in relation to purposes of the act. So we have another safeguard there.

We have in place a system which protects the individual liberty of Australians but also allows law enforcement to have access to this valuable tool. It is worthy of note that all the Labor state and territory governments wanted the new Australian Crime Commission to have telephone interception powers. That was one of the things that they were on about, and of course they recognised that it was an essential tool. Also, Queensland get the Australian Federal Police to do their interceptions for them. The Queensland Labor government do that, as do others. Before answering Senator Kirk’s questions, one has to have regard to what the Labor state governments are doing and also to advise Mr Melham to get it right when he says that in Australia we do not have an effective regime compared with the United States. We have a very effective regime with checks and balances.

Senator KIRK—Mr President, I ask a supplementary question. Given the fact that official statistics reveal that Australian law enforcement are tapping telephones at 20 times the rate of their US counterparts, is there not an urgent requirement to review the external accountability arrangements for telecommunications interception and other intrusive electronic surveillance?

Senator ELLISON—Another fact that Mr Melham got wrong in his analysis of this was an example the NCA gave me—that is, they had to issue 10 warrants in relation to one person. That accounts for the way we report our telephone intercepts, because you could have 10—even more. They gave me an example where there were 10 intercepts because of different telephones being used and lines that had to be intercepted. That was only one case. In the situation of the United States that is not made clear. If Senator Kirk wants to listen, I will advise her that the United States has a different system for reporting its telephone intercepts, and you cannot compare those figures for the United States with those for Australia.

Foreign Affairs: Iraq

Senator BROWN (2.33 p.m.)—My question is to the Minister for Defence. Noting the Prime Minister’s statement that there is no hard evidence linking Iraq to the September 11 attacks, does the minister still support sending Australian defence personnel to war to support a US-led invasion of Iraq, particularly if there is no UN resolution supporting such an invasion? Can the minister outline the circumstances in which Australia would not support a US-led invasion into Iraq or are there no such circumstances?

Senator HILL—As one of my colleagues said, it is hypothetical. But let me just state
that it is certainly not our wish to be sending Australian forces to Iraq. It is not our wish that there be armed conflict with Iraq. What is our wish, and what is our determination, is that Iraq ends its program of weapons of mass destruction and that it allows international observers back in, unconditionally and unfettered, to give the international community as a whole confidence that that program has ended. That is what we are interested in. We are pleased that the Security Council has finally taken it upon itself to address the issue again, it seems with greater determination than has occurred in the last four years since the inspectors were expelled by the regime in Iraq. Hopefully, the Security Council will see it through in this instance to an outcome where the weapons of mass destruction are destroyed and the program is ended and that inspectors do return, as I said, unconditionally and unfettered, to give us confidence that that has occurred.

That is our objective, and we are pleased that the international community is now acting collectively towards that end. We are cautiously hopeful, as a result of the statement from the government of Iraq to the Secretary-General of the United Nations, Mr Kofi Annan, that inspectors will now be allowed back in. Nevertheless, we can be no more than cautiously hopeful, because the record of Saddam Hussein has been simply to disregard the resolutions of the Security Council. I think that is where the energies of all should be concerned at the moment, including in this instance those of Senator Brown.

Senator BROWN—Mr President, I ask a supplementary question. Minister, on the matter of the disregarding of resolutions of the United Nations, and in view of Iraq’s agreement to have weapons inspectors back in without condition, does the Australian government stand by its support for resolution 687 of 1991 of the United Nations which says that member states are committed to confirming the sovereignty, territorial integrity and political independence of Iraq and Kuwait? If not, under what circumstances would it breach that resolution?

Senator HILL—Certainly we respect sovereignty, but with sovereignty comes responsibility—and the responsibility is not to be a threat to one’s neighbours. It is not to develop a program of weapons of mass destruction to use on one’s own people as well as to threaten one’s neighbours. It is that threat and the risks that are engaged within that threat that we and most of the international community want to address. Most of the international community demand that this weapons program end. My respectful advice to Senator Brown is that he should join that mass of the international community that demand an end to that program of weapons of mass destruction and, therefore, contribute to a safer world.

Economy: Household Debt

Senator WEBBER (2.37 p.m.)—My question is to the Minister for Finance and Administration, Senator Minchin. Is the minister aware that household debt equated to 122 per cent of household income in the March quarter and that, according to the RBA, Australian households have higher levels of debt than the entire business sector for the first time in 50 years? How then can the Treasurer claim that there is no evidence that households are overextended in relation to debt?

Senator MINCHIN—I thank Senator Webber for that question. I think the point about household debt that needs to be made to the Senate is: look at it in terms of the overall financial position of Australian households, which are of course benefiting from the fact that we have the world’s best performing developed economy. We have record low interest rates and record low inflation. We have created one million jobs since we came into government. We have had average real wage growth far in excess of that experienced during the Labor years. These sublime conditions have of course encouraged Australians and given them the confidence to invest in things like housing. We welcome the fact that Australians are keen to own their own homes and have the confidence, against the backdrop of the outstanding performance of the Australian economy in recent years, particularly to invest in housing.

I point out to the Senate that, in terms of the overall financial position of households,
household assets have also grown very strongly. It is a fact that for every dollar in debt, households on average have over $2 in financial assets and around $6 in total assets. That is the ratio on average for every dollar in debt to the assets in financial terms and in total terms. Clearly, against the backdrop of those sorts of statistics, in our view there is no difficulty in servicing the debts which households are accruing, as I say, against the backdrop of extreme confidence. Consumer confidence is at very high levels as is business confidence, as you would expect given the outstanding performance of the Australian economy. It is not unreasonable, therefore, to expect that Australians are borrowing with confidence, given the very low interest rates which they are enjoying under our government. We are not concerned about it, given that the ratio of debt to assets is very comfortable.

Senator WEBBER—Mr President, I ask a supplementary question. I thank the minister for his answer. I would also like to ask the minister if he is aware of analysis done by Dun and Bradstreet showing that one in three Australian home owners would be at risk of default if interest rates were to rise by two per cent. How then does the Treasurer justify his total lack of concern for Australia’s working families struggling under huge mortgages?

Senator WEBBER—Mr President, I ask a supplementary question. I thank the minister for his answer. I would also like to ask the minister if he is aware of analysis done by Dun and Bradstreet showing that one in three Australian home owners would be at risk of default if interest rates were to rise by two per cent. How then does the Treasurer justify his total lack of concern for Australia’s working families struggling under huge mortgages?

Government senators interjecting—

Senator MINCHIN—The senator puts a hypothetical in the form of the Dun and Bradstreet assertion. It is a hypothetical which, as my colleagues have attested, is only likely to occur if the rabble opposite ever came back into government and we experienced the sorts of interest rates which were the fate of all Australians during their disastrous period in government—when interest rates did go through the roof, when businesses and households were subject to crippling interest rates and were driven into extraordinary debt and perilous economic circumstances. One of the great things we have done is to reduce government debt and so run the Australian economy to achieve higher growth rates that we have been able to keep inflation and, therefore, interest rates well under control so that households can borrow with confidence and enjoy some of the highest living standards and the best housing in the world.

Industry: Kyoto Protocol

Senator KNOWLES (2.41 p.m.)—My question is to the Minister representing the Minister for Industry, Tourism and Resources, Senator Minchin. Is the minister aware of any research on the economic impact on Australian industry of ratifying the Kyoto protocol? If so, what does that research show? Could the minister advise the Senate of support for the government’s position on this important issue, and is the minister aware of any alternative policies?

Senator MINCHIN—I appreciate the question from Senator Knowles, who well understands the importance of this issue of greenhouse to her very significant state of Western Australia. One of the things that people respect about our government is that they know where we stand on the big issues. On the issue of greenhouse and Kyoto, we have a very clear policy which is well understood by the Australian people. We are committed to working towards the targets so skillfully negotiated by my colleague Senator Hill in relation to Kyoto, but we have made it very clear that ratification of this protocol, in our view, is not in the national interest of Australia or Australians.

We have committed around $1 billion to programs to mitigate greenhouse gas emissions in this country, and our policies are working. We are in striking distance of achieving our Kyoto target with figures released by the current Minister for the Environment and Heritage, Dr Kemp, last month, showing that we will be very close to our 108 per cent target by the year 2010. But we are doing this in a way that, unlike the policy put forward by the Labor Party, will not punish Australian industry and will not cost thousands of jobs if we were to proceed with ratification as proposed by the Labor Party.

It needs to be understood that even the Kyoto protocol is at best going to reduce greenhouse emissions by around only one per cent, but it is clear that it would do significant damage to the Australian economy if we were to be part of the ratification process.
There have been two very important pieces of economic research released recently, on the one hand, by Professor Warwick McKibbin, a member of the Reserve Bank, and, on the other, by our own ABARE. There has been some misinterpretation of what Professor McKibbin has had to say on this. I want to state very clearly and quote his summation of his most recent research on this matter:

By any calculation the sum of the future costs to Australia of ratifying Kyoto far outweigh the sum of the future costs of not ratifying it. More importantly, there is a great deal of uncertainty about the extent of these costs. Even our most optimistic assumptions support the government’s decision about the long-term costs of ratification. ABARE’s most recent findings are that our participation in the Kyoto protocol would be projected to result in reductions in GDP and national income relative to the reference case.

Key industries adversely affected by any ratification include our coal sector, electricity, iron and steel, and aluminium. Australia’s livestock sector is also adversely affected by implementation of the Kyoto protocol. It is our clear position that, while the world’s biggest economy and most of the developing economies are not part of this protocol, it is simply not in Australia’s interest to be part of the ratification. Unfortunately it is the case that the federal Labor Party support ratification, contrary to the interests of their own alleged blue-collar base in places like the Latrobe Valley, the Hunter Valley and Central Queensland. They are completely out of touch with their own base.

Fortunately, there is one Labor leader who does understand the ramifications of this policy. I welcome the statement by Premier Peter Beattie strongly supporting our position on Kyoto and flatly rejecting the very dangerous, damaging and cynically opportunistic policy that the federal Labor Party have adopted on this policy. They are clearly in a desperate chase for Green preferences on this issue at the behest of people like Senator Bolkus. Premier Peter Beattie clearly understands the enormous damage to his own state of Queensland, as does Senator Knowles in the case of Western Australia, from any ratification of the Kyoto protocol.

Telstra: Services

Senator LUDWIG (2.45 p.m.)—My question without notice is to Senator Alston, the Minister for Communications, Information Technology and the Arts. Can the minister confirm that, more than six months after his directive requiring Telstra to provide priority services for customers with life threatening emergency health needs, a program has finally been announced today? Minister, isn’t it true that the majority of Australian doctors organisations, such as the AMA, have not committed to implementing this program? Can the minister guarantee that all Australians who need access to these priority services will be reasonably able to do so from today? If so, how will they get this priority access?

Senator ALSTON—The priority phone services arrangements that the government is requiring Telstra to put in place are a significant development in ensuring that Australians living with certain life threatening medical conditions are able to access a telephone to assist them to remedy their situations. Implementation was rescheduled from 31 July to 30 September to enable final arrangements to be concluded with the medical community. Throughout this period Telstra had interim arrangements in place to ensure that people had access to priority services so no customer was put at threat as a result of that extension. The government welcomes the recent endorsement of Telstra’s priority assistance policy by the executive council of the Royal Australian College of General Practitioners and the support of the Rural Doctors Association of Australia.

The government has worked closely with medical groups and Telstra to ensure that processes are simple and streamlined. Telstra’s priority assistance policy and associated application form will provide customers with the option of obtaining a doctor’s certificate or using a statutory declaration in those circumstances where they are either unable or it is not practical for them to obtain a doctor’s certificate. That means it is the doctors who make the decision.
Senator Conroy—What about the AMA?

Senator ALSTON—The doctors union may well have a view on the matter, but they are not the ones—

Opposition senators interjecting—

Senator ALSTON—There is a certain irony about all of this, isn’t there? The other side of the chamber are outraged that unions are potentially exercising some muscle—throwing their weight around and telling their people what to do! I know you are acutely sensitive—and you are dead right: it does happen in a lot of industrial workplaces. But we believe that the average doctor is aware of the responsibility and the sanctity of the obligations they have to their patients and that they will take that decision in the best interests of their patients. They will not blindly do what their union masters want them to do, which of course is the fundamental difference in policy approach. The stat dec is another route to go down if you do not actually have a doctor’s certificate. So there is an alternative arrangement in place, but we are very confident that we will not get the sort of mindless, senseless following of union dictates that has been in large part the cause of your languishing on the opposition benches for 6½ years.

I live in hope that all doctors will take the view that this is very much in their patients’ interests and will cooperate in facilitating this scheme. We have several of what you like to call trade unions that already have an enlightened approach on the issue, and we are very hopeful that the rank and file will be able to exercise their own judgment and not simply fall into line with their union masters, who of course are only filling in time until they get a place in the Senate on that side of the chamber.

Senator LUDWIG—Mr President, I ask a supplementary question. Isn’t it true that the Australian Medical Association is advising its members not to support the program because of concerns that its members will not be protected against medical indemnity claims and because provision of the services is not subject to a Medicare rebate? Has the minister discussed these claims with the Minister for Health and Ageing and, if not, why not? Does the government reject the AMA’s claim and, if so, on what basis? Have you mentioned this to the Rural Doctors Association?

Senator ALSTON—I suspect the Rural Doctors Association are fairly aware of what is actually going on and they do not need me to put them in the picture. It is also fair to say that the AMA probably regard an extra entitlement under the Medicare rebate as more important than the question of medical indemnity and legal liability. Nonetheless, if both of them are serious issues then of course Senator Coonan is dealing very capably with the former and, as far as the latter is concerned, that is a matter for the health minister to make her own judgments about. But at the end of the day, it is patients’ interests that come first. Even the AMA, I would have thought, would concede that. They are simply making a recommendation, and I assume that doctors will understand that this is in the interests of the patient. That does not stop them from continuing to lobby for better entitlements—

Opposition senators interjecting—

Senator ALSTON—You know the experience, don’t you? Your people never stop. At least doctors do stop to look after their patients’ interests, which is more than you can say for most of the people that you have to deal with. (Time expired)

Aviation: Ansett Australia

Senator RIDGEWAY (2.51 p.m.)—My question is to Senator Ian Macdonald, the Minister representing the Minister for Transport and Regional Services. Minister, I understand from the Commonwealth’s report to parliament made under section 24 of the Air Passenger Ticket Levy (Collection) Act 2001 that, as of 31 March this year, the government had advanced under SEESA a total of $283.3 million to pay the entitlements of around 11,500 former Ansett employees. Are you aware that recent media reports have claimed that no former workers have received any payments? Minister, isn’t it true that the government is collecting an average of $11 million a month from the levy? Why isn’t the government making sure that this money is reaching the people it was designed
to assist, and why will the workers not be able to be paid in full?

Senator IAN MACDONALD—I thank Senator Ridgeway for that question. I know Senator Ridgeway has a serious concern for the former employees of Ansett and he is interested, as indeed we all are, in what is happening. In fact, the amount of $330 million has been paid out to 12,866 Ansett employees to 10 September this year. At the same time, and by contrast, the levy receipts were $123.3 million, so obviously we have paid out considerably more than the levy has provided. You will be aware that, following the collapse of Ansett, the Howard government moved very quickly to ensure that workers received their basic employee entitlements; that is, unpaid wages, leave, pay in lieu of notice, and up to eight weeks redundancy pay—the Australian standard—which we think is very fair. We wanted to make sure they got that without having to wait for the administrators to sell all of the assets and divide up the proceeds. To this end, Senator Ridgeway, as you know and as we all know, we established the SEESA scheme, which provided a mechanism for federal funds to flow to the Ansett administrators, who would then in turn pay out the entitlements. It was also decided that the government’s commitment to Ansett workers would not be funded by cutting essential services or by raising taxes, and that is why we put in place this levy scheme that went on the tickets. The ticket levy was only ever intended to ensure that the costs of administering SEESA were met. Claims by the ACTU and their political puppets on the other side are simply not correct. I am glad, Senator Ridgeway, that you resisted your party lurching to the left to get over with the ACTU and the sorts of things that they and their puppets on the other side say.

The money has been paid by the government to the administrators. The levy is to be kept in place until the government is completely satisfied that the Commonwealth’s exposure under its guarantee to ensure former Ansett employees are paid their entitlements is fully covered. We have committed to terminating the levy at the earliest possible opportunity, and we are keeping the situation under constant review. As the Prime Minister has indicated, it is the government’s intention that, if there are any surpluses once all the accounting is finished—and it is not intended that there will be—those funds will be retained and used with an emphasis on helping the tourism industry.

The PRESIDENT—Minister, in future I would hope that you would not refer to the opposition as ‘puppets’. It is out of order.

Senator RIDGEWAY—Mr President, I ask a supplementary question. I thank the minister for his answer. Minister, I gather from your answer that you are suggesting that basic entitlements do not include other entitlements. Does that mean that former Ansett employees are forced to forgo perhaps hundreds of thousands of dollars in extra redundancy moneys that they are owed? Why is this the case, when the sole purpose of the ticket levy is to meet the cost of payments by the Commonwealth to SEESA? If there are no limits in the act in relation to how much money the Commonwealth can collect and over what period of time the levy can apply, then why should former Ansett employees be told that they must settle for a portion of their entitlements?

Senator IAN MACDONALD—What the Ansett employees can get from the Ansett administrator is of course up to them and up to the laws of the land, but what the government said we would do, using not taxpayers’ money but levy payers’ money, the money of the general public, is that we would guarantee a reasonable, community-accepted standard of redundancy for the general assessment is about eight weeks. That is why we have curtailed it to eight weeks. (Time expired)
Transport: Australian Transport Safety Bureau

Senator O'BRIEN (2.57 p.m.)—My question is to Senator Ian Macdonald, the Minister representing the Minister for Transport and Regional Services. Does the minister believe that the criticisms of the Australian Transport Safety Bureau by the Western Australian coroner in relation to its investigation into the crash of the so-called ghost flight were justified? Is it true, as reported in the *Australian* on 13 September, that the federal air safety investigator was overly secretive and showed little compassion for the families of the victims? Is it true that its poor coordination of other investigative agencies impeded the chances of determining the causes of the accident? What action has the minister taken to investigate these allegations?

Senator IAN MACDONALD—Senator O'Brien raises a matter which we all understand is very tragic. I know all senators in this chamber feel very deeply for the relatives of those involved. The government is aware of the Western Australian coroner's criticism of the ATSB's investigation into that flight. The minister, Mr Anderson, has asked for a detailed review of the coroner's 75-page report. Senator O'Brien has mentioned that, in September 2000, Beech King Air VHSKC was on charter from Perth to Leonora with a single pilot and seven passengers. Within half an hour of take-off, the pilot did not respond to communications from air traffic controllers and the plane crashed near Burketown in the gulf country of Queensland five hours after take-off.

The ATSB's investigation was released on 7 March and it concluded that, while there were several possible reasons for the pilot and passengers being incapacitated, it was probably due to the lack of aircraft pressurisation and the passengers and pilot not getting enough oxygen. While the deaths of those eight people is a very serious and heartfelt tragedy, the ATSB did face the difficulty of having no survivors or on-board aircraft data or cockpit voice recordings, and there was little physical evidence after the aircraft had crashed at 440 kilometres per hour and then burned in a remote part of Queensland.

The coroner's findings are very similar to those made by the Australian Transport Safety Bureau. The coroner also supported the safety recommendations made by the ATSB, including aural cabin altitude pressure warnings, and CASA, the Civil Aviation Safety Authority, is consulting with industry on supplementary warnings. Coroner Hope clearly did not support the type of investigation undertaken by ATSB or the legislation that underpins it. ATSB investigations are 'no blame', and Senator O'Brien well understands why that is. It is because you have to encourage the maximum amount of information in to get a proper safety ruling, and if you start blaming people and talking about prosecutions people will not assist with providing the information that is so necessary to the work of ATSB.

The investigations by ATSB are based on annex 13 to the International Chicago Convention. In the interests of future safety, ATSB has the power to compel evidence, even if it would otherwise incriminate those who supply it. Not sharing such evidence with police is not a shroud of secrecy but, as I have mentioned, for a policy reason. ATSB must work within its Commonwealth legislation and budget. It is not the servant of state coroners and does not produce reports to satisfy their sometimes adversarial legal processes. The main reason for the delay in the finalisation of the ATSB report on this accident is that it did not obtain important autopsy and pathology results from Brisbane until the second half of 2001. Coroners, and not the ATSB, have the power to undertake pathology testing. An improvement in cooperation is very clearly required.

Senator O'BRIEN—Mr President, I ask a supplementary question. I note that the minister has advised the Senate that the Minister for Transport and Regional Services, Mr Anderson, has asked for a review of the 75-page coroner's report. When was that review initiated by the minister, who is conducting the review and can the Senate be assured that, when the review is completed, it will be shared with the public?
Senator IAN MACDONALD—I do not have the details to answer those particular questions. I will refer them to the Minister for Transport and Regional Services, Mr Anderson, who as we all know is in the other chamber, which is why I answer questions here on his behalf, obviously enough.

Senator Carr—Wow!

Senator IAN MACDONALD—A great revelation!

Opposition senators interjecting—

Senator IAN MACDONALD—I am never quite sure how much you people understand about how the process works. Senator O’Brien, this is something you have pursued at some length in the Senate estimates committee hearings, and obviously you will again in the future. But I would hope that, well before then, I will be able to refer the matter to Mr Anderson and get you an accurate answer to the questions you have raised.

Senator Hill—Mr President, I ask that further questions be placed on the Notice Paper.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS
Workplace Relations: Paid Maternity Leave
Senator BOLKUS (South Australia) (3.03 p.m.)—I move:

That the Senate take note of the answer given by the Minister for Finance and Administration (Senator Minchin) to a question without notice asked by Senator Bolkus today relating to a national system of paid maternity leave.

Mr President, once again we have seen another unfortunate and regrettable intervention by Senator Minchin in the area of national social policy. In the South Australian Liberal Party, Senator Minchin has a reputation—and I must admit that it is not an all-too flattering one—as the ‘undertaker’ of great new ideas. It is a reputation that is well deserved. When it comes to social progress and to issues that are of concern to Australians, he is the policeman, the man who is always putting up his hand and saying, ‘Stop.’ He has the coffins waiting.

As Malcolm Farr said in the Daily Telegraph yesterday, Senator Minchin is one ‘uncluttered ideological soul’. When it came to the republic, he ran interference. When it comes to Indigenous issues, he runs the emotive reactionary campaigns. When it comes to the environment, he stands against ratification of Kyoto. Even in this debate on paid maternity leave, when it comes to the issue of population, he is a person who is prepared to see Australia’s population get older and older. That is something that he needs to explain to his friends in the business community who know full well that economic prosperity in this country depends on the population becoming younger and more active at work. When it comes to women’s rights, he does not disappoint: he is consistent.

On the issue of paid maternity leave, let us take into account that this is not a radically new idea we are talking about. It is an idea that has been around for a while. It is a basic work entitlement that we are talking about. It is an entitlement that allows a parent to take care of a baby for 14 weeks after birth. If we are concerned about family life, if we are concerned about bonds between parents and children, that is not an unreasonable time to talk about. It is not a new idea.

Senator Ferguson—Do you take care of yours?

Senator BOLKUS—In fact I do, Senator Ferguson. Whenever I am back in Adelaide I do that with a one-year-old and a five-year-old, and the 23-year-old has not progressed either. But this is a basic work entitlement. We are one out of the last two outstanding OECD countries that do not have some form of paid maternity leave. The facts of this issue cannot justify the sorts of emotional and irrational responses that Senator Minchin has been provoked to over the last week or so. He has called the proposal ‘dangerously naive’. What is the connotation there? He claims it will ‘fan divisions’. Hasn’t this man gone over the top? Hasn’t he lost the composure that is necessary—

Senator Hill—He’s not a man; he’s a senator.
Senator BOLKUS—He is not a man, he is a senator, says Senator Hill. We know what Senator Hill thinks of Senator Minchin, and we know full well that Senator Minchin is considering retiring from this place, because people like Senator Hill are driving him out of the South Australian Liberal Party. So, thank you, Senator Hill, it is on the record now and we agree with you: he is not a human being in that sense of the word.

Senator Hill—Mr Deputy President, I raise a point of order. I ask that that comment be withdrawn, and I ask that Senator Minchin be referred to correctly.

Senator BOLKUS—I withdraw. If Senator Hill thinks he is going to have problems with Saddam Hussein, wait till he gets back to Adelaide and meets the reactionary forces that Nick Minchin drives in the South Australian Liberal Party.

Senator Hill—Mr Deputy President, I rise on a point of order: it is offensive to Senator Minchin to draw a comparison or alignment between him and Saddam Hussein. It is a cheap shot and ought to be withdrawn.

Senator BOLKUS—There was no intention to make a comparison between Senator Minchin and Saddam Hussein.

The DEPUTY PRESIDENT—I think you should withdraw that remark.

Senator BOLKUS—If there was any inference, I withdraw it. But Senator Minchin talks about our being dangerously naive. He talks about fanning divisions and about this being a waste of time, energy and taxpayers’ money. This is an idea which has been embraced by Western economies around the world. He develops the concept of a straw man and argues that employers will go broke over this. This is the minister who has no trouble outlaying $450 million for a nuclear reactor at Lucas Heights—propping up failed technology, propping up an industry which, in the UK, is collapsing even in the last week or so. He has no trouble finding money for that but he has trouble finding money for parents to take care of their children after birth. What sort of distorted priorities does this minister have? He calls it middle-class welfare.

If he wants to see middle-class welfare, why doesn’t he look at his own government’s baby bonus, a bonus described by him today, and by Senator Vanstone last week, as a tax averaging scheme? What does ‘tax averaging’ mean? It means reducing the tax burden of the wealthy. That is what you call ‘more than middle-class welfare’. When you strip away the rhetoric, the minister’s agenda is to try to keep women at home. The sort of policy that Labor and Pru Goward are discussing is one which would benefit not only women in the work force but also employers. It is very much in the employers’ interests to ensure that experienced female workers can stay in employment—that they can come back to their jobs and take care of their babies in between. (Time expired)

Senator TIERNEY (New South Wales) (3.09 p.m.)—The issues raised by Senator Bolkus were the subject of a Senate inquiry that I chaired recently on Senator Stott Despoja’s bill on paid maternity leave. We had the opportunity during that inquiry to hear all sides of this issue. The unions, the employers, the government and the Sex Discrimination Commissioner, Pru Goward, presented to us, and we had a very broad view of this very complex issue. As our society and our workplace involvement have changed, particularly over the last 50 years, the whole issue of how to care for families and provide support for them, when an increasing number of women are in the work force, is a very complex matter and a very complex part of social policy. You have basically three groups to deal with here. One is the group of mothers who want to stay at home, the second is the group of people who work all the time and the third is the group who want to move backwards and forwards between working and not working.

The Prime Minister has set down a fundamental principle, which is based on a great tenet of liberalism. It is one of choice: if women want to be in the work force, they should be supported; if they want to be at home with their children, they should be supported; and, if they want to move between those situations, they should be supported. To talk about this whole issue just as a matter of paid maternity leave places a
very narrow focus on what is a much broader problem, and that is support for families when they have children. I speak with some expertise on the matter because, apart from having chaired the inquiry, I have had six children and have watched, over time, the changes in government reaction to our situation. At various times, my wife stayed at home as a full-time carer of our children. Sometimes she worked part time and was at home some of the time, and at other times she worked full time. She moved between those situations.

What I noticed during the period of the Labor government, from 1983 to 1996—and it is one of the reasons I came into politics—was the way in which the Labor government kicked the supports out from under families.

Senator Ferris—What about interest rates?

Senator Tierney—it happened in all sorts of ways—in the welfare measures and tax benefits that were being provided, not to mention, as has been mentioned by Senator Ferris, the fact that rocketing interest rates and a rising level of unemployment put huge burdens on families. Where was the Labor Party then? If they are so keen on paid maternity leave, they had 13 years to introduce it. They did not do so. Why didn’t they introduce it? The reason why, across nations, it has not been introduced and supported by employers paying the money—and I think the only exception is Switzerland—is that it has basically been seen as a social entitlement: that if you are supporting women and families when they have children, it should be an entitlement that is supported by the entire community out of the tax base. That is what has happened across the world. In the Scandinavian countries which have programs of this type, that is the way they do it. Switzerland, as I mentioned, is the only one that does not do it in that way.

It was interesting to hear the evidence from the unions on this matter and to hear what they want to happen. They said, ‘Yes, this should be provided as a social entitlement out of taxes, but on top of that we want to get additional benefits as well.’ They want to have their cake and eat it too on this issue. This is a very complex issue. If the whole debate is centred on paid maternity leave and you brought in such a system, it would advantage one group of women over another; you would be advantaging a group that is probably better off in the community. I am very surprised that the Labor Party are supporting that. What they really need to support is a far broader program where all women and families are supported and where they have choice as to whether they want to stay at home, go to work or move between one and the other. That is the area of policy that the government is now addressing; it is not maintaining this very narrow focus that has been put up by the Labor Party and the Democrats. (Time expired)

Senator Crossin (Northern Territory) (3.14 p.m.)—If Senator Tierney wanted to be honest with this chamber he would declare that, during the inquiry into paid maternity leave, not one witness who appeared before the Senate Employment, Workplace Relations and Education Legislation Committee did not support the introduction of paid maternity leave. Not one of them said they did not support it.

But let us go back to what Senator Minchin said and the attitude of this government in respect of paid maternity leave. At the beginning of the year, we had Jenny Macklin launching a discussion paper and a statement on behalf of the Labor Party saying that we would be committed to introducing it in some form or another. And then, of course, we had Pru Goward, from the Human Rights and Equal Opportunity Commission, launching an inquiry into paid maternity leave. Finally, after a number of weeks, we had the Prime Minister coming on board and saying that he would like to have a look at the introduction of some form of paid maternity leave. Not one of them said they did not support it.

And what do we find with your party, Senator Hill? We find that we cannot get any consensus. We have got Senator Minchin, who is arguing that national paid maternity leave is going to cost too much. Then he says that in fact women simply are not worth it. Now, finally, after being pressured, he tables
costings done by his department that were not available when we questioned a number of departments during the paid maternity leave inquiry—suddenly, the costings are available. Senator Minchin, who actually suggests that a national system of paid maternity leave will not in any way go towards assisting women in the workforce; now pulls out the idea that it will not increase the debate around our ageing population; that is somewhat of a furphy. In particular, Senator Minchin sees the introduction of paid maternity leave as simply a waste of money; that is his position.

Then, of course, we have Mr Abbott, who was honoured enough to be given an Ernie award last week for his recent comment that a national scheme of paid maternity leave would only happen ‘over this government’s dead body’. He was well and truly recognised for that sort of comment. Then we have Mrs Bronwyn Bishop, who is not actually committed to paid maternity leave. She would like to see the whole concept well and truly sunk. She just wants tax deductions for house cleaning, lawn mowing and other household services. Then we have the would-be Prime Minister, Mr Costello, and Chris Gallus, who believe that the whole solution to supporting or not supporting paid maternity leave should be swept aside because people should just stop divorcing each other and then there would not be a problem.

But somewhere in this garden of roses petals we have got the Prime Minister sitting there, and he has actually, at some stage in the past, given a commitment to paid maternity leave. He said he would like to get his government to explore this concept. In fact, he puts himself up as a sensitive new-age guy and he wants the general public to believe that he is a Prime Minister that supports family-friendly workplace policies and families in this country. If we have a Prime Minister who is actually committed to wanting to talk about and introduce paid maternity leave—mind you, this Prime Minister talks the talk but he cannot walk the walk—how come he cannot pull his ministers into line? Why do we suddenly have all these little rosebuds in the garden popping up and saying what they like instead of a Prime Minister who pulls these people into line and is actually committed to advancing the cause of families in this country?

We have a split in the government’s position on this issue. Not only does it show that this government has a lack of commitment but also it shows that it has a lack of understanding regarding the issues as to why people in this country—and women in particular—are pushing for the introduction of paid maternity leave. But wait, along with the USA, we are one of only two countries in the world that do not have it. Under the current government’s policies, if the USA do not do it then we should not do it. So perhaps the minute that George Bush decides to introduce paid maternity leave then so will we. (Time expired)

Senator CHAPMAN (South Australia) (3.19 p.m.)—We have just heard from Senator Crossin, on behalf of the Labor Party, that Australia is one of only two countries in the world that have not introduced paid maternity leave. We heard earlier from Senator Bolkus that our population is getting older and older. The suggestion, of course, is that if you introduce paid maternity leave it is going to increase the birth rate or the fertility rate in this country. But it is merely a suggestion; where is the evidence? There is absolutely no evidence at all that paid maternity leave will increase the fertility or birth rate in this country.

Indeed, what the evidence does show is that birth rates and fertility rates are a product of affluence. The more affluent countries have lower birth rates; less affluent countries have higher birth rates. That is the key factor with regard to birth rates, not whether or not you have paid maternity leave. That is very clear in the fact that, when you look at those affluent countries that provide paid maternity leave, their birth rate is no better than that of Australia or the United States, who do not have paid maternity leave. So let us put to rest this nonsense suggested by the opposition that paid maternity leave is going to do something about our birth rate or something
about the fertility rate and reverse the ageing of our population, because it is certainly not.

That is not the issue in relation to paid maternity leave, as Senator Bolkus indicated when he said that it is a basic work entitlement. That is what this issue is all about in terms of what the Labor Party and the union movement are about. They are about expanding work entitlements. They are using the issues of the ageing of our population and our declining birth rate as a blind, a cover and a disguise to bring in what they see as yet another entitlement for employees. It is, of course, an entitlement that will be a cost, either to employers directly or to the whole community through our tax system. That is what the Labor Party are about in seeking to promote this concept of paid maternity leave.

But the most important issue in regard to this matter is not workers entitlements; it is the issue of choice. That is what Senator Tierney emphasised a few moments ago. As the work of his committee has found, there are three groups with regard to mothers. There are those who want to stay at home once they have children and not return to the work force and who wish to be full-time carers for their children. There are others who want to return to the work force at the earliest opportunity, and there is a third group—those who perhaps want to move between the work force and home care, depending on their circumstances.

Senator Ferris—It is about choice.

Senator CHAPMAN—As Senator Ferris has so helpfully interjected, choice is the key issue on this matter, not workers entitlements. Choice is the priority of this government. From a government perspective, it is important that support is given to all families with children and that it is recognised that families who have children have higher costs to bear than families who do not have children. That is where the key distinction needs to be drawn, not between whether people want to remain in the work force or stay out of work force, but, indeed, that they have the capacity to make that choice and that families with children are given some benefit and some advantage. It could well be argued that the most disadvantaged families with children are not those where parents choose to stay out of the work force for a short period and then return, thereby losing a modicum of income, but those who choose to stay out of the work force permanently to care for their children and are therefore dependent on a single income—a one-breadwinner family. It is on that basis that the government must base its policies.

That is why this government has initiated the baby bonus as part of the $10 billion that the government currently spends on family payments overall. The baby bonus recognises that, when the first child is born, it is a difficult financial period for families, whether they are families where both parents have previously been working and one is temporarily leaving the work force or one wants to stay permanently out of the work force. This is where the emphasis is on choice: the payment of the baby bonus provides a tax break of up to two and a half thousand dollars per year for a maximum of five years, irrespective of what choice parents make with regard to their working situation and their lifestyle. It applies to mothers who have had a child on or after 1 July last year. It is a very important initiative.

(Time expired)

Senator WEBBER (Western Australia) (3.24 p.m.)—Isn’t it interesting: this debate the government is having about paid maternity leave is very typical of its approach to any new policy development. What we have seen here today and over the last few weeks is what we always see with this government—that is, until the polling comes in, all we have is confusion. When we look at the contributions we have had to the debate so far from the government, it would seem that we have as many different views as there are speakers. All we get is response but no responsibility.

We are told by some government ministers, including Senator Minchin, that maternity leave is middle-class welfare. Middle-class welfare, when that slogan is used by the government, is just code for something the polling has not been definitive on to date. I bet that before the next election the government will have a paid maternity leave policy, because there is no doubt that, once we are in
the election cycle and the issue really starts to bite out there and actually rates within their polling, we will all be overcome by reconstructed government members. Then, of course, paid maternity leave will have become a fundamental right for all Australians, as far as they are concerned, and somehow or other the government will try to paint it as the fault of all non-government parties that we have not had it before.

Then we go, of course, to their baby bonus, because by the time we get to that point in the debate it will have been exposed for the fraud that it is. Whatever else you can say about the baby bonus, it certainly is not just middle-class welfare, as Senator Bolkus was saying; it can actually be described as upper-class welfare. The fundamental flaw with the baby bonus is that you have to stay out of work for five years to get any real benefit. This underlying flaw benefits only those working parents who are able to stay out of the work force for that long. If you go back to work, the so-called baby bonus is reduced. But do not worry; apparently everything is going to be fine because you will all get $500 as a minimum. Really! You have to be out of work for anything up to 12 weeks on the birth of a child and then you are guaranteed $500 or, to put it more crudely, all you will get is $40 or so a week, if all you get is the minimum of the government’s baby bonus.

So, after you buy, say, a packet of nappies a week, there goes the baby bonus. I am sure all of the parents of Australia will be really pleased with the government’s scheme! This long trumpeted policy, this material benefit to Australian parents buys a packet of nappies a week. Like so many of this government’s policies, this one has a fairly putrid smell to it. If you are not able to work, you get the full benefit. If you have to work or you choose to work, the bonus actually becomes a bogus. You spend all of that time, money and effort in not only raising a family but also applying for the bonus, and all you get is a packet of nappies. But I am sure we will not have to wait too long in the polling for the next election cycle, as I was saying before, to get the government to change its mind.

The figures that were tabled by Senator Minchin yesterday claimed that the basic paid maternity leave option would cost the government $475 million per annum. If we accept the figures that he has tabled, what would we get for $475 million per annum? We would have a policy that provided direct, real assistance to parents at a time when they are usually confronting a major drop in income. It would provide freedom from financial stress and strain caused by a loss of income. It would provide real financial security that meant that you did not have to scrimp and cut corners when a new baby arrived. It would provide real relief from worry at what should be a very happy time within a family. What right minded person would object to the government easing the financial strain on families at the birth of a new Australian? The government does, and it objects on the basis of it being middle-class welfare. The reality in Australia today is that those people returning to the work force soon after the birth of a child are doing so for financial reasons.
and agree on a process for a review of a regulation that the majority of the Senate felt may be flawed. Indeed, many people within the industry who will be affected by those regulations have the same feeling.

What was proposed during the debate yesterday was that we have a review after the implementation phase. That would see a review of those regulations commencing in around March 2004 and being concluded before the end of 2004—with a view that any changes deemed necessary by the review be implemented during 2005. The government’s position was to have a review in 2005 and bring in any changes that might be required in 2006. We have to look again at the fundamental argument that the government put up to oppose what was, frankly, a very commonsense position. The government said, ‘Look, these are new regulations. They have come about as a result of financial services reform legislation’—good—‘We are not about to accept a proposition whereby, having imposed these new regulations with an implementation phase to be completed by March 2004, we then embark upon a new change, because that would probably place upon the industry a huge cost.’ In reality that is simply not true, and this afternoon the government, through Senator Coonan, has totally misrepresented the situation.

Senator Ian Campbell—So have you, just then.

Senator MURPHY—Senator Campbell interjects and says I misrepresented the situation. I hope Senator Campbell will take the opportunity to get up and say what he really ought to say in respect of what happened. There was no foundation at all to the argument the government put up in respect of the disallowance motion. The regulations—which we really do need—could have proceeded to be implemented. And, if the government had taken a commonsense approach and allowed a review, that would have been at no cost to the industry. If changes to the PDS were required, that could have proceeded with a further implementation phase in 2005 and 2006, and it could have had application to only new products. So there is no foundation to the government’s claim that it would have imposed some huge cost burden on the industry. In fact, if anyone is to blame for there now being no regulations in respect of superannuation products in particular under the Financial Services Reform Act, it is the government. It is not the Senate’s fault. The government had the opportunity to adopt a proposition that was fair, reasonable and responsible, and it did not. I think it reflects badly on the government for a minister of the government to come into this place and try to place the blame squarely where it does not lie. As I said, I challenge Senator Ian Campbell to get up and respond as to why he refused to accept a very clear and commonsense proposition.

Question agreed to.

The DEPUTY PRESIDENT—Order! The time for the debate has expired.

COMMITTEES

The DEPUTY PRESIDENT—The President has received letters from a party leader seeking variations to the membership of committees.

Senator IAN CAMPBELL (Western Australia—Manager of Government Business in the Senate) (3.34 p.m.)—by leave—I move:

That senators be discharged from and appointed to committees as follows:

Community Affairs Legislation Committee—

Appointed: Senator Stott Despoja
Discharged:
Senator Allison
Senator Stott Despoja, as a participating member
Participating member: Senator Greig for matters relating to the Health portfolio

Community Affairs References Committee—

Participating member: Senator Greig for matters relating to the Health portfolio.

Question agreed to.

PETITIONS

The Clerk—Petitions have been lodged for presentation as follows:
**Medicare**

To the Honourable the President and Members of the Senate in Parliament assembled:

The Petition of the undersigned shows:

We strongly support Medicare, our universal public health system. Medicare is an efficient, effective and fair system. Under Medicare, access to care is based on health needs rather than ability to pay.

Access to quality health care for all Australians is a basic human right.

Your Petitioners request that the Senate should:

Do all within its power to ensure the continued viability and strengthening of Medicare by supporting a substantial funding increase for the public health system. Further to this, we strongly urge you to continue to support adequate funding for public health and oppose all government policy initiatives that would undermine the integrity and ongoing viability of Medicare.

by Senator Boswell (from 47 citizens).

**Immigration: Asylum Seekers**

To the Honourable the President and the Members of the Senate in Parliament assembled:

Whereas the 1998 Synod of the Anglican Diocese of Melbourne carried without dissent the following Motion:

That this Synod regrets the Government’s adoption of procedures for certain people seeking political asylum in Australia which exclude them from all public income support while withholding permission to work, thereby creating a group of beggars dependent on the Churches and charities for food and the necessities of life;

and calls upon the Federal government to review such procedures immediately and remove all practices which are manifestly inhumane and in some cases in contravention of our national obligations as a signatory of the UN Covenant on Civil and Political Rights.

We, therefore, the individual, undersigned attendees at the Communion Breakfast, Trinity Uniting Church, Dandenong, Victoria 3175, petition the Senate in support of the above mentioned Motion.

And we, as in duty bound will every pray.

by Senator Kemp (from 45 citizens).

Petitions received.

**NOTICES**

**Presentation**

Senator Jacinta Collins to move on the next day of sitting:

That the time for the presentation of the report of the Economics References Committee on public liability and professional indemnity insurance be extended to 22 October 2002.

Senator Stott Despoja to move on the next day of sitting:

That the Senate—

(i) notes:

(a) the release of the National Review of Nursing Education 2002 report, Our Duty of Care, chaired by Patricia Heath,

(b) a finding of the report that more than 22,000 nurses will leave the workforce over the next 5 years and that, in the period 2001 to 2006, there will be 31,000 nursing vacancies, with almost three-quarters of the vacancies created by nurses leaving the profession,

(c) a finding of the report that there needs to be a major investment in retention of the existing workforce, recruitment of nurses not currently employed in nursing and recruitment from overseas,

(d) a finding of the report that the most crucial factor in ensuring an adequate supply of nurses for the future will be to retain as many of those nurses currently employed as possible, particularly those in the earlier years of their careers, and

(v) the recommendation that nursing is portrayed as a profession in government and employer information, and that all levels of government and other employers of nurses should:

(A) review their recruitment and promotion activities to ensure they reflect the professional status of nursing and the valuable social contribution made by nursing through its diverse roles and practice, and

(B) review their classification of ‘nursing’ to ensure it is consistent with the Australian Standard Classification of Occupations classifi-
cation, in order to reflect the professional status of nursing; and

(b) calls on the Government to substantially re-invest in education, especially in Australia’s public higher education institutions, to ensure extra funded places are made available for nursing education, including in postgraduate research training, as part of a comprehensive strategy to address the national shortage of nurses.

Senator Ridgeway to move on the next day of sitting:

That the time for the presentation of the report of the Rural and Regional Affairs and Transport References Committee on forestry plantations be extended to the last sitting day in June 2003.

Senator Brown to move on 24 September 2002:

That the Senate calls on the Government to reconsider its approval of Basslink to ensure that the cable is placed underground in Gippsland instead of using pylons and overhead powerlines.

BUSINESS

Rearrangement

Senator IAN CAMPBELL (Western Australia—Manager of Government Business in the Senate) (3.36 p.m.)—by leave—I move:

That—

(1) On Tuesday, 17 September 2002:

(a) the hours of meeting shall be 2 pm to 6.30 pm and 7.30 pm to adjournment;

(b) the question for the adjournment of the Senate shall be proposed at the conclusion of debate on any motion relating to a ministerial statement concerning Iraq or at 10.40 pm, whichever is the earlier; and

(c) the routine of business from 7.30 pm shall be debate relating to a ministerial statement concerning Iraq.

(2) Consideration of government documents not be proceeded with today.

(3) A ministerial statement concerning Iraq may be made immediately after discovery of formal business.

(4) In relation to any motion moved today in relation to a ministerial statement concerning Iraq, the speaking times shall be as follows:

(a) not more than 15 minutes for party leaders, and

(b) not more than 10 minutes for any other senator.

(5) Any vote on a motion or amendment moved in relation to a ministerial statement concerning Iraq that arises before the question for the adjournment is proposed today shall be taken at 9.30 am on Wednesday, 18 September 2002, and the matter before the Senate shall be adjourned till that time.

Senator BROWN (Tasmania) (3.36 p.m.)—I would like the chamber to note that I have spoken with the Government about this matter and we are agreeable to the process involved. But there is an understanding that, in the absence of there being a vote on the matter this evening, if there is a vote to be taken on the matter it will be taken at the completion of any debate in the morning.

Senator IAN CAMPBELL (Western Australia—Manager of Government Business in the Senate) (3.36 p.m.)—The understanding I have—and I would like to make it absolutely clear so all senators understand this—is that there will not be a vote tonight. I think Senator Brown said ‘if there is not a vote tonight’. We would like to make it clear that all senators agree that there will be no votes tonight. Because we generally adjourn at around 8 o’clock or thereafter on a Tuesday, many senators would have made arrangements not to be in the building tonight—although I note a large number of senators have indicated an interest in speaking in the debate. Paragraph (5) of the motion makes it quite clear that if any vote is required it will be taken at the commencement of proceedings at 9.30 tomorrow morning. I hope that all senators do agree that there will be no divisions and certainly no quorums this evening and that the debate proceeds in an orderly fashion. I commend the motion to the Senate.

Question agreed to.

NOTICES

Postponement

Items of business were postponed as follows:

General business notice of motion no. 53 standing in the name of Senator Greig for today, relating to the introduction of the Sexuality Anti-Vilification Bill 2002, postponed till 12 November 2002.
General business notice of motion no. 156 standing in the name of Senator Allison for today, relating to the Deaflympic Games, postponed till 18 September 2002.

General business notice of motion no. 157 standing in the name of Senator Harradine for today, relating to human rights in China, postponed till 18 September 2002.

**COMMITTEES**

**Legal and Constitutional References Committee**

**Meeting**

Senator MACKAY (Tasmania) (3.38 p.m.)—At the request of Senator Bolkus, I move:

That the Legal and Constitutional References Committee be authorised to hold a public meeting during the sitting of the Senate on Tuesday, 17 September 2002, from 6.30 p.m., to take evidence for the committee’s inquiry into the Migration Legislation Amendment (Further Border Protection Measures) Bill 2002 and related issues.

Question agreed to.

**Superannuation Committee**

**Meeting**

Senator FERRIS (South Australia) (3.38 p.m.)—At the request of Senator Watson, I move:

That the Select Committee on Superannuation be authorised to hold a public meeting during the sitting of the Senate on Thursday, 19 September 2002, from 3.30 p.m. to 5.30 p.m., to take evidence for the committee’s inquiry into the provisions of the Superannuation Legislation Amendment (Choice of Superannuation Funds) Bill 2002.

Question agreed to.

**MUNDUWALAWALA, MR GINGER RILEY**

Senator RIDGEWAY (New South Wales) (3.39 p.m.)—I move:

That the Senate—

(a) notes, with sadness, the passing on 1 September 2002 of Mr Ginger Riley Munduwalawala, a traditional ‘saltwater’ man from southeast Arnhem Land, and thanks his family for their permission to refer to him by name in recognition of his outstanding achievements as an artist;

(b) remembers Mr Munduwalawala as ‘the boss of colour’ who was inspired by the great Albert Namatjira to paint his ‘colour country’, beginning his painting career in earnest at the age of about 50;

(c) pays tribute to Mr Munduwalawala’s unique ability to draw inspiration from Western landscape art to express his own distinctive vision of his creation stories and ancestral lands, which won him public acclaim in the form of:

(i) the National Aboriginal and Torres Strait Islander Art Award, presented in Darwin in 1987,

(ii) the Northern Territory Alice Prize in 1992,

(iii) the first National Aboriginal and Torres Strait Islander Heritage Commission Award in 1993,

(iv) a fellowship from the Australia Council in 1997; and

(v) a 10-year retrospective of his works at the National Gallery of Victoria in 1997, which was the first time a public institution had ever honoured a living Aboriginal artist in this manner; and

(d) recognises that Mr Munduwalawala’s works are represented in most of the major galleries, museums and private collections in Australia as well as overseas, contributing to his status as one of the nation’s pre-eminent Aboriginal artists and cultural custodians.

Question agreed to.

**COMMITTEES**

**Rural and Regional Affairs and Transport Legislation Committee**

**Meeting**

Senator FERRIS (South Australia) (3.39 p.m.)—At the request of Senate Heffernan, I move:

That the Rural and Regional Affairs and Transport Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 19 September 2002, from 4 pm to 10 pm, to take evidence for the committee’s inquiry into the administration of AusSAR in relation to the search for the Margaret J.

Question agreed to.
MINISTERIAL STATEMENTS

Foreign Affairs: Iraq

Senator HILL (South Australia—Minister for Defence) (3.42 p.m.)—I make the following statement on behalf of the Minister for Foreign Affairs, Mr Downer, on Iraq’s noncompliance with the United Nations Security Council resolutions, and I table the chronology of main events and correspondence from the Secretary-General of the United Nations and the Iraqi Minister of Foreign Affairs.

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

A return of inspectors would, of itself, provide no assurance to the international community—which explains Australia’s firm position that resumed inspections must be unfettered and unconditional and lead to the complete and permanent disarmament of Iraq’s weapons of mass destruction.

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

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

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

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

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

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

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

But we are still in a diplomatic phase, with the objective of persuading Iraq to comply with its United Nations obligations. We are not at the stage of making decisions about possible military commitments. The United States has made no decision to take military action, and we have not been invited to participate in military action.

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

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

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

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

I have tabled the 15-page UNSCOM document. It provides an extraordinary chronology of main events associated with UNSCOM’s work, in particular the way in which Iraq frustrated its work. Given today’s undertaking by Iraq, it justifies our caution, and I recommend all senators read the document carefully.
Let us be very clear—the reason for the present crisis lies at no nation’s door but Iraq’s. Iraq has had more than a decade to determine that its interests and those of its people lie with compliance and to act accordingly. Iraq’s persistent defiance displays a clear pattern of lies, concealment and harassment that would be dangerous to ignore. Now the international community has to decide how to deal with this defiance.

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

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

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

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

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

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

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

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

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

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

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

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

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

As with chemical and biological weapons, the Australian government has no reason to believe that Saddam Hussein has abandoned his ambition to acquire nuclear weapons. All the circumstances suggest the opposite. Australian intelligence agencies believe there is evidence of a pattern of acquisition of equipment that could be used in a uranium enrichment program. Iraq’s attempted acquisition of very specific types of aluminium tubes may be part of that pattern. Iraq still has the expertise and the information to reconstitute a nuclear weapons program and may have continued work on uranium enrichment and weapons design. And Iraq could shorten the lead time for producing nuclear weapons if it were able to acquire fissile material from elsewhere. The International Institute for Strategic Studies—an independent research organisation—concluded that Saddam Hussein could build a nuclear bomb within months if he were able to obtain fissile material. Iraq may also be using its program for the development of short-range missiles, permitted by the UN, to develop prohibited longer range missiles. There have been recent indications, including in intelligence, of new construction work on missile related production and test facilities. Iraq may be developing longer range missiles prohibited by Security Council resolution 687. The government’s view is that there is good reason to be extremely worried about the current status of Iraq’s programs. Any reasonable person would have to share that view. Indeed, while in New York Mr Downer was struck by the broad consensus which exists regarding Iraq’s weapons of mass destruction capabilities.
It would be appropriate at this stage to say something about the Iraqi regime’s involvement in international terrorism. Terrorism is contrary to all civilized values. Iraq has a long history of state-sponsored terrorism. Saddam Hussein has consistently used terror as a key instrument of his regime’s policies and has supported its use by others. The Iraqi regime has long supported, hosted, funded and trained Palestinian and other terrorist groups, including the Abu Nidal organisation and the Palestine Liberation Front led by Abu Abbas. The Abu Nidal organisation is responsible for major terrorist attacks in 20 countries. The PLF has mounted many attacks against Israel—senators may remember the attack on the cruise ship _Achille Lauro_ some years ago—and it has undertaken state-directed terrorist activities in other countries, including many of Iraq’s neighbours, over a long period. Iraq has developed and supported the Mujaheddin-e-Khalq, which undertakes terrorist acts against Iraq’s neighbour Iran and in other countries, including Australia. I remind the Senate that it was this body that attacked Iranian diplomats in Canberra in 1992. The Mujaheddin-e-Khalq has several thousand armed supporters located at bases throughout Iraq. It is armed with weapons including tanks, infantry fighting vehicles and artillery. In recent times, the Iraqi regime has openly praised suicide attacks against Israelis. It provides substantial financial grants, to the sum of $US25,000, to families of Palestinian suicide bombers. A nightmare for the international community would be for Iraqi weapons of mass destruction to find their way into the hands of terrorist organisations. Also, recent intelligence sources have confirmed the presence of Al-Qaeda members in Iraq.

Let me now turn to my third point. We have been in extensive consultations with the US administration for a number of months on Iraq. Recently, the Prime Minister spoke to President Bush on the matter. We are pleased with the process outlined by the President in his address to the UN General Assembly on September 12. Mr Downer has just returned today from New York where he had the opportunity to discuss Iraq with a range of colleagues, including US Secretary of State Colin Powell; US National Security Adviser, Condoleezza Rice; UK Foreign Secretary, Jack Straw; French foreign minister, Dominique de Villepin; Russian Foreign Minister Ivanov; the President of the EU and foreign minister, Per Stig Moller; and several foreign ministers from Arab countries. Everyone he spoke to agreed that the threat from Iraq’s weapons of mass destruction programs was real and could not be ignored by the international community. There was also a clear understanding that the authority of the United Nations was at stake, a point also made by the UN Secretary General, Mr Annan. Mr Downer stressed the importance of what can be broadly described as due process and the need for the Security Council to meet its responsibilities in addressing the threat to international peace and security.

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

With all relevant interlocutors in New York, especially the permanent members of the Security Council, he urged a fresh resolution be passed condemning Iraq for non-compliance with existing resolutions, demanding the immediate return of inspectors to fulfil their responsibilities and a short time frame for this resolution to be adhered to. Australia is agnostic on the question of whether there should be more than one resolution. It is clear from Mr Downer’s dis-
cussions that the permanent members of the Security Council are very conscious of their responsibilities and are indeed engaged in discussions on possible resolutions.

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

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

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

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

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

The purpose of this statement has been specific; namely, to update the Senate on Iraq’s ambition to develop and deploy chemical, biological and nuclear weapons, and the recent meetings in New York by Mr Downer on these issues. We also need to take cautious account of Iraq’s letter to the United Nations Secretary-General. Obviously Australia hopes that this crisis will be resolved diplomatically and peacefully through strong action by the Security Council, involving full compliance by Iraq with its international obligations. In the weeks ahead, the authority of the Security Council will be put to the test. The international community must not be seduced by words alone. We must not forget that it was Iraq which drove the weap-
ons inspectors out in 1998 and has denied them access for four years. It is Iraq which, after four years without inspections, has to disprove that it possesses weapons of mass destruction.

This crisis is not over. We must not reverse the onus of proof by taking it away from Iraq, the transgressor, and placing it on the international community. I seek leave to move a motion in relation to the statement.

Leave granted.

Senator HILL—I move:

That the Senate take note of the statement.

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate) (4.12 p.m.)—There are no greater commitments in public life than to protecting our national interests from threats to peace and security and to the possible deployment of troops overseas if we need to. In the wake of the events of September 11 last year, the argument has been made that threats to international security must be dealt with quickly and forcefully. We agree. But it remains our firm conviction that the best way of handling those security threats is through the framework of international law and the UN system.

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

On 16 August the Leader of the Opposition, Mr Crean, wrote to the Prime Minister calling on him to make a comprehensive statement to the parliament. Mr Crean asked the Prime Minister to outline all relevant facts relating to the situation in Iraq so that this parliament and, through it, the Australian people would have a chance to openly debate the matter based on a solid knowledge of the issues. Our position today remains clear and consistent: work through the UN system; allow a full and formal debate in the parliament, led by the Prime Minister; produce the evidence if further action is required. The Prime Minister continues to tell us that sufficient evidence exists, but he will not share it with the people. The public are not satisfied. In calling for these diplomatic solutions and a full public debate, the government attacked us—heaped ridicule on us and called us appeasers. But now they have adopted our policy.

Let us look at what the government said. In March, the foreign minister said ‘diplomatic processes would have to be exhausted before military actions could reasonably be mounted’. In April, after US Vice President Cheney indicated that the US would consider a pre-emptive military strike to achieve ‘regime change’, the defence minister supported that statement. In July, the foreign minister said that Labor’s refusal to endorse in advance any US attack on Iraq was ‘appeasement’. In August, both the Treasurer and the foreign minister accused Mr Crean of ‘talking like Saddam Hussein’. Just last week, after speaking to the US President, the Prime Minister changed the government’s line again, now urging that the UN must take a tougher stance against Iraq. After the announcement that Mr Blair would recall the United Kingdom parliament, the Prime Minister announced that we would have the parliamentary discussion we are having today. These were disgraceful attempts to gain political advantage from decisions involving our national security and the possible commitment of young men and women to war. Those statements went too far. It is clear for all to see that, while Labor’s position has been consistent, the government’s has not.

The opposition welcome the debate we are having today, but in the House of Representatives we believe it should have been the Prime Minister who addressed the Australian people through the parliament, not the foreign minister. It was the Prime Minister who went out into the public domain last week, leading us to assume that the government
had new and additional evidence. What have we found today? They have not got any new evidence. It is the usual doublespeak from Mr Howard: new information equals no information. The government constantly make reference to additional intelligence material they have had in their possession, but they will not share this information with the Australian people. The information that the government presented here today has been available in every public library around the country for years. The Australian people deserve more. This smoke and mirrors trick will not work. The public deserves to hear from its political leaders what principles they believe should guide the country in its foreign policy directions. The public wants to know what the government intend to do next, not what other countries intend to do and then just watch as Australia follows. In this debate only Labor will give the Australian people a clear explanation of where our foreign policy interests lie.

Labor believe the issue should be settled through diplomacy and the United Nations. After all of the delays and political manoeuvring, the government now agrees with us that the United Nations processes must be followed. The next steps taken by the UN Security Council will be crucial. We must not allow today’s decision by the Iraqi government to lead us to believe that this is the end of the matter. We know that Iraq has a poor record of abiding by its international obligations. Labor argue that the international community should move towards a two-step approach. First, Iraq must allow the unconditional return of UN weapons inspectors under Security Council resolutions 687 and 1284. The international community will then need to make an assessment based on the reports of the weapons inspectors and decide what further action is required. If Iraq is found in breach of its obligations, it is Labor’s view that the Security Council should resolve the most appropriate form of collective action against Iraq, including any authorisation of military action under chapter 7 of the UN Charter. Articles 41 and 42 of the United Nations Charter allow the United Nations to authorise, firstly, economic sanctions and then military sanctions for direct breaches of UN resolutions. This of course would require a new resolution by the Security Council.

If Iraqi noncompliance continues and further action from the Security Council is not forthcoming then some countries may seek to invoke the provisions of article 51 of the charter, which acknowledges the inherent right of individual or collective self-defence against a clear and present danger. This clear and present danger can only exist if there is strong evidence linking Al-Qaeda to the September 11 attacks or if there is strong evidence that Iraq is on the verge of using weapons of mass destruction. Such action would necessarily involve an evidentiary test far more stringent than that which arises from noncompliance alone. Labor’s consistent argument is that these are different and separate evidentiary tests.

We believe the US would still need to go back to get the UN Security Council to seek authorisation for military action under article 51. We also believe that the US accepts this proposition. It is not sufficient, as the Prime Minister would have us believe, that non-compliance justifies a member state invoking self-defence under article 51 when it has not been able to get agreement over collective action on articles 41 or 42.

In essence, Labor’s two-stage policy means that Iraq has one final chance to comply before the UN considers possible military action. There is a clear difference between the government and the opposition on this point. Labor strongly believes that any military action must be made within the international legal framework of the United Nations Charter. The government refuses to give this assurance.

When Mr Crean spoke at the RSL national conference recently, he said we have to develop policies that are in the national interest. The Prime Minister said he supported this, but he will not define it. Given the Prime Minister’s reluctance, the opposition will. Australia has a national interest in ensuring the integrity of the global nonproliferation regimes, because the more countries that adhere to those regimes, the safer Australia is. Australia has a national interest in making sure that any breaches of international law are dealt with through multilateral
processes, and Australia has a national interest in defending the principle of collective security. It is in our national interest that any military action, such as Australia’s peacekeeping mission to East Timor, should always be taken in coalition with other like-minded countries.

A new consensus is emerging in the international community that any action against Iraq should be undertaken through the United Nations system. Now that we have this consensus, we should not let it slip. We need to put in place the next steps to drive the processes through the UN, to enforce not just its resolutions but its conventions. While we have always been a strong ally of the US and always will be, it is in our national interest to promote an international framework for peace and security. We must use this opportunity to strengthen the UN’s hand. That is why Labor has been consistently calling for a UN based solution to Iraq. Our interests lie ultimately not in simply responding to the US, as close an ally as they are. We must also look after our own national interest as defined here, and that interest lies in the UN. The Prime Minister’s failure to understand this explains the flip-flopping we have seen.

The government’s foreign policy and national security policies are deeply flawed. The Australian government has finally come out in support of a United Nations based solution to Iraq, but only after the governments of the US and the UK did so first. The Howard government is determined to follow, not lead. The Howard government will not take the Australian people into its confidence and let them make up their minds. It has been totally inconsistent and incompetent in its handling of this important foreign policy issue. Australia needs a strong and consistent foreign policy that puts Australia’s interests first. We need a government that is prepared to define the national interest. We need a government that is prepared to take the Australian people into its confidence and give its own independent assessment of the current situation in Iraq. We must never behave as the lap-dog of any country.

The Prime Minister thinks that other nations should determine whether Australians should go to war. We say this to the Prime Minister: other countries do not decide whether young Australians are sent to war—we do. We must try to reach our policy objectives towards Iraq by peaceful means if possible. That is because, if we do go to war, it will be Australians who will be put in harm’s way. We must not play politics with their lives. We owe it to them to exhaust all other possibilities before we ask them to put their lives on the line. Those Australians who fought in wars and who know the true horrors of war understand this. That is why the RSL recently took such a strong stand against attempts by some to beat the drums of war for political gain. Real leaders are not afraid of war, but they are wise enough to search for alternatives. This is Labor’s position. So far, the government have step by step been brought around to Labor’s position. We hope they adopt the approach that we have outlined today and, in accordance with that approach, I move the following amendment:

At the end of the motion, add:

“and that the Senate emphasises that as yet the case has not been made as would support a pre-emptive strike on Iraq; and further emphasises the vital importance of the United Nations Security Council and the United Nations Charter under international law for international dispute resolution, including in relation to Iraq”.

This amendment has been circulated in the chamber. I commend it to the Senate.

Senator GREIG (Western Australia) (4.28 p.m.)—The Australian Democrats thank the Minister for Foreign Affairs for his statement regarding Iraq’s noncompliance with United Nations resolutions. Echoing parts of the US President’s speech to the UN General Assembly last Friday, Minister Downer has detailed what has been called a ‘decade of defiance’ by Iraq, but gave no new conclusive evidence about an immediate threat from Iraq or Iraqi weapons programs. We welcome the fact that the foreign minister met with the Iraqi foreign minister in New York to put Australia’s concerns directly to the Iraqi government. Minister Downer has previously said that US President Bush made a strong case for action against Iraq. We Democrats disagree.
We welcome any further information that is provided by the government about Iraq and potential consequences for Australia. However, we maintain that the case has not been made and that military action is not the appropriate response. News out today confirms that United Nations Secretary-General, Kofi Annan, says he has received a statement from Iraq in the form of a letter from the Iraqi foreign minister. Kofi Annan has said:

I can confirm to you that I have received a letter from the Iraqi authorities conveying their decision to allow the return of the inspectors without conditions to continue their work.

This news is very welcome indeed, and illustrates that diplomatic pressure and UN imprimatur have a very strong and continuing role in working towards peaceful outcomes. Clearly this can be possible with dangerous and undesirable regimes. This would appear to be a genuine diplomatic solution and is the very outcome we Democrats have been advocating throughout this difficult period. We understand this inspection will be unfettered and unconditional.

There is no question that the leadership of Iraq is a dangerous and undesirable regime. We acknowledge Saddam Hussein’s long record of abuse of human rights but that alone is not grounds for a military attack. The President of the United States, George W. Bush, in his address to the United Nations said:

Liberty for the Iraqi people is a great moral cause. I wonder if the government would consider the liberation of Saudi Arabia, Egypt and Jordan, to name but three nations, to also be great moral causes. What about North Korea? What about the liberty of the Tibetan people? What about Nigeria? Where was the US during the Indonesian occupation of East Timor? There is a long list of countries with appalling human rights records, many countries and many peoples longing for the sorts of rights and freedoms that we enjoy in the West and all too often take for granted.

In speeches today, Democrat senators will be arguing that taking military action against Iraq, far from enhancing UN authority, will in fact undermine it. We will point to the action the UN is already taking against Iraq for noncompliance, particularly through sanctions. The Democrats will argue that a first strike is not the right response and we will point to the real and much broader threats to peace from weapons of mass destruction held by several countries. A first strike is an attack. The Democrats do not support the notion that the people of Iraq should be attacked. The result would likely be the death and injury of countless civilians—many of whom do not support the government and regime of Saddam Hussein. There is no evidence to suggest that military action in Iraq will bring about peace and stability in that region or bring about an end to terrorism. We will examine whether an attack on Iraq will, in fact, enhance stability in the region and worldwide.

We will look at the circumstances of the Iraqi people and at some of the impacts on Muslims in Australia of the present war of rhetoric. We will argue in support of weapons inspections. We will explain why a strike against Iraq under present conditions and without United Nations Security Council backing is illegal; and further, that Australia in considering its role needs to look not just at the legal but at the moral issues. We will also point to the strong opposition of the Australian people to our involvement in this potential war and state our case for a referral to the appropriate Senate committee for a wide ranging inquiry. As well there is a need for this issue to be further debated and decided with a conscience vote in both houses of parliament. At the very least, this will allow the Australian people to have their say. To date, their strong views do not seem to have been heard, or heard often enough, by the government.

The Australian Democrats maintain our long-held position that the Prime Minister must not commit Australia to a war without community and parliamentary debate, including a vote. The Prime Minister has said in the past that he would not commit forces to a conflict without a parliamentary debate. This statement by the foreign affairs minister and statements from others in the parliament do not, of course, constitute ratification for any subsequent commitment of troops.

It has been reported that Labour MPs will defy the British Prime Minister by forcing
Commons vote on Iraq next week. It had been intended by the Blair government that there would be no vote on the emergency debate on the Iraq crisis. Not only should the issue be debated fully, but Australian MPs should be given a conscience vote. This is a matter of life and death not only for Australian service personnel but for Iraqis, including Iraqi civilians.

As recent polls have shown, Australia’s support for a war against Iraq, particularly without UN approval, does not have the support of the Australian people. A Newspoll survey found almost 75 per cent of respondents were against a first strike on Iraq if the UN did not give approval. Almost half were against a strike under any circumstances. Once a broad parliamentary and public debate has occurred, if the Australian people are still overwhelmingly opposed to our involvement in a military action without UN approval, will the government still fly in the face of the wishes of the Australian people and involve us in an unpopular war? Australians want this issue to be dealt with with the utmost caution and sensitivity and are alarmed by any indication of hasty and ill-considered aggression.

The Australian Democrats will be supporting the Labor Party’s amendment. Events of today, particularly the offer by the Iraqis to accept UN weapons inspectors, show how fluid this situation is. It emphasises the need for parliament to keep a watching brief on it and the appropriate way to do that is through a Senate inquiry, as the Democrats have proposed. This is not the final word on the matter and this debate is not over. The parliament must, before committing Australia to war, bring this matter back to the parliament for a conscience vote.

There has rarely been a more important moment for level-headedness and caution to be maintained. The prospect of war with Iraq could well mean injury and death to many thousands of people, including Australians. The Australian Democrats expect the government to be very conscious of this; indeed the Australian people demand it.

Senator FERGUSON (South Australia) (4.36 p.m.)—Before I make some other comments, I would like to respond to one issue that Senator Greig raised when he called on the Prime Minister to have a parliamentary debate and vote before any troops are committed to any overseas engagement. In fact, that commitment has already been made. The Prime Minister has made it quite clear that no troops will be committed to a possible or potential war with Iraq or anywhere else without it being debated in this parliament. Of course, whether or not there is a vote on the issue is entirely in the hands of the people who are in the chambers. We cannot stop people having a vote in this chamber, and if more than two people call for a division in the other chamber then you cannot stop a vote being taken. So to Senator Greig and the Democrats who call for a commitment to be made and then ask for a vote, I say: the commitment has already been given. It has been given for a long time now and that vote can be taken. You cannot stop the parliament having a vote; that is its role. So I think you ought to take note of those facts.

There is no doubt that there is no-one who does not welcome the news today that Iraq has agreed to allow UNMOVIC inspectors back into Iraq with what Senator Greig called ‘unfettered access’. I wish I could be as sure as he is that there would be unfettered access. Because we have said all along that we hope that diplomatic efforts will lead to the complete elimination of Iraq’s weapons of mass destruction programs as required under the United Nations Security Council resolutions, I hope that simply will be the case, and so does everyone else.

The UN in the past has worked strenuously to satisfy Iraq’s concerns about the
previous inspection body, UNSCOM, by designing this new body, UNMOVIC, but it is a fact that since the end of 1998 Saddam Hussein has refused to allow UNMOVIC inspectors to enter Iraq, even though the United Nations has shown maximum flexibility in talks aimed at getting the inspectors readmitted. There has been a continual defiance by Saddam Hussein and the regime in Iraq of the international community and the United Nations, of the resolutions that have been passed by that body and certainly of any representations that have been made by other countries around the world.

We also heard talk of weapons of mass destruction being held by many countries in the world. Who else but Saddam Hussein has used those weapons of mass destruction? If you look through the history of the use of biological weapons in the early 1990s against the Kurdish people and against other people in Iraq, when there were some 25,000 to 30,000 casualties, is it any wonder that the rest of the world is suspicious of any decisions made by the Iraqi regime of Saddam Hussein in relation to what they would propose to do with weapons of mass destruction? There is also no doubt that the tough stand that has been taken by President Bush and by other leaders around the world, including Tony Blair and our own Prime Minister, has contributed to bringing about today’s commitment and the announcement by the Iraqi leadership. Had that tough stand not been taken, I am quite sure that Iraq would have continued to flout the United Nations resolutions that were passed years ago.

I had the good fortune to see the result of some of those resolutions and sanctions, as well as the United Nations’ work in trying to make sure that the sanctions that were imposed on Iraq were maintained, when I visited the Arabian Gulf a couple of months ago and saw our Australian sailors and American sailors trying to enforce the sanctions while oil was being smuggled out of Iraq. That is the sort of response that we have had from Iraq in relation to what the United Nations has done.

Of course, we hope that there will be diplomatic solutions, but—and I take up what Senator Faulkner said—one of the things that concerns me particularly is that, because of the blatant disregard that has been shown in the past by Iraq for any attempts by the United Nations to try to bring about inspections of Iraq’s weapons of mass destruction, there is no guarantee that this matter can be resolved through diplomacy and through the United Nations. I notice that Senator Ray is present in the chamber. He, like I, has spent some months at the United Nations as a parliamentary observer. In fact, while I admire many of the things that the United Nations does—particularly in areas of world health, education and other things—its past record in resolving conflicts has not been all that good. The United Nations has been involved in peacekeeping in the Middle East for 50 years—since 1948—and yet it has never been able to resolve that conflict.

Conflicts can only be resolved through the United Nations where there is a political will on both sides to resolve the issues and to resolve the conflicts. In fact, Iraq has a very poor record in terms of having the political will to abide by anything the United Nations puts in place in order to try to bring about what the rest of the world community wants. The veto power of the five permanent members of the Security Council—power which we Australians would love to see taken away; I think all sides of Australian politics would like to see veto power changed—has been used so often in the past that there is no guarantee that the Security Council of the United Nations will be able to come through with resolutions which can be agreed to in the Security Council.

Can I say in regard to military action, which was mentioned so often by Senator Greig in his contribution, that we are not debating the issue of military action. There is no commitment to military action. There is a commitment to trying to solve this problem by diplomatic means. That is what the commitment is and that is what this government has committed itself to. If those diplomatic means should fail—and because the situation is fluid, as Senator Greig himself said in his remarks—we cannot simply as a Senate today decide what we might need to do in the future. That is why, when I read Senator Brown’s proposed amendment opposing the
use of Australian personnel in any invasion of Iraq, I think, ‘How do we know what the situation is going to be in one month’s time, two months time or three months time if the diplomatic efforts simply do not work?’

Sure, we want to give diplomats as long as possible to try, but it has been four years without inspections and the fact is that governments do have in their knowledge intelligence reports and other things which simply cannot be made public to either this chamber or the general public. There are things that governments are required to keep exactly as they are intended to be: confidential intelligence reports. So it is impossible to fully inform the Australian public and this parliament of all of the information that this government or any other government either has now or may have had in the past. It is absolutely important that we keep our options open so, as a government, we are committed to trying to resolve this issue through diplomatic means, through the United Nations and any other means available, because committing troops to action is an absolute last resort and always has been. But let us not deny the fact that it may be necessary at some stage in the future; it may be necessary if this does not work.

The government believes that because of Saddam Hussein’s past record—because of the fact that he has used weapons of mass destruction—his efforts to develop and deploy chemical and biological weapons and his nuclear weapons ambitions pose a very grave threat to international security. Between 1983 and 1988 he used chemical weapons—mustard and nerve agents, on at least 10 occasions—targeting Iranian soldiers and his own people. What sort of a leader of a country is that? Yet today the Minister for Foreign Affairs and the Leader of the Government in the Senate have put down a comprehensive statement saying that we will try, by every diplomatic means possible, for a resolution of this difficulty and this problem that exists in the world today. But let us not set in stone and in concrete things that may need to be decided later. (Time expired)

Senator ROBERT RAY (Victoria) (4.47 p.m.)—Australia’s attitude to Iraq developing weapons of mass destruction should not be dominated or influenced by opinion polls or wheat sales: what we have to do is the right thing. This debate today on the ministerial statement on Iraq highlights a dilemma of Australian democracy that goes back 100 years: who in fact should commit Australia to any international action? Should it be the executive or the parliament? This has been debated here before and it has never been fully resolved. But I think the very fact that if we had had this debate yesterday it would have taken a completely different turn to the one we are having today—because of the news this morning—means that ultimately it is the executive and the government of the day, the parties with a majority in the House of Representatives, that have to determine these matters. It cannot go to a vote of the parliament as to whether we militarily intervene or not, because what happens if one chamber supports it and one chamber opposes it? So that responsibility is the government’s and the government then must take on board certain responsibilities. We cede them trust on these matters—trust to look at the intelligence reports and to make the judgments—and then we hope in a bipartisan way that we can support them and support their judgments. That is not always the case but we hope that that will be the case. But in turn we expect the government to approach these issues in a fairly high-minded and not partisan way.

Senator Ferguson referred, and I agree with him, to the difficulty of producing intelligence reports. It is really difficult for a government to come out and say, ‘Here is the entirety of the evidence and we source it to A, B and C’; it is just not possible. I am a little wary of governments selectively sourcing from intelligence reports. I have been critical of the Prime Minister, when he was under the political cosh last year, quoting from an ONA report on ‘kids overboard’ two days before a federal election. It is very difficult to be tough enough to say, ‘We’re not going to quote from intelligence reports at all and you’re going to have to take us on trust. We have these reports and we’re going to rely on them.’
I am also, like Senator Ferguson in some ways, fairly wary of this implicit trust in the United Nations. Like him, I spent three months there and had a very close look at it. The General Assembly is a very flawed body. Everyone gets a vote. It does not matter if you are Russia or the United States: you get one vote. If you are Kiribati or somewhere else, you get one vote. If that existed in a domestic political situation, the malapportionment would be horrible. In turn you have the Security Council, but when you look at the way it is elected—horse trading everywhere, aid given so you can buy the votes, preference deals and all the rest of it—you see it is also not really the most representative and thorough body. Then you have the veto that is applied sometimes for good reason and at other times just for national self-interest: people trying to increase their influence around the globe.

Finally, if you ever ask the UN for an armed response, for an armed intervention, you will find they do not have the capability. It is not their fault: they do not have the military intelligence to know where they can commit and where they cannot. If you actually gave the UN control of a variety of armies, the butchery would be terrible. So what they have to do is use member states, using their own intelligence and their own military forces, to intervene and prosecute a military case on behalf of the UN. None of that is particularly easy. But we did see what the arms inspectors could do between 1992 and 1998. They did a reasonably effective job but they were constantly interrupted, diverted and prevented from doing their job by the regime in Iraq, and that is a danger into the future.

The offer this morning that there would be unlimited inspection must be maintained into the future, into the next three or four years. It cannot just be something that exists for three months and then suddenly all the restrictions that drove Richard Butler and his team absolutely to the border of frustration are put on again. I did see that a person that I admire very much, the US Secretary of State, said the UN should act responsibly here. I agree with that, but while the US are at it maybe they would like to pay up their back dues to the UN so that the UN can behave responsibly, so that the UN can have the resources to do their job. I think that it would not be a bad idea, at this time of the political cycle when the US are expecting the United Nations to do their job thoroughly and efficiently, for the US to actually resource them as they are obligated to do.

What we are dealing with with Iraq is a warfare state. Only two warfare states exist on this globe: they are North Korea and Iraq. There are many other countries with strong defence forces because of their geo-political circumstances. But a warfare state is defined as one that is absolutely devoted to the military alone—the whole social and economic organisation is devoted to promoting and supporting the military. We know that Vietnam traditionally has had a strong army, but these days you could never call it a warfare state. You know that India and Pakistan have very substantial forces but, again, their whole societies are not organised around a military, all-powerful structure.

That existed in 1990, it exists today in Iraq and it becomes a massive danger to all its neighbours. Just look at its history—for example, the opportunistic attack on Iran after they changed regimes in 1980. Most people do not know what happened in that war, because CNN was not covering it—the reason they were not covering it was that they probably would have died in the process. So we did not see the hundreds of thousands of people who were sacrificed to a whole array of weaponry that was used in that opportunistic attack. We did see the consequences of Iraq’s invasion of Kuwait and what followed from there, because of the ability of the modern media to cover it. At every opportunity, Iraq has simply opportunistically tried to acquire the assets of its neighbours and that cannot be tolerated in the international community. References have been made by several speakers to the way it has treated its own citizens—for example, the gassing of the Kurds that occurred in northern Iraq being one of the most horrific acts of the 20th century. That will continue into the future as long as this regime is allowed to go unchecked in its development of these weapons.
I think the Australian government’s attitude to this has changed and varied over the last few months. I do not think it always assists our relationship with the United States to say we agree with everything. They do not mind us pursuing other alternatives provided there is a broad, supportive approach. I was disappointed when the Minister for Foreign Affairs started talking about Simon Crean speaking like Saddam Hussein. It was not necessary in this particular debate. It smacks of wedge politics, even if it is not. It is unnecessary because what we are really trying to do is get a solution. The solution will come by getting massive Australian support behind the government, not by trying to maximise your vote by polarising the electorate. I think that language has changed substantially in the last couple of weeks for the better and the very existence of this parliamentary debate is an extremely good sign.

I want to end on this note: this whole problem of weapons of mass destruction and, more importantly, terrorism is going to be very hard to contain and solve into the future. It is very hard to detect terrorism. It is very hard to prevent it. The one statement by President Bush that I was overjoyed to hear was that the only way into the future is not just to deal with terrorism but to deal with the states that sponsor it. There are several countries around the globe that fund, sponsor and encourage terrorism. If they think they can do that with impunity and never ever be brought to account, then terrorism is going to continue to plague and dog us into the future. Those countries should be on notice that if they want to fund, sponsor and encourage terrorism then they are going to be punished in turn. Not very many terrorists have come out of Libya in the last 17 years, since the F-111s flew over Tripoli—following the old Maoist saying, ‘Punish one, educate a hundred.’ It is not the sort of solution that any of us like, but the only solution into the future is to punish the sponsoring regimes.

No-one—not in the government, not in the opposition, not anyone here—wants to see Australian troops go into harm’s way. That is a canard often promoted by critics in this country; no-one wants to do that. But you cannot dodge the responsibility of bringing in a regime like Iraq to account for its activities. They have laughed at the rest the world for the last 12 years. I do hope that diplomatic solutions work, because none of us want to see a military alternative.

Senator BROWN (Tasmania) (4.56 p.m.)—I foreshadow at the outset that tomorrow, following the Labor amendment, Senator Nettle and I will be moving an amendment which begins with the words ‘and the Senate, opposing the use of Australian personnel in any invasion of Iraq,’ which puts forward the point of view of the Greens at the outset. It is important that in the wake of a debate like this we look at the all-encompassing concern that the Australian people have—that Australia will be drawn into a war at the behest of the White House, an invasion of Iraq which will cost this country dearly in terms of resources and defence personnel and which may involve a much bigger conflagration in the Middle East with a huge toll of innocent human lives.

One of the things at play in the world of 2002, as it has never been before, is public opinion. Public opinion has changed course for George W. Bush and therefore Prime Minister Howard in recent weeks. There has been an enormous amount of feedback on the President’s presumption that America could arbitrate for itself in an invasion of Iraq, take pre-emptive action and, moreover, insist on what is called a ‘regime change’—that is, a change of government against the United Nations Charter—because it had reason to do so. Following very strong opinion in the United States, but even stronger opinion elsewhere around the world, the United States is now treatyng with the United Nations. Today’s news is the result of that—because it had reason to do so. Following very strong opinion in the United States, but even stronger opinion elsewhere around the world, the United States is now treatyng with the United Nations. Today’s news is the result of that—not because of George W. Bush but because of public opinion.

That must give us all some encouragement in a world which is globalising and where the problems that affect one lot of people on the planet affect the rest. I know this, coming from the Earth Summit just two weeks ago. In Johannesburg it was the aim of the Australian and US governments to prevent any targets being met in regard to the closing of the gap between the rich and poor on this
planet, let alone the saving of the world’s environment. President Mbeki of South Africa said in his final speech that we are now facing a new apartheid in this planet, between the have-nots and the powerful and powerless.

We as a global community have to redress that, because if we do not we are going to face chaos and violence down the line in this century on a scale perhaps that we have not seen before. It is up to us to keep this very much in mind in dealing with the problem of terrorism. Senator Ray just averred to the fact that we must go to the countries which breed terrorism. I go beyond that: we must go to the factors which breed and, falsely or otherwise, give justification in the minds of those people who would engage in it. I can never see justification for violent terrorism and giving terrorists satisfaction that they have right on their side, when in fact they do not.

Nor do we have a right to dictate that a billion people shall live in appalling poverty without sanitation, without food in their children’s bellies, without the opportunity to a life of fulfilment. Nor do we have the right in the wealthy countries—and I am speaking here about Russia, China, Britain, United States: the chief villains—to be engaged in an arms trade in this world which ultimately arms the terrorists. They will be armed if not with weapons then with the next round of technological prowess—chemical, nuclear, biological—and, in direct force terms, this next round which will bring terror to this planet. We have as a global community an obligation to put a lid on that sort of thing, and the United States must take a lead if we are going to see a more secure planet in the coming century.

That brings me to Saddam Hussein. I think the speech from the foreign minister summed it up. He is a horrific person. I remember when he shot his two brothers-in-law when, with his two sisters, they came back to Iraq from Jordan having been enticed out of self-exile during the 1990s. But what happened between 1998 and 2002 when Saddam Hussein threw the weapons inspectors out? Where was the United States insistence on an invasion and a regime change then? It did not come until after the awful events of September 11.

We have our own Prime Minister saying that there is no hard, firm evidence of a connection between that event and Saddam Hussein. Yet it is that event which triggered the determination of the White House for an invasion of Iraq. It is not an illogical follow-through, but it is one the world is now holding its breath on. I am concerned that in this situation the United States—not having paid its dues, as Senator Ray says, to United Nations—is now in a blitzkrieg on the United Nations to get it to effectively rubber-stamp this idea that there should be a regime change and nothing short of that, and an invasion of Iraq will do.

There is no doubt that Saddam Hussein needs to abide by the United Nations Charter and resolutions; it is the same for everybody else, including the United States. This dreadful despot Saddam Hussein has to be dealt with, and firmer action after 1998 was required. But why did the United States not act on that until after September 11? Now we have a situation where I say we have to put out a hand of restraint. John Howard should put a hand of restraint on the shoulder of President Bush, because all of us who are looking independently at his actions and his words over the last 12 months know that he does need restraint, and the hawks in the White House need restraint. They apparently do not understand the complexities of the Middle East and the concerns of 350 million people in the Arabic nations who, through the United Nations, ought to be—and have been—brought in to seeking an alternative resolution to an invasion of Iraq and the consequent appalling death toll of Iraqis and those people involved in that war, not least of which may be Australians.

Let me give a word of warning about what we are going to hear in the coming days, weeks and months coming out of Iraq. During the Kuwaiti War, President Bush Senior used the picture of Iraqi soldiers in Kuwait pulling the plugs on humidicribs and killing babies. After the war that was found to be manifestly untrue. It is incumbent upon the democracies, not least the United States, that the information that comes out in circum-
stances like this is not only true but also that it is all the information and it is balanced information. We live in a world of informed people and, if it is going to function democratically, the information has to be genuine. There is a responsibility upon governments to make sure that information is correct.

Let me say in dispute with Senator Ray that this parliament ought to make a decision if there is to be Australian involvement in an invasion of Iraq. This is a representative democracy. There is no power under the Constitution for the Prime Minister to take that role unto himself. Rather than the vote that Senator Ferguson was talking about, Prime Minister Howard must come to this parliament and get the support of both houses through a resolution seeking his proposed action to be endorsed before he sends Australian defence personnel to Iraq. That is the functioning of a responsible democracy and our Prime Minister should make sure that he gives heed to that democratic responsibility on his shoulders.

Finally, I warn the government against simply following the United States in the coming months and years. Regardless of what the United Nations does, a defiant invasion of Iraq by America and allies, including Australia, will lead to a lot of civil unrest in this country—a return to the Vietnam days. Australians feel strongly about this issue. They will be motivated if this government does not listen to them. I request that the Prime Minister listen better to the people of this country and take a little less notice of George W. Bush, who should be listening to our responsible voice in the coming weeks and months. (Time expired)

Senator PAYNE (New South Wales) (5.07 p.m.)—I rise to participate in this debate to welcome the statement by the Minister for Foreign Affairs, Alexander Downer, in the other place, and the comments made by Senator Hill in the Senate this afternoon. This morning’s announcement in New York that Iraq will allow UNMOVIC, the successor to UNSCOM, to resume inspections of sites—and will do so unconditionally, according to the correspondence—which would allow the UN to clarify unresolved disarmament issues, is a welcome development. But I think we are all cautious in our optimism. I think the international community should remain fully engaged on this issue in the immediate weeks and months ahead for two key reasons. Firstly, there is the Irish leader’s dubious record of hampering previous inspection efforts. Secondly, there are some interesting assessments that Iraq is now on the verge of gaining nuclear capability; they have been referred to in previous remarks in the chamber this afternoon.

This morning’s announcement has to be looked at from all sides. It is acknowledged as a welcome announcement but it may also constitute an exercise in buying time. There are new intelligence assessments which indicate that Iraq could be only a matter of months away from attaining nuclear capability. In fact, Iraqi scientist Dr Khidir Hamza, a former adviser who helped start Iraq’s nuclear program before his 1994 defection, has asserted that Iraq has produced nuclear weapons from pirated German equipment and uranium smuggled from Brazil. And it is concerning that, as alleged by Dr Hamza, UN inspections would be useless, because even if inspectors were given unfettered access they would find it far more difficult than before to detect any nuclear assembly lines. In the past, UNSCOM inspection agents judged that Iraq produced three to four times more biological weapon agents than it declared. With the greater concealment that is alleged, the next few months will be a period of continuing concern indeed.

With the testing of the authority of the United Nations, spared somewhat by this morning’s announcement by Iraq, I think that today’s debate, one of similar debates worldwide, is very important in the proper and just prosecution of the war on terror, as it is termed, over the longer term. One product of the debate today is that it brings us the opportunity to address some of the security and United Nations issues that were written about during the previous parliament by the Joint Standing Committee on Foreign Affairs, Defence and Trade in their report on the inquiry into Australia’s role in United Nations reform. Those issues can now receive some, in my view, overdue attention.
It is true that the attacks of 11 September 2001 have finally prompted the world community to face up to the challenge that, in many ways, what we thought of as ‘war’ in the past has become an anachronism. The rise of what international relations experts like academic Mary Kaldor have termed ‘new wars’—that is, a mixture of war, organised crime and massive violations of human rights—does require a new response. Because the tactics of terror are theoretically, at least, outlawed by the rules of modern warfare, the United Nations, if it is to remain truly relevant, has to turn its attention at this time to considering its approach to sovereignty and nonintervention. While Iraq’s announcement today has hopefully provided some release to the pressure on the UN Security Council to agree to sanction military action, I suspect that the organisation might end up seeing this as a temporary reprieve only.

There is hope, at least, that the process of rethinking had begun before last year’s terrorist attacks. The joint standing committee’s report, handed down just three months before September 11, points to the advocacy of the Secretary-General for a new approach to the UN’s intervention in state sovereignty. The committee noted and recorded this statement by Kofi Annan:

Sovereignty ... is being redefined ... States are now widely understood to be instruments at the service of their peoples, and not vice versa. At the same time individual sovereignty—by which I mean the fundamental freedom of each individual, enshrined in the charter of the UN and subsequent international treaties—has been enhanced by a renewed and spreading consciousness of individual rights ...

This is a statement that has clear implications for dealing with regimes like Iraq’s which are illegitimate in the sense that they abuse the rights of their citizens and they do not govern by popular consent. I note President George Bush’s statement to the UN General Assembly last week that liberty is a moral cause linked to the legitimacy of the state. I think that this has implications not only for Iraq but also for the 48 or so other countries of the 191 UN member states which are regarded as not being free and democratic.

To provide an example of the sorts of rights abuses that have taken place in Iraq, I understand that since June 1994 the Iraqi leader has issued at least nine decrees that establish very severe penalties, including amputation, branding and the death penalty, for criminal offences like theft, corruption, currency speculation and military desertion. The government brands the foreheads of criminal amputees to distinguish them from war casualties. Several hundred of these amputations and brandings have been carried out since November 1994.

As far as the UN is concerned with international peace and security, I think the warning of Oxford University’s Professor Neil MacFarlane is a telling one. He warns that the struggle against terror may have important effects on the fundamental values concerning peace, non-aggression, sovereignty and non-intervention that are embedded in the UN Charter. If we agree that the UN Charter involves a dual pursuit of, or a balance between, the rights of individuals and states, then we may be encountering a re-balancing of that relationship through a reassertion of the prerogatives of state power after a period of focusing on multilateral process and on human beings as subjects.

To the credit of the United States, both the target and the primary victim of the September 11 attacks, it has not responded unilaterally. The United Nations system has been given the chance to prove its legitimacy as a competent authority in prosecuting action.

I want to turn briefly to the mid to longer term, where the concept of ‘new wars’ delivers distinct challenges. If the UN is to remain credible in preventing ‘war’, and if indeed the ‘war on terror’ is an appropriate use of the term, then a new approach is due. Perhaps the long-range warhead delivery capability of a rogue state like Iraq is not as relevant an issue as its support for international terrorism. The fact that Saddam Hussein supports terrorism, in contradiction to the post September 11 UN resolutions, is possibly more relevant. Iraq is clearly in breach of resolution 1373, the basis for this government’s raft of antiterrorism laws that were recently passed by the Senate.
Aside from the moral defence of a persecuted population within Iraq, Australia has also focused on the threat posed to international security as a primary concern. In fact, the Minister for Defence, Robert Hill, has said that last year’s events forced the free world to rethink the doctrine of self-defence—a failure to act against Al-Qaeda and its host state, Afghanistan, being the obvious tragic precursor to the use of domestic aircraft as weapons of war on civilians. The possible future debate on the morality of pre-emptive strikes against harbourers of terrorists—including perhaps Iraq—will be a very complex and difficult one, not least from a practical consideration which was editorialised in today’s Daily Telegraph which said that such action:

... might do nothing more than galvanise a new generation of militant ... extremists, ready to carry the torch for Osama bin Laden.

Article 51 of the UN Charter guarantees the right to self-defence if an armed attack has occurred. It would be a threat to the international system, which might not be perfect, if that is the concept that is picked apart. President Jacques Chirac has said of the move toward regime change:

One can wish for it. I do wish for it, naturally. But a few principles and a little order are needed in order to run the affairs of the world.

One of those principles is the principle of non-intervention. And yet we must be realists—not idealists—where global security is concerned. Perhaps the answer to that security and moral dilemma lies in other important and relevant principles, which might include the ‘just war doctrine’. Postulated by St Augustine, it is possibly a good guide to follow as we pursue security in the different areas of the world and potentially in the absence of United Nations consensus. Its principles include: a just cause, a requirement of legitimate authority to wage war, the right intention, having a reasonable chance of success, and the ends being proportionate to the means.

The debate today brings the threads of many views together in this chamber. I do not know what the final fabric of the parliamentary discussion will look like, but it is an important stage in Australia’s and the world’s consideration of perhaps new frontiers for the United Nations and certainly the new challenges of modern conflict and its attendant horror—terrorism.

**Senator BOLKUS (South Australia)** (5.16 p.m.)—In rising to speak in this debate I would like to start by saying that we have some enormous challenges here that the world community needs to address and that threaten world peace. Iraq does present a real threat and the way we handle it needs to be sensitive and strategic. We are presented not with a simple issue but with a very complex one with widespread ramifications. It is an issue which cannot be addressed by simplistic notions of nationalism and jingoism. Indeed, I believe it is an issue which requires a much more sober analysis than the hawks in the US administration, in our government and, indeed, in some parts of our mass media have so far applied.

Some 11 years ago I was a member of the Hawke government’s war cabinet committee. That experience has left me with some clear understanding of the hurdles, challenges and risks involved in any engagement in the Middle East. I hope others have also learnt from that prior engagement. I also say at the outset that I am in the Left of the ALP and I am an admirer of a great deal of what has been achieved by way of nation building in the USA. My position should not be seen to be in any way anti-American.

I am attracted by the way the US have embraced the peoples of the world and made them their own in their massive exercise of nation building. At the same time, I am critical of the way the US have treated and continues to treat their own Indians and Black Americans. I am inspired by the creativity of their musos, their artists, their writers and their political activists. Yet I am trenchantly critical of the ‘Hollywood’ diet which invades our own culture. I can see a healthy debate raging in the US over their engagement in Iraq. Yet I am concerned at the administration’s views in respect of not only this but also the way the administration has ‘dropped the ball’ with respect to the Israel-Palestinian issue.

As a former member of the Australia-US dialogue—a process which involved a wide
range of US policymakers—I had the opportunity to often have breakfast, lunch and dinner with a range of people, including the likes of Dick Cheney and Richard Armitage. Though I found common ground with many of those people, particularly those in the Democrats, the thoughts, attitudes and enthusiasm to tackle issues such as this in the way that the US administration seems to be tackling them from people like Dick Cheney and Richard Armitage scared me. And I am sure they would scare most reasonable people.

Let us understand, and in particular let the Australian media understand—and in this context let me single out the Australian—that to criticise the US position should not be dismissed as being anti-American. People like Kissinger, Scowcroft and James Baker have criticised the US. Chancellor Schroeder has criticised it. In the UK the US has its fair share of critics, including people like Sir Michael Rose, the former head of the SAS, and in our country Malcolm Fraser has criticised the US. Those people can in no way be seen to be anti-American and nor do I take my profile as being anti-American.

For me, any response to the real dangers presented by Saddam Hussein needs to be under the auspices of and with the authority of the UN, particularly the UN Security Council. A fundamental preliminary question for me is: on what pretence can nation states assume the authority to invade others and to change the regimes in other states? To me the legal and, indeed, the moral authority to act is absent short of UN endorsement.

We cannot defend the international rule book by, in effect, scrapping it. We cannot claim to be acting to implement UN Security Council resolutions by ignoring the Security Council’s views as to how they should be implemented. France’s President Chirac recently expressed concern ‘at attempts to legitimise the use of unilateral and pre-emptive use of force’. I think he was right.

Secondly, I believe that we need to have a clear understanding of the fundamental purpose of the exercise in Iraq. Are we in the business of bringing about regime change or are we in the business of putting an end to the production of weapons of mass destruction? This for me is an important question. The answer dictates the level of necessary engagement. The answer to this question has not as yet been made clear. It is still the subject of disagreement even in the USA.

In 1991 we sought to address the weapons issue and we did so with UN endorsement. If we now, in 2002, engage in a larger mission, it should be inconceivable that we go it alone with just a handful of other countries.

We are about to take major risks, and we should appreciate that. We should appreciate that an attack on Iraq, particularly without UN authority, would radicalise the Arab world and particularly it would radicalise the Muslim world. It would play into the hands of people like Osama bin Laden. It would have ramifications in our region, and I think that is one issue that we need to address in this Australian parliament. It has hardly been mentioned in the public debate and it is an issue which our, I believe, immature foreign minister has not addressed as yet.

The Arab world is not alone in asking some fundamental questions and they are questions that we need to ask as well. If there is a problem in Iraq, why has it not been raised consistently over the last 10 years? Why has this Howard government, for eight years, hardly stirred the pot on the issue? It does not mean there is not a problem there but we need to assure people that we are genuine at this particular time in our history.

Why, for instance, was the previous Bush administration granting licences 10 years ago for dual use of technology and materials which were later used by Iraq for chemical purposes? We need to assure people that we are dinkum and that if inspectors go into Iraq they will have the enormous force of international support with them.

We need to answer the question asked quite often in our own community—let alone asked in other parts of the world—about the seriousness with which we take UN resolutions, particularly resolutions with respect to Palestine. Can we in fact get a peaceful outcome after invading Iraq, if that is what happens, unless the critical issue of Palestine and Israel is addressed?

The Turks, for instance, are not alone in asking what will happen with the Kurds.
What happens if the state of Iraq crumbles and breaks up into Kurdish, Shiah and Sunni parts? What happens with the Kurds? What implications does it have for them? Those issues need to be addressed. As the former US Ambassador to Turkey, Mark Parris, said recently in relation to an invasion of Iraq:

I have never met a Turk who likes this idea.

We need to address that and we also need to address what sort of retaliation Saddam Hussein would instigate against the state of Israel. That has to be of concern to us, because, as I said earlier, the issue of the settlement of Israel and Palestine is a critical one in all of this.

What impact is all of this having on Iran’s moderate leadership? That is something that we also need to address. Iran has been slowly coming out of the cold with respect to US policy over recent years. There is a real danger now that it could spin out of control.

In our own region, let us look at our national interests. Our region has domestic conditions which make it a fertile breeding ground for terrorists. We can talk of communities which need to have infrastructure, education and systems put in place in order to address the breeding factors of terrorism. In essence, we are talking about communities that prosperity has left behind—and the region has, of course, problems of its own.

As the editor of the Pakistani daily, the Nation, said recently:

The region is a hotbed of insecurity and instability caused by internal crises coming to the forefront as a result of the war against terrorism...

When we talk of the region, we do not only talk of the five former Soviet republics of central Asia. We do not only talk of Pakistan. We do not only talk of stable states, like Singapore, who do have their own problems, but we also look at Dili, where in recent weeks we had to take some measures to protect our citizens.

What is needed is engagement to strengthen the economics and institutions of the region, at the same time as acting against terrorism. That was something that was emphasised by Singaporean professor Dr Kumar Ramakrishna of the Institute of Defence and Strategic Studies. He argues:

Winning the war on terror will require much more creativity and vision than is being displayed at the moment.

Let us not be shy about addressing the fundamental issue here. We embarked upon this journey about a year ago in order to ensure that Osama bin Laden met with justice.

We need to make sure that by going into Iraq we do not allow the circle of terrorism to spin further out of control. We must do it without fuelling the flames of terrorism that people like bin Laden feed off, because then the fundamental question that we will have to ask is: what will happen to the war on terrorism? Will it be jeopardised? Can bin Laden, at the end of the day, be seen to be the winner by us fuelling some of those flames?

So I say it is not a simple issue and, unfortunately, I do not think the debate in this country has addressed so many sensitive and strategic issues that are part of it. (Time expired)

Senator Harris (Queensland) (5.27 p.m.)—In response to the statement made to the parliament by the Hon. Alexander Downer MP, the Minister for Foreign Affairs, the question is: should Australia be involved with a war on Iraq? Today we pause to debate Australia becoming involved in a war on Iraq and, at present, One Nation’s views are in accord with the present views of the foreign minister—and I stress the ‘present’ views of the foreign minister. He said:

...we are still in a diplomatic phase, with the objective of persuading Iraq to comply with its United Nations’ obligations. We are not at the stage of making decisions about possible military commitments.

As a political party, we truly try to represent the wishes of the Australian people, and I am pleased to draw on the opinions of the constituents of Queensland and those of Australians more widely in feedback that I have received in relation to the war on Iraq.

At this stage, the US has not made a decision to take military action and Australia has not been invited to participate in any military action. To this end, I see an opportunity for true consultation with the Australian people. I am pleased to announce that my office is seeking the input of the Australian people.
and encouraging them to contact it to express
their views either for or against the military
action in Iraq. One Nation would support a
conscience vote in the parliament on any
possible military action against Iraq and we
would also support a referendum seeking the
views of the Australian people. One Nation
fully supports exhausting all diplomatic ef-
forts in an attempt to resolve the current in-
ternational crisis. We would be supportive of
UN sanctioned military forces against Iraq
and we believe that we should be prepared to
act quickly and decisively if called upon by
the UN. However, our capacity to contribute
to any international coalition must be within
the existing limitations of our defence forces.

There are several important factors that
international actors need to consider in rela-
tion to possible military action against Iraq.
The first is Iraq’s program involving weap-
ons of mass destruction. The first UN Secu-
rity Council resolution regarding Iraq’s
weapons of mass destruction was made in
April 1991—over a decade ago. There re-
main today many unknowns in relation to
Iraq’s weapons of mass destruction. Anthony
Cordesman from the Centre of Strategic and
International Studies has pointed out:
We have no way to determine how lethal Iraqi
biological weapons are or to deal with the possi-
ble use of infectious agents like smallpox. Iraq
has no way of mass testing such weapons. It will
not know the lethality of what it uses until it uses
it.

We face the possibility of discovering how
dangerous Iraq is only when it uses its weap-
ons. Our great dilemma is that no-one can
know whether or when Iraq will truly be-
come a massive lethal threat. There is no
predictable date, no time of ‘imminent dan-
ger’ and no clear line in the sand.

The second factor to consider is the role of
the UN and the enforcement of, and failure
by offending states to comply with, UN
resolutions. Clearly, the UN needs to carry
out its decisions. As an international body, it
cannot be relegated to the status of a paper
tiger. Many countries, including Australia,
make considerable financial contributions to
the UN and we expect the UN to do its job.
Australia has nil debt owing to the UN
Regular Budget. Our contribution for 2000-
01 was $A29,275,000. The United States,
however, has outstanding debt to the UN of
$US446 million as at 30 June 2002. Iraq has
not met its dues for some time.

Another factor for consideration is the
world financial implications of a war. The
International Monetary Fund has warned that
the West’s fragile stock market could be
plunged into fresh turmoil by a campaign to
topple Saddam Hussein. Although our
Treasurer reassures us that the economic
outlook is good, Australia could be adversely
affected by a downturn in world financial
markets. The impact upon the world econ-
omy raises another very important factor, and
that is the control of the world’s oil supplies.
As the Washington Post has acknowledged, a
US-led ouster of Iraqi President Saddam
Hussein could open a bonanza for American
oil companies long banished from Iraq,
thereby scuttling oil deals between Baghdad
and Russia, France and other countries, and
reshuffling world petroleum markets.

Since the Persian Gulf War in 1991, com-
panies from more than a dozen nations, in-
cluding France, Russia, China, India, Italy,
Vietnam and Algeria, have either reached or
sought to reach agreements in principle to
develop Iraq’s oilfields, refurbish existing
facilities or explore undeveloped tracts. Most
of the deals are on hold until the lifting of the
UN sanctions. But with the ending of sanc-
tions that would likely come with Saddam
Hussein’s ousting, companies such as
ExxonMobil and ChevronTexaco would al-
most assuredly play a role. There is not an
oil company out there that would not be in-
terested in Iraq.

I would like now to make some brief
comments on Australia’s capacity to support
another war. In terms of deploying troops to
the Gulf, we should bear in mind that the
Australian Defence Force has two major
overseas deployments at the moment: its
contribution to the United Nations
peacekeeping mission in East Timor, which
involves approximately 1,400 personnel; and
its contribution to the coalition against terror,
which is not a United Nations-run operation
and which involves approximately 1,550
personnel. There were commitments to other
operations as at June 2002. The average
strength of the permanent Australian Defence Force for 2000-01 was just on 51,000. That includes support personnel as well as those who might be involved in direct combat. If diplomatic options are exhausted and Australia commits to a war with Iraq, we need to have a thorough assessment, public debate and disclosure regarding the capabilities of our defence forces and the extent of their participation.

Given that we are a friend and ally of the US and that Australia is host to US bases that are critical for its signals intelligence, we need to consider Australia's position if a pre-emptive strike were launched. As always, One Nation's concern is for the welfare of our citizens. Is Australia prepared to deal with any potential reprisals? Do we have sufficient resources to combat the threat of biological, chemical or nuclear attack? Disaster plans would have to be activated. Emergency Management Australia would be involved, and perhaps even the ADF—again, a drain on our military resources which could be deployed overseas.

We also need to be mindful of possible reprisals against other Middle Eastern nations. This is another reason why a diplomatic solution is the best option. Diplomacy should be Australia's first choice in any looming conflict. At this point One Nation's views are in accord with the government's views. We are still in a diplomatic phase, with the objective of persuading Iraq to comply with its UN obligations; we are not at the stage of making decisions about possible military commitments. Iraq is not stronger in the world because of its weapons of mass destruction; it is weaker because of its vulnerability to attack. We pray that our fragile planet will not be racked by another war and that a diplomatic solution will prevail. One Nation supports a diplomatic solution to the Iraq situation. If Australia is requested to contribute to a military force, that decision should and must be made by the Australian people—that is, by a consensus of the people of each state and a majority of states. The decision should not be made for political or economic reasons.

Senator McGauran (Victoria) (5.36 p.m.)—The recent 12-month anniversary of September 11 reminded us just how awesome the attack on the twin towers and the Pentagon was. Its effectiveness was overwhelming and it was perfect in its dare and its devastation. Remembering that Australians were lost in that terrorist attack, the September 11 anniversary also reminded us that the task before us—Australia's war against terror—has just begun. What was learnt from the September 11 attack was that the cornerstone of a war on terror, and therefore security of a nation, is pre-emptive action—not to await an attack but to respond, to get on the front foot, to meet your foe, to seek out your enemy. That is what every citizen we represent would expect of us in the name of their security.

Indeed, the lack of will by the previous US administration to take up the policy of pre-emptive action allowed Al-Qaeda to fester its hate and to grow and plan its terrorism, even though there was clear intelligence that the organisation had training camps and cells across the world and was funded by rogue states and front organisations. Moreover, Osama bin Laden and his Al-Qaeda organisation were responsible for the bomb attacks and murders at the US embassy in Kenya and on the US battleship USS Cole in Yemen. And Iraq gave succour to these actions. The errors of the former US administration in failing to implement a pre-emptive strike policy were costly in lives and, to some degree, set up the September 11 attacks. Therefore, we must take heed or face peril. It is worth noting that Australia is not immune from direct attacks. As has just been recently reported, the Australian High Commission in Singapore had been targeted for terror attacks. It is believed those arrested were Al-Qaeda agents.

The policy should be applied to the state most dangerous and threatening to the security of the international community—Iraq. Who can forget the reaction of Saddam Hussein to the terrorist attacks of September 11? Basically, he said that the US got what it deserved. His is a regime that sponsors terrorism, harbours terrorists, carries out terrorist acts, declared war on Iran, invaded Kuwait, threatened Saudi Arabia, launched missiles against Israel and gassed its own
It is a regime that possesses chemical and biological weapons of mass destruction, and it has recently been reported by German intelligence that it has the capacity to launch those chemical and biological weapons of mass destruction from unmanned aeroplanes.

But, worse than this, what creates this emergency and what makes pre-emptive action critical is the growing, if not pending, nuclear capacity of Iraq. I refer to President Bush’s speech of 12 September to the United Nations as evidence of this. He said:

Today, Iraq continues to withhold important information about its nuclear program—weapons design, procurement logs, experiment data, an accounting of nuclear materials and documentation of foreign assistance. Iraq employs capable nuclear scientists and technicians. It retains physical infrastructure needed to build a nuclear weapon. Iraq has made several attempts to buy high-strength aluminium tubes used to enrich uranium for a nuclear weapon. Should Iraq acquire fissile material, it would be able to build a nuclear weapon within a year. And Iraq’s state-controlled media has reported numerous meetings between Saddam Hussein and his nuclear scientists, leaving little doubt about his continued appetite for these weapons.

With this sort of background the international community, namely the United Nations, cannot avoid its responsibility to enforce its resolutions to disarm Iraq of its weapons of mass destruction and reintroduce the weapons inspections. It is in the security interests of the international community because it would simply be unthinkable for Saddam Hussein to obtain nuclear capacity. Who could doubt what that regime’s intention would be if it had a nuclear capacity?

Saddam Hussein and his regime will potentially defuse this international crisis should today’s statement that he will allow UN weapons inspectors back into Iraq prove to be an honest statement. But scepticism about this backdown reigns. Too many lies have been told in the past. However, one thing we do know, as we await proof of the genuineness of that statement, is that it is not a signal to drop our resolve. Security is now a priority for the citizens of the democratic world. It is not a fight that will be won in 12 months, two years or even 10 years. It will probably be a long time ending, though time, effort and force will greatly diminish those who seek to destabilise through terror—just as the Cold War, a time when similar terrorist organisations were sponsored, was won. Regrettably, during this time some of our freedoms will be traded off—it is inevitable, though regrettable—for security. That is how much the world has changed post 11 September.

I raise one issue in regard to the argument often used to blunt the policy of pre-emptive action. That is, even if there were no adherence to the United Nations policy and a military strike on Iraq were necessary, it would create great instability in the Middle East, terrorist activity would increase and Middle East peace would drift further away. That is a statement of threat and intimidation that is often used. Firstly, not to act will show a weakness that would allow Iraq to reequip itself with these weapons of mass destruction and again sponsor terrorism against the democratic world. Past inaction has allowed terror to flourish. Secondly, I believe that, should a strike on Iraq be necessary, it is not the effect of failure that worries many countries like Syria, it is the effect of the success of such a strike that may worry them because, by taking out a main player and sidelining Iraq, the cascading effect will create peace in the Middle East. It will force peace in the Middle East. It will isolate one of the major players against peace in the Middle East. I therefore support the motion in respect of the Minister for Foreign Affairs.

Senator CHRIS EVANS (Western Australia) (5.46 p.m.)—I welcome today’s debate as it brings focus to Australia’s national interests and the concerns over the behaviour of the Iraqi regime. Today’s developments are of course encouraging and they give us all hope that we might see the weapons inspectors back in Iraq and Iraq disarmed of weapons of mass destruction. Given Saddam Hussein’s past behaviour, it is too early to know whether real progress will be made, whether today’s announcement is genuine or whether we will get to the end we all desire.

Saddam Hussein has a terrible record of aggression and abuse of power, and his control of weapons of mass destruction poses a real threat to world security. That is my
starting point and I think it is the starting point of most of us in this debate. The important consideration today is the proper assessment of Australia’s national interest—not the United States’ national interest, but Australia’s national interest. We must have a clear vision of Australia’s national interest, including our interest in a stable world order and a properly functioning United Nations. That clear vision of Australia’s national interest has been lacking in recent months and the Australian public have been rightly concerned that the government have meekly reflected the interests of our ally, the United States, rather than that of an independent, confident Australia.

I am not interested in political point scoring in this debate but, like many Australians, I was most perturbed by the endorsement by the Minister for Defence of the new USA doctrine of pre-emptive or first strike. The rejection of international law and UN processes that it represented was a terribly dangerous adventure. Labor has consistently argued for the use of diplomacy and for UN processes in the first instance, conceding always that there are weaknesses in that approach and that we have not been able to get inspectors back into Iraq in the last four years. However, it is clearly in everyone’s interest to argue for a diplomatic approach in the first instance. Belatedly the government have recognised the efficacy of that approach and they have gradually wound back their rhetoric and have fallen more into line with what I think is emerging international opinion.

In focusing on Australia’s national interest, we must debate and answer the very difficult questions that any involvement in Iraq poses. What are the benefits and risks of a military involvement in Iraq? What are the real risks of doing nothing? What would the impact of joining any action not endorsed by the UN Security Council and what would that mean for how Australia is viewed in the world and its ongoing relations with neighbouring countries? What are the realistic objectives of any involvement in Iraq? What sort of regime could be installed in place of Saddam Hussein and what ongoing commitment would be required of us? What contribution and what cost would Australia be required to contribute to support such a regime? All these are very big issues that deserve careful consideration and proper debate.

While the government have been unwilling to debate these issues until now, these are issues that the Australian public have engaged with. The government have been out of step with an Australian public engaged in the issues, aware of the dangers and committed to playing a responsible international role. As I have held meetings around Australia, I have been greatly impressed at the level of awareness, the interest in the issue and the knowledge of the issues and dilemmas that confront Australia. People really are thinking and talking about it and developing an understanding of the issues. Australians understand the very real seriousness of what we confront.

In recent days I have noted that a number of ministers have objected to questions they have received about whether they would commit their sons or daughters to a campaign of military involvement. A couple of ministers effectively responded: ‘Don’t personalise it. Don’t put that sort of personal question to me.’ However, I think that Australians understand that war is personal. It has really personal impacts. The family of SAS trooper Sergeant Russell who was killed in Afghanistan knows that war is personal. This is a real war in prospect and real people will die. CNN coverage has desensitised us all and there is concern in the community that war was a surreal nightly broadcast, a bit like a serial on the television at night. However, I think Australians have got past that. They understand the seriousness of war and they are demanding that we consider carefully any decision to be involved in killing and risking the lives of our defence forces. This parliamentary debate is overdue and it begins that process of seriously considering any steps we might have to take as a nation.

There are too many issues to canvas them all in the 10 minutes allotted to me and I regret that as I would like to cover a lot of ground. I want to touch on four issues that I think have not been given enough attention and which differ from some of the issues that
have already been raised. The first is our capacity to contribute. What is a realistic contribution from Australia? The second is the question: what are the competing strategic interests? The third is the impact of the war on our neighbours and their view of us and our ongoing relationships with them. The fourth is the lessons we can gain from Afghanistan.

Briefly, there has to be a better understanding of our capacity to contribute to any attack on Iraq. We are currently more stretched and committed in terms of our defence forces than at any time since the Vietnam War and those commitments are not going to diminish in the short term. We have 1,250 personnel currently assigned in East Timor and a range of other commitments, including Operation Relex, that are putting a real strain on our forces. Clearly any Australian contribution would be a niche capability, most likely being our SAS and tanker aircraft which are of course currently engaged in Afghanistan.

So we really would be looking, I think, at a downgrading of our involvement in Afghanistan if there were to be an involvement in Iraq. We are currently more stretched and committed in terms of our defence forces than at any time since the Vietnam War and those commitments are not going to diminish in the short term. We have 1,250 personnel currently assigned in East Timor and a range of other commitments, including Operation Relex, that are putting a real strain on our forces. Clearly any Australian contribution would be a niche capability, most likely being our SAS and tanker aircraft which are of course currently engaged in Afghanistan.

The other aspect I want to touch on is the context of other competing strategic interests. For years, we took a concentric circles approach in terms of our strategy, and that was encapsulated, again, in the government’s own defence white paper. The paper argues that we have priorities for Australia’s defence involvement. They effectively start with the defence of the nation and those closest to us and then move out in concentric circles. This is not to argue against our having global responsibilities—of course we have always had them, we support them, and we will continue to have them. It is however interesting to note that the white paper establishes that military campaigns organised by the international community in the name of global security are ranked as the fifth order defence priority and responsibility of Australia. Because we have other responsibilities we have listed this particular responsibility as fifth, obviously starting with our own defence and fostering peace and security in outlying circles within the Asia-Pacific region. So any decision to support action in Iraq has consequences for our capacity to contribute closer to home and would come on top of our already substantial contribution to Afghanistan. We do live in a region which has a range of security concerns. We are heavily involved in East Timor. If we look at New Guinea, the Solomons and Fiji we are in a region where there is growing instability and we may well need to take a closer interest in strategic issues. Clearly there is a question of balance and that is something that has to be considered.

I visited Indonesia, Malaysia and Singapore last week and I discussed these issues with our neighbours. There is no doubt that there is a great deal of concern, particularly in Indonesia and Malaysia, about what is seen by some as a war on Muslims rather than a war on Iraq. That is a perspective that many hold and it is very important that we have an ongoing dialogue with our neighbours to try and explain any position that Australia takes so that they understand where we are coming from and what drives our decisions. There is serious concern in those countries about what they see as inconsistency in applying UN Security Council resolutions and what they see as the singling out of a Muslim country. That is not a reason not to act, but there is an issue here to consider. (Time expired)
known. No-one currently advocating the invasion of Iraq, least of all people within the current Australian government, has yet shown in any way how bombing or an invasion of any sort would achieve, or could achieve, a better state of peace in the region surrounding Iraq or indeed in the rest of the world.

Nearly every country in the region has warned of the destabilising consequences of an attack on Iraq. There is a significant risk of destabilisation in the Middle East and, as Senator Evans has just stated, potentially in Indonesia and other areas in our region as a result of any strike against Iraq, particularly one that is not justified. There is no doubt that many Muslims in the Middle East and elsewhere have been radicalised by current US policy. This is not an anti-US comment; it is a simple fact. There is a risk of an increase in anti-American sentiment of the kind that fuels the operations of Al-Qaeda and other terrorist groups. In order to wage a war against Iraq, there is no doubt that the United States would need, and would seek, the cooperation of neighbouring countries. That would, as it has in the past, require some form of trade-off. Once again, the US government would find itself assisting some undesirable regimes in order to oppose other undesirable regimes.

Let us not forget that the Iran-Iraq war—which Senator McGauran quite rightly reminded us of—was a sign of the complete lack of concern for human life that Saddam Hussein has shown. In that war, Iraq at the time was considered a US ally against the fundamentalism of Iran. Much of Iraq’s equipment and support was supplied by the US and other Western nations at that time.

Yesterday, in response to a question I asked on behalf of the Democrats, the defence minister, Senator Hill, told the Senate that Australia may commit to a war against Iraq without the support of the United Nations. Minister Hill told the Senate that UN support was not necessarily needed in any strike against Iraq. From the Democrats’ point of view, that support is needed if you want the action to be legal. Already legal opinions have been developed—and senators may well have received an email yesterday containing an opinion by British Public Interest Lawyers which was a very well argued and clear opinion that under present circumstances the use of force against Iraq would not qualify as self-defence under the UN Charter. There is no justification unless there is clear, unrevealed evidence of an imminent attack on another nation which would justify a self-defence claim on the part of the United States or any other state. There has been no evidence, even remotely approaching or proximating that, presented to date.

Legal opinion also shows that the string of UN Security Council resolutions during and since the end of the Gulf War do not continue to authorise the use of force against Iraq for having failed to fulfil its disarmament obligations under those resolutions or for any other reason. This is important because the United States has made noises about seeking to rely on existing Security Council resolutions to justify waging war on Iraq. It is clear and it should not be disputed that a new Security Council resolution would be needed for any military attack to be legal under international law.

Let us not forget that there is already plenty of action against Iraq under the auspices of the United Nations. Iraq is not currently getting away scot-free with its non-compliance. Apart from the no-fly zones that occupy an enormous percentage of the country already, let us not forget that there have already been at least 38 military attacks against Iraq this year by the US and UK, according to SBS TV news just a couple of days ago. The ongoing sanctions program, which Australia is helping to enforce, is also direct result of the noncompliance.

The UN resolutions that Iraq has not met include what are in effect penalties for non-compliance. Those penalties include refusal to lift the economic sanctions that are currently in place. The UN is already taking some action against Iraq for noncompliance with resolutions relating to weapons inspection. That has, of course, advanced a significant step further with the communications in the last 24 hours. That action is through sanctions, including the blockade in which Australia is very active with two ships—the Arunta and the Melbourne—currently in the
Gulf. The fact is that if war breaks out—if the US declares war or invades regardless—Australian military personnel are automatically immediately involved in the conflict in the region and are in danger.

Another issue that has not been touched on in any detail by the government in this debate is the fact that Australian defence forces are already overcommitted around the world. Again, as Senator Evans rightly pointed out, we do need to look at what our interests are in terms of the use of our defence personnel, particularly in the situation in our own region.

The argument that has been put forward that an attack might be legal or is presently legal under international law because it would be in self-defence is clearly wrong. That action would not be legal. The main objections being discussed to proposed actions by the US are that it is illegal because it would be unilateral and not sanctioned by the UN. Two things must happen at a minimum before the legality issue is resolved: there would have to be evidence that an attack was imminent—justifying a case for self-defence—and the UN would need to sanction military action as a response to Iraq’s noncompliance with Security Council resolutions. Neither one of those things is current at the moment. Only if both of those conditions are met should Australia even consider becoming a party to a military strike against Iraq’s noncompliance with Security Council resolutions. The whole issue of increasing moves towards disarmament is one that has not got the attention that it deserves.

This debate today is just the beginning. While it is a welcome start, it should not be perceived as being the end of such a debate. The foreign minister’s statement, whilst welcome as far as it goes, still does not touch on many issues. There are many things that this government has not put forward to the Australian people; there are still many areas where the Prime Minister is not showing leadership where he should. Nonetheless, I welcome Senator Ferguson’s comments today, stating that the Prime Minister will, without doubt, ensure a full parliamentary debate and vote prior to making a decision about committing troops. Despite what Senator Ferguson may have thought, that has certainly not been stated specifically before by the Prime Minister or any other government minister. It is very pleasing to see Senator Ferguson committing the government to ensuring that there will be a debate and vote before any decision is made, because we need to get a clear perspective on all the issues and a clear outline on what the views of parliamentarians are. For that rea-
son any vote should be a conscience vote. The Democrats repeat our call for the leaders of both the larger parties to ensure that any vote on whether or not to commit troops is a clear vote on that question and is provided as a conscience vote to all their members—

(Time expired)

**Senator Johnston (Western Australia) (6.06 p.m.)**—For us there can be no more grave or serious business of government or indeed of parliamentary democracy than the questions surrounding the commitment of Australian service men and women to military conflict abroad. That gravity is at the forefront of my mind in speaking on the subject of Iraq. The Australian government’s position is clear: that is, if and when every resource of diplomacy has been absolutely exhausted with no resolution, then—and only then—the responsibility for action will fall to good men and women around the world. We are among their number. There is a responsibility to protect and support innocent Iraqis and Iraq’s near neighbours and, crucially, to protect all of the potential victims of that nation’s weapons of mass destruction. There will be a responsibility to arrest the reign of terror, actual and intrinsic, in the leadership of Saddam Hussein and his cronies in Iraq.

We are not at that point now, and I hope and pray we do not reach such a point. Indeed, today’s revelations of the announcements to the Secretary-General of the United Nations are cause for great relief, to some extent. The proof of that pudding is yet to be seen. I believe that, if diplomacy yields no resolution, it will be incumbent upon democratic and just nations, including Australia, to act. I say so for the following reasons. Domestically, the human rights abuses by Saddam Hussein’s government in Iraq are numerous and indeed shocking. I take my information from the Amnesty International Human Rights Committee’s briefing on Iraq of 8 October 1997. This report details the arbitrary arrest and detention of tens of hundreds of thousands of people for political reasons; the introduction of judicial punishments amounting to cruel, inhuman or degrading punishments or to torture; and the widespread use of the death penalty as a daily deterrent. According to Amnesty International, the briefing:

... shows that the Iraqi government has sanctioned mass killings, torture and other atrocities as a matter of policy and violated its obligations ... under the International Covenant on Civil and Political Rights.

The report continues:

On 26 July 1992, for example, at least 42 merchants and businessmen were hanged in Baghdad, having reportedly been charged with illegal hoarding and profiteering ... The government stated that those executed had been tried and convicted, but reports received by Amnesty International indicated that several of them were shot dead immediately following their arrest. Among those executed was Salim ‘Abd al-Hadi Hamra, former head of the Chamber of Commerce of Baghdad.

In spite of the difficulty of investigating extrajudicial executions and mass killings in Iraq, it is estimated that hundreds of thousands of people have been the victims of such killings since the 1980s. Various methods have been used, including the use of chemical weapons; mass executions by firing squad; burying people alive or tying heavy weights to their feet and pushing them into rivers; poisoning with thallium and other toxic substances ...

The report goes on:

... one mass grave on the outskirts of the Kurdish town of Arbil contained the remains of 107 Kurdish villagers killed in 1987. Amnesty International had reported in 1988 that they were said to have been executed.

On 16 March 1991, around 150 men and boys from the Shi’a community were shot dead at al-Mahawil Garrison, near al-Hilla in southern Iraq. Others were reportedly thrown to their death from the top floor of al-Hilla Hospital on 9 March 1991, or pushed into the Tigris River and Shat al-Arab waterway with weights tied to their feet. Victims’ bodies were said to have been dragged through the streets or left hanging from electricity pylons to terrorise the local population.
In one incident, in May 1992, 13 civilians, including women and children, were reportedly killed after helicopter gunships attacked a wedding ceremony in the village of al-Agir in al-'Amara province.

That is a sample of the way that this regime deals with its citizens. In addition to that, we have seen the graphic and horrific pictures of the Kurdish people in northern Iraq, the subject of nerve gas genocidal extermination. Who can forget the pictures of those things, perpetrated by this regime upon their own citizens?

You then see what this regime is capable of doing in terms of exporting that psyche and that disposition. It is paying $US25,000 to the families of suicide bombers in Palestine. Whatever injustice is perceived to drive and motivate suicide bombings, no such injustice can ever justify the murder of innocent civilians. The incitement and rewarding of such acts are again indicative of the depths to which this regime will sink. The capacity for this regime to completely disregard the international rule of law through open aggression is renowned. Of course, the unprovoked invasion of Kuwait and the sacking and plundering of Kuwait City and consequent atrocities committed upon that occasion are indicative of what we are dealing with here. Iraqi conduct in Kuwait was at the extreme end of the scale in terms of war atrocities and crime. As I have said, this conduct is indicative of the level of depravity to which this regime will sink with respect to its own people and its neighbours. This is the background and the context within which we are discussing Iraq’s possession of weapons of mass destruction.

Yesterday we had a debate in this chamber about human rights abuses in China. Learned senators on the crossbenches sought to establish certain propositions in support of human rights principles and their abrogation by China. I have considerable sympathy for many of the sentiments expressed yesterday by Senator Brown and other senators speaking in that broad vein. However, the abominable human rights record of Iraq is far and away worse than that of China. The export of international terror and the conduct I have set out here is light-years beyond what is alleged against China.

Having heard yesterday the naivety of and life-jacket optimism espoused by many of the finger pointers at China, I say there are fundamental deficiencies in many of yesterday’s arguments on this subject, principally in terms of credibility. In the two debates—one yesterday on China and the other today on Iraq—I see a clear desire by some senators to play political human rights favourites in an arena where no such luxury can ever be entertained. Atrocities and torture do not change with the crossing of borders. There is a tangible air of hypocrisy abroad with respect to many of the principles espoused by senators sitting on the crossbenches. Australia’s national interest must be and must remain the paramount consideration in all of these matters. I pause to say that yesterday I heard one senator say that the Chinese visitor should be nailed for the atrocities that were perpetrated at Tiananmen Square. I hear no such vigour and no such determination in dealing with Saddam Hussein. Frankly, I find that hypocritical.

In order to understand and appreciate the privileges of freedom, equality and democracy which we enjoy in Australia and which are exemplified in this chamber, we must acknowledge the price that has been paid for these precious rights and privileges, a price measured in sacrifice on battlefields in Europe, Africa and Asia in two world wars and particularly in New Guinea and the Coral Sea. Iraq is every bit a threat such as was confronted 50 years ago. With weapons of mass destruction it is ever so much more a threat. In closing, I want to quote Mr Richard Butler, a former UN weapons inspector in Iraq, a man whom I consider to be an authoritative, objective and eminently sensible and reasonable commentator on this subject. As recently as last Sunday, in a television program on Channel 9, he said:

We’ve been talking here tonight about the need for bipartisanship in matters of national security, war and peace. I utterly agree. Now, there has been a lot of political division on many things over the years. Since the Second World War there has been virtually no division ever in Australian society about our commitment against weapons of mass destruction, Liberal and Labor ... We have
been a leader in the business of stopping their proliferation. The greatest threat against the non-proliferation regimes in nuclear, chemical and biology that exists in the world today is the regime of Saddam Hussein, and we are threatened by that.

In commenting to Mr Keysar Trad on his proposition as to the extent of the threat, Mr Butler went on to say:

I agree with just about—

(Time expired)

Senator WONG (South Australia) (6.16 p.m.)—I rise to speak in this important debate on Iraq, a debate which concerns a complex and difficult problem. It is a debate that must proceed with caution and care. This is not a time for jingoism or rhetoric. We must have clear, calm and focused consideration of the issues before us and, most particularly, of what is in Australia’s national interests. It seems to me that this government is asking the parliament and the Australian people to blindly accept a proposition that a war will bring peace and security, that going to war is a way to achieve global peace and security. The Australian people have heard this before and our experience and our knowledge of the world make us doubt the reliability of that assumption.

I am not a pacifist in all circumstances. There are times when, to defend our country and to preserve security, it is regrettably necessary to engage in war. World War II was such a war; this country was under attack, the forces of fascism and aggressive imperialism were seeking to impose themselves on the rest of the world, and the peace and security of our country required engagement in armed conflict and the sacrifice of many. The Gulf War was a war in which the United Nations combined forces to remove an aggressive state from another. However, war is a terrible thing. Innocent civilians are killed, maimed or injured and young men die. Recent statistics show that over 80 per cent of war casualties in the current era are civilians, mainly women and children. The cost is not only in casualties, civilians or soldiers; it is also in the destruction of cities, towns, homes, hospitals, schools and infrastructure. To rebuild this takes years, and so many innocents can suffer in that process. It brings poverty and suffering for years to come. How long does it take to rebuild from such destruction? Yet this government seems unwilling to engage in a discussion of this reality, preferring to remain at the level of abstract principle, when it is the experience of ordinary people in war which should be a brake, a fetter, on any consideration of going to war.

What is concerning about the government’s rhetoric is that it is predicated on this false assumption that war will bring security. Secondly, there seems to be little regard for those who will be the victims. Do we not think of those who will be likely casualties? Do we not think of the Iraqi people, civilians who have no say in the policies of their dictatorship government? Do we not consider the men, women and children who will undoubtedly be killed or maimed or injured in a war? Importantly, do we not consider the young Australians whom we will send there? This government speaks of the danger of Saddam Hussein using his weapons of mass destruction against his own people. Why waging war against these people is a way of protecting them from such a threat is beyond logic. Do we think that military action led by other countries is somehow better or less destructive? The Iraqi regime’s human rights abuse is appalling. The question is whether or not waging war against its people will improve that.

Let us consider the proposition underlining the government’s approach that we go to war in order to enhance our security. I ask the questions that many Australians are asking: how and why? Why will it enhance our security? If we bomb them into submission, will they never be able to strike back? Surely September 11 taught us that you do not need weapons of mass destruction to strike and to harm. We are engaging in a debate which seems to be defined by this false assumption that war will necessarily bring peace. I am reminded of Vietnam and the false assumption that fighting the threat of communism was necessary to ensure peace and security. How wrong we were then. Hatred breeds hatred, and peace and security are but rarely achieved by aggression. Let us consider carefully this argument that war with Iraq is the
only way to achieve security. What do we think will come out of it? What sort of hatred against us will it engender? How is such aggression likely to play out in the Arab world? Will it in fact be a spark to the tinderbox of tensions in the troubled regions of the Middle East? What did we learn from September 11?

Perhaps we ought to have learned from September 11 that hatred is the greatest weapon of all. Also it reminded us of the fragility and preciousness of human life. We need to apply these lessons now. Yet we are considering engaging in action which will ensure more hatred and more death. Surely September 11 is a call to us to work for peace, and peace is hard won: look to the progress and the setbacks of the peace process in the Middle East; look also to Northern Ireland. There must be a willingness to speak, to listen and to compromise and there must be a reluctance to take up arms. No-one in this chamber nor in this country is unconcerned about Iraq possessing weapons of mass destruction and no-one can feel anything but sadness and anger at the despotic regime of Saddam Hussein. The question is whether our security is enhanced by going to war with Iraq. Is there a principle that all countries who may have weapons of mass destruction should be attacked? That would be a great many nations. We must make a clear and calm judgment about what is best, and we must do so carefully.

This government’s position over recent weeks has been characterised by a failure to ensure that United Nations processes are being exhausted and the absence of any evidence linking Iraq to the September 11 attacks. The government’s case for war has relied upon a blind assumption that the United States’ interests are always our interests. I am not pushing an anti-American line. There is no doubt that we are closely allied with the United States. Over the last hundred years, America has probably been a better friend than any other nation. When we have been under attack, America has helped us and, similarly, we have helped them. However, we must not abrogate our duty or our responsibility to Australians who have entrusted us to protect them. Our focus must always be on Australia’s national interests.

Labor’s position on this matter has been consistent and clear. We have called for the involvement of the United Nations. We have called for all the processes available to the United Nations to be implemented to their fullest extent. We say that any decision to go to war can only be considered if those processes are exhausted—and they are not so now. We also say that there is an evidentiary issue here: it must be demonstrated that Iraq was complicit in the September 11 terrorist attacks and that there must be evidence of a significant increase in Iraq’s weapons of mass destruction destructive capability and threat. The evidence presented by the Minister for Foreign Affairs in the other place today does not establish this.

Critically and importantly, we say there must be a United Nations based solution on Iraq. Until this process has been followed, unless the United Nations is the basis and forum for dealing with this issue, unless the United Nations is the driver of any decision about further action in relation to Iraq and unless this matter has been fully debated by the Australian parliament with all the evidence before it, any US-led pre-emptive strike—and our involvement in it—is inappropriate in our view. To support such a pre-emptive strike in the absence of those factors we say would be irresponsible.

I want to briefly return to comments made by some senators about the nature of the despotic regime of Saddam Hussein and the undoubted human rights abuses that that regime perpetuates and perpetrates on its peoples. The question is not whether one agrees with that or not; of course no-one does. All of us find his actions horrific. The question is whether waging war against a people already impoverished, who are governed by a despotic regime over which they have no democratic say, is the way forward. The question is whether or not the human rights abuses that were described are really a justification for war. The question is: how do we best work to prevent human rights abuses around the world?

One of the senators before me spoke of the hypocrisy of the position of some people
in this chamber in relation to China as compared to Iraq. One could easily make a similar point about various United Nations resolutions which have not been complied with over many years but in relation to which there has been no suggestion that there should be any military action.

Senator MURPHY (Tasmania) (6.25 p.m.)—What led us to this debate was the ministerial statement and what led us to the ministerial statement was, of course, the terrorist actions of September 11. Terrorism has been around for long time. It takes many forms in many countries. At times it seems to me that, depending on the nature of events, the democratised countries take different views with regard to different countries and the actions of terrorists in those respective countries. We know that in 1998 Iraq saw the removal of the US weapons inspectors. I find it interesting that it has taken us some years and a very tragic event to now get to the point where the UN may finally seek to exert pressure on Iraq to comply with resolutions that have been in place for a long period of time. That, I think, is a very sad state of affairs. I note with interest that the Minister for Foreign Affairs in his statement today said about his meetings in the US:

I stressed the importance of what can be broadly described as due process and the need for the Security Council to meet its responsibilities in addressing the threat to international peace and security.

I would suggest that that international peace and security was just as much under threat four years ago as it is today. That has been a known fact, stated many times previously with regard to the actions of Saddam Hussein and his regime in Iraq. There has previously been plenty of evidence of Hussein’s practices—even the minister has mentioned some of them—in his actions in wars with other countries, the use of weapons of mass destruction and biological warfare. This is not something that transpired after September 11. I am curious as to why it has taken so long and taken such a tragic event for the world to get its collective mind around this problem. It obviously had its mind around the problem after the Gulf War. Then, when the weapons inspectors were kicked out, it did very little in real terms.

Let us look at the processes now being embarked upon. We had the very tragic event of September 11 in the United States, and the action taken by the US in respect of Al-Qaeda in Afghanistan was very correct and something which I did, and do, fully support. But insofar as their ongoing process with regard to Iraq, they first came out and said, ‘There is a problem, so we are just going to outright attack and remove Hussein,’ which I do not necessarily have any personal problem with, because I think he probably should be removed. But in terms of due process, which the minister talks about, it seems that they got it a little back to front. Through the UN, we finally ended up at the position where we probably should have been at the start.

With regard to what was deemed to be a statement of proof of weapons in Iraq—and the type of weapons in Iraq—as evidence to suggest that they are going to do all sorts of terrible things, I have to say it was a little thin. Nevertheless, there is a problem and that problem has existed for some time.

Sitting suspended from 6.30 p.m. to 7.30 p.m.

Senator WEBBER (Western Australia) (7.30 p.m.)—The opportunity to participate in this debate on Iraq this evening really brings into great clarity for those of us who are new members of this chamber the enormous responsibility that we hold as members of the federal parliament and highlights, therefore, the seriousness with which we should conduct our affairs. In my first speech I used the words of Edmund Burke to state that it is from history that we can learn, to ensure that we do not repeat the errors of the past. I do not intend to quote him today. However, I do believe we must look to our history to ensure that we do not commit a terrible mistake.

There can be no doubt at all that Saddam Hussein is an evil man. A man who has waged wars on his neighbours and kills his own population cannot be described in any other way. He is also a man who has demonstrated that he will do whatever it takes to
retain his grip on power. As we are now confronted by the possibility of war—or at least conflict—between the United States and others against Iraq, it is important that we do not rush unthinkingly into supporting conflict, because in the final analysis war is only a temporary solution to any problem.

The thrust of what I am saying is not the popularly held view of war. In fact in the 19th century Clausewitz said:

War is the continuation of politics by other means.

His premise is that war is the result of nations being unable to resolve issues. His contention is that war starts because other methods have failed. Most thinking on the subject over the last 200 years has accepted this without much thought. In fact the general feeling seems to be: if I cannot get what I want by talking about it, then I should pick up my weapon of choice and go and get it. But surely given the shattering nature of war, which results in death, homelessness, poverty, fear and pain, is there any method that should not be tried to avert it? Should we not always strive for another round of diplomacy, another attempt to meet the needs of the many parties involved, another round of problem solving? Of course we should.

Thankfully, even President Bush, our own Prime Minister, and now even the Iraqi government, seem to have realised this and have recommitted to the processes of the United Nations. If any action short of war can save lives, prevent families from having to flee their homes, prevent the suffering from conflict induced post-traumatic syndrome, then shouldn’t we take it? As Senator Faulkner said earlier today, it is our view on the Labor side that we abide by the United Nations Charter. The resolutions of the UN Security Council must be the basis for Australian action. Those of us not rushing blindly to support America’s proposed conflict with Iraq are not appeasing Saddam Hussein. Rather, we are looking at the situation and seeking a long-term, peaceful solution.

For over 10 years the United Nations and member states have maintained a blockade around Iraq. Saddam Hussein has been in power indeed for over 25 years. He used poison gas on his own civilian population over five years ago. He has consistently not applied UN resolutions. His weapons of mass destruction programs have ebbed and flowed over the past decades. And yet now some would like to require us to enter into conflict with Iraq. Why?

Before we can even contemplate this we must satisfy ourselves that the events of 2002 are different from any number of other times in the last 25 years. Why did we not intervene when the poison gas was dropped on the Iraqi people? Why did we not intervene when UN weapons inspectors were expelled in 1998? Why did we not intervene when Iraq invaded Iran in 1980? Why, if we ask these questions, are we called anti-American? As John Curtin said in the 1920s when talking about the Versailles Treaty:

They went full steam ahead with their plan to ‘make Germany pay’, to ‘make Russia pay’, to ‘make the Turks pay’, etc etc.

And all they have done is to needlessly penalise the whole world, victors and vanquished alike, and bring the nations together as foes athirst for blood.

If we are not cautious and if we do not pursue other processes through the UN, then we are engaging in the same process.

We are all being encouraged to believe that Iraq must pay. We are told that Saddam must pay for all the crimes that he has committed over the years—and he must pay now. War with no other purpose than to make Saddam pay will fail the real test. That test is: what comes after? This and others are the unanswered questions in this debate. Let us work within a multilateral framework organised by the United Nations, implemented by the Security Council under international law to ensure that this is not seen as Australia saddling up with unilateral US action.

I would like to finish my brief contribution this evening by again quoting John Curtin when he wrote about the outcomes of the Great War. He said—and we would do well to heed his words:

We were said to be fighting to prevent oppression, to uphold the sanctity of engagements between nations, to substitute Right for Might, to make war in future both unnecessary and impossible … The belief in force as the supreme element in international affairs still prevails.
Senator STOTT DESPOJA (South Australia) (7.36 p.m.)—I rise, along with a number of the Democrats this evening, to add to this debate concerning Iraq. As you will note, my colleagues will address, and have been addressing, a range of issues in relation to the minister’s statement on Iraq. I want to focus my comments particularly on the issue of weapons of mass destruction—an area that I understand Senator Lyn Allison will also pursue—as well as the issue of enhancing the authority of the United Nations.

The Australian Democrats, as honourable senators would know, have played a key role in this debate over the last couple of months, and we have had some success in getting the government to agree to a debate on this issue. Of course, ideally we would like to see parliamentary ratification of any troop deployments in any circumstances but particularly in relation to Iraq. We have seen the successful passage of a motion that was co-sponsored by me, as Democrats leader at that time, and Senator Faulkner, on behalf of the ALP. The Senate passed the motion, which called for not only parliamentary debate but also possible reference to a joint committee in the light of any action against Iraq. The motion also looked at the centrality and the important role of the United Nations in these types of debates. I still have on the Notice Paper a motion that calls for this parliament and for this government to rule out a preemptive strike, to get rid of the notion of first-strike action against Iraq—and indeed in any circumstances—for the very reasons that most people should, and I hope would, acknowledge: it contravenes international convention and law and it certainly goes against the United Nations Charter.

Minister Downer said in his statement to the General Assembly of the United Nations on 13 September this year that the situation in Iraq ‘tests the very authority of the United Nations’. Minister Downer in his statement today said, ‘The Security Council will be put to the test.’ Our willingness to uphold international law is also being put to the test, if we act outside the United Nations. The Australian Democrats believe that taking military action without a UN mandate is a worse threat to the authority of the United Nations and is a threat to peace. We welcome the somewhat belated recognition by the government of the importance of the United Nations. I note with regard to a different global security issue that, in debate in this place after the tragedy of the September 11 attacks, some government senators were claiming that the United Nations had no role in response to those events. We are well aware of Iraq’s noncompliance with UN resolutions. However, we should all acknowledge—I hope that we would—that it is hardly the only country that applies to.

As people would know, the United Nations was founded on the basis of collective security; Minister Downer referred to this in his statement. The argument behind collective security is that an attack on one country is an attack on all, but what we seem to be talking about with Iraq is ‘selective security’. Former South African leader Nelson Mandela said recently that, by preparing for military action against Iraq, the United States is saying, ‘If you are afraid of a veto in the Security Council, you can go outside and take action and violate the sovereignty of other countries.’ Mandela said that that message must be condemned in the strongest possible terms, and the Democrats agree with him.

The United States President, Mr Bush, in his speech on Friday to the United Nations, made an extensive list of demands of Iraq, from destroying all weapons of mass destruction to accepting UN administration of its Oil-for-Food program. We acknowledge that Iraq may well have rudimentary chemical and/or biological weapon capabilities, with a delivery capability using Scud missiles. Iraq did use biological weapons against Iran and against the Kurds. These weapons are banned by conventions, notably the Biological Weapons Convention, which of course the US has refused to sign, though other nations have done so.

The appropriate way to respond to Iraq’s weapons capabilities is through weapons inspections. It is highly desirable to have UN weapons inspectors going about their work in Iraq unhindered. As we know, a team of UN inspectors, including several Australians, is ready to go to Iraq. We know that in recent
polls nine out of 10 Australians said that UN inspectors should investigate Iraq’s weapons capabilities before any US action is taken. Mr Acting Deputy President, you would be well aware of the debates that we have had in this place—and, no doubt, of those in the media and the broader community—about the polls and the research demonstrating the wariness of the community to action against Iraq and the involvement of Australian personnel in such action. It is worth noting that these inspections, and the obligations on Iraq in regard to its weapons program, are a result of agreements enforced on it after the Gulf War. No other country has been subjected to this. In fact, the United States passed a Senate bill back in 1997 that allows the President to deny international inspections of US weapons sites, on the grounds of national security.

It is regrettable that the US has suggested that the resumption of weapons inspections will not prevent military action being taken against Iraq. ‘The policy of the US is regime change, with or without weapons inspectors,’ White House spokesman Ari Fleischer has said previously. A previous offer by Iraq to admit weapons inspectors in return for a commitment from the US not to attack was rejected. An unconditional offer from the Iraqis to let in weapons inspectors, announced today, has also received a cool response from the United States and a cautious response from Australia.

United Nations Secretary-General, Kofi Annan, says that he has received a statement from Iraq in the form of a letter from the Iraqi foreign minister ‘conveying their decision to allow the return of the inspectors without conditions to continue their work’. This has been broadly welcomed on a worldwide basis, as I think we acknowledged today. Minister Downer described it as a ‘promising step’. It is unfortunate that a White House spokesperson has dismissed Iraq’s offer as:

... a tactical step by Iraq in hopes of avoiding strong UN Security Council action. As such, it is a tactic that will fail. Australia should use its good relationship with the United States to push President Bush to pull back from the brink. We have heard a lot of hairy-chested rhetoric not only in this place but obviously emanating most strongly over recent months from the US and its President. It is unfortunate that the United States is still identifying regime change rather than disarmament as the only way to avoid military action.

So what is the appropriate response to Iraq? On Friday, 13 September the United States President, George W. Bush, told the United Nations that action against Iraq is unavoidable unless it disarms Iraqi leader Saddam Hussein. There are alternatives to military action and they must be pursued. The Australian Democrats do not agree that the preferable response to Iraq is a military strike, particularly without UN backing. Much has been said about the dangers of not taking military action, but not much has been said by the government about the dangers of actually taking military action. Military action may well increase instability and conflict in the region. The Democrats are not saying, ‘Stand by and do nothing while the dangers gather.’ We are saying, though, that military action on one country by a much greater power hardly provides an incentive for other smaller nations to disarm.

Seeking peace is not appeasement. Actions should be directed at the leadership of Iraq—not the Iraqi people. A change in regime can best be brought about by encouraging democracy in Iraq, and that cannot be achieved through military attack or by treating them as international outcasts. Military action will increase instability in the region and possibly the world, and will not enhance disarmament efforts. Further, unless the Security Council passes a new resolution authorising military action, a military strike is in violation of international law. In light of the complexity of this issue and the serious nature of Australia’s potential involvement in military action, this week’s debate on Iraq is not enough. A Senate, or broader, inquiry is needed to investigate the options and likely consequences.

I will finish with a quote from Irene Gale of the Australian Peace Committee in South Australia, who said:

When one considers that the U.S. probably holds more weapons of mass destruction than any
other nation; has attacked and bombed many other countries since the end of World War II; refuses to ratify United Nations treaties such as those aimed at eliminating nuclear weapons; and refuses to allow its citizens to face an International Criminal Court, regardless of their actions, it is shocking that they take upon themselves the right to attack another nation and embroil the world in another war.

I think they are sobering thoughts, and I look forward to further debate on this issue.

Senator SANDY MACDONALD (New South Wales) (7.47 p.m.)—I too wish to take note of the statement of the Minister for Foreign Affairs on Iraq, which concerns Iraq’s noncompliance with the United Nations 1991 Gulf War cease-fire resolution 687, which requires Iraq to eliminate its weapons of mass destruction. This remains a mandatory obligation on Iraq under the UN Charter and has been consistently ratcheted up by the United Nations since 1991—unfortunately, with very little effect. The UNSCOM team was expelled from Iraq in 1998 and Iraq’s laboratories have been working overtime ever since.

This noncompliance debate is not the primary debate that would flow if the Australian parliament were debating a decision to commit Australian troops to a UN or US inspired eradication of Iraq’s capacity to use weapons of mass destruction. This remains a mandatory obligation on Iraq under the UN Charter and has been consistently ratcheted up by the United Nations since 1991—unfortunately, with very little effect. The UNSCOM team was expelled from Iraq in 1998 and Iraq’s laboratories have been working overtime ever since.

This debate is not about a regime change—nor should it be—for this is not a question for the Australian parliament. However much we might like to see an open democracy in Iraq—in the interests of stability in the Middle East and beyond and in the interests of the Iraqi people—that remains a question for the Iraqi people. Quite frankly, undemocratic tyrants like Saddam Hussein, President Gaddafi, President Mugabe or the North Korean leadership are not easy to move. Even being substantially cut off by the world’s democracies appears to have little impact on dictatorships. Terror, unfortunately, remains a reasonably effective tool for isolated regimes, and Saddam Hussein’s ability to remain in power bears this out.

Iraq’s arsenal of weapons of mass destruction is not a figment of the Western imagination. Certainly, chemical and biological weapons were used by Iraq in its long-running war against Iran, and chemical weapons have been used domestically against the Kurds in northern Iraq. Why any regime would want to do this to its own population or maintain the arsenal that has been developed when it has so much to gain and so little to lose indicates the warped nature of the Iraqi government.

With Iraq’s capacity to develop nuclear weapons in the short term and the probable capacity to deliver a dirty bomb in a Western city, the world finds itself substantially more vulnerable in my view than at any time that I can recall. Even at the height of the Cold War the reality of mutually assured destruction meant that the superpowers, absolutely overflowing with destructive military power at that time, did not and could not embark on reckless and self-destructive behaviour. There is no such restriction on terrorism or a rogue state and Saddam Hussein heads a rogue state. He remains very much within the axis of evil, though, to be fair, there is no direct evidence of Iraq’s involvement in September 11 or Al-Qaeda’s ongoing activities.

Almost every conceivable aspect of this debate has been covered already and we have a long night ahead of us, but there are a couple of final things I would like to say about the compliance that is required. We are never going to get the smoking gun type evidence here. If we do not have enough evidence now, it will unfortunately be too late. A rogue state or a terrorist will have used weapons of mass destruction with catastrophic results. The West’s response would be justifiably draconian and many innocent victims would bear witness to that.

Secondly, the Iraqi announcement that it will allow the unconditional return of UN weapons inspectors must be examined closely. Weapons inspectors must be unimpeached and, given the past performance, we
will just have to wait and see how that pans out.

Thirdly, the attempt by Iraq to link Australian wheat sales to our support for the US inspired policy to restore compliance must be seen as a very crass attempt to play and meddle in domestic Australian politics. Australia’s trade with Iraq is dominated of course by wheat sales—and has been over the last few years—and its value last year was approaching $A850 million. This trade arrangement has been facilitated under the Oil-for-Food arrangements. Australia has been a reliable and longstanding supplier of quality wheat to Iraq, including through difficult political times and actual military hostilities. We recognise the need to ensure a reliable food supply to the Iraqi people and we are not the ones who are politicising commercial transactions in this case.

Lastly, I would like to recognise the role that the United States have taken in carrying forward both the eradication of Iraq’s weapons of mass destruction and their very considerable effort in the war against terror. Admittedly, they were the ones who were certainly impacted upon most by the events of September 11, but they are really the only country that can carry forward this effort against the war on terror. The rest of the world is benefiting, including Australia, from being protected from this ongoing threat of potential terror and I want to put on record my thanks to the United States for their commitment. They, virtually alone, have moved to act, and we can be cautiously hopeful that the future will flesh out the whole story. If compliance can be achieved, then this process will have been worth while.

Senator LUDWIG (Queensland) (7.54 p.m.)—I am pleased to be speaking in this debate on Iraq tonight, because we are clearly now getting an opportunity to discuss a situation that is of great importance to Australians. However, I am still amazed that the government have, to this point, really avoided raising the many significant issues regarding intervention against Iraq before the parliament and the Australian people. They have taken a considerable amount of time to get to this point and, notwithstanding the encouragement given by us and many others, they have consistently failed to provide any evidence to the opposition parties and the wider community of the need to take action against Saddam Hussein. It is incumbent upon them to demonstrate those matters clearly and articulately.

It is amazing how selective the Prime Minister can be about the sharing of intelligence information. When it came to scoring cheap political points, the Prime Minister was only too happy to make public classified Australian intelligence documents at the National Press Club to support his pre-election and now utterly discredited contention that asylum seekers had thrown their children overboard. However, when it comes to justifying the extremely non-diplomatic and inflammatory stance taken by the government, the Prime Minister has suddenly gone silent. Mr Howard now seems very reluctant to provide relevant Australian intelligence information to the Australian parliament and people to substantiate his government’s case in respect of Iraq. In effect, the Prime Minister himself, by his failure to provide timely and relevant evidence to the Australian people, sowed the seeds of doubt and confusion.

It is perhaps helpful to at least go through some of the issues in detail. A recent poll published in the Sunday Age has shown that Australians are concerned about and divided on the issue of intervention in Iraq. Military intervention is, in my view, one of the most serious steps any government can take and is a step that must have the support of the Australian people. Because of this, I believe it is timely that we again look at the questions and results of this poll. It is timely because it is, in truth, allaying the concerns of the public and that should be central to the debate. I am not talking about allaying public concern over Australia supporting or taking part in any military action against Iraq. That would be a decision of the gravest type that any parliament can make and it is appropriate to be concerned about any such decision; it is just not a matter that I need to discuss now.

No, when I talk about allaying public concern, I am talking about demonstrating to the Australian public that any decision reached here will be the result of careful consideration of all available information and evi-
dence. The poll itself is helpful as a framework in which to ask the relevant questions. One of the questions asked in the poll was: would America be right in taking unilateral military action against Iraq? The results of that poll were: no, 58 per cent and, yes, 36 per cent. The second question asked was: should Australian troops support US military action backed by the United Nations? The results were: yes, 68 per cent and, no, 28 per cent. The third question was: do you think there is sufficient evidence against Saddam Hussein? The results were: no, 53 per cent and, yes, 34 per cent.

These questions and the results show that public concern is widespread and does not completely abate even when it is suggested that military intervention would have the support of the United Nations. Why is this so? The third question, ‘Do you think there is sufficient evidence against Saddam Hussein?’ and the following 53 per cent ‘no’ response would seem to me to be a strong indicator of where the government’s problems lie. Clearly, people are not convinced that there is sufficient evidence to warrant military action against Iraq involving Australian personnel and this high level of doubt is directly the fault of the Prime Minister and the Minister for Foreign Affairs, Mr Downer.

The Australian Labor Party has been calling on the Minister for Foreign Affairs to come to the table and show us his evidence, to bring it before parliament and the Australian people so that they can see for themselves why actions need to be taken against Saddam Hussein. The opportunity was given today in parliament but it was not taken up, clearly. Of course, it must be new and convincing evidence. We are all fully aware of Iraq’s failure to abide by weapons inspections; this has been a problem for many years. Further, we have today been informed by the United Nations that Saddam Hussein has now agreed to allow weapons inspectors back into Iraq. So now, more than ever, it is incumbent on the government to bring before the parliament the new evidence that warrants military intervention in Iraq.

Indeed, the Labor Party has asked a number of questions of the Prime Minister. I think it is helpful to articulate those questions again during this debate. Those questions include the following. What is the government’s formal view on whether or not Iraq is linked to the events of September 11? Does Iraq possess a nuclear weapon? If not, when is Iraq likely to possess a nuclear weapon? Does the government agree with Vice-President Cheney, who recently stated that Iraq would soon have such a weapon? Does the government agree with President Bush’s statement that Iraq is only six months away from a nuclear weapon? Does the government have evidence that Iraq’s chemical and biological agents have been weaponised? Have these weapons increased in number and capability since 1998? And, of course, what long-range delivery systems does Iraq now have to deliver weapons of mass destruction in its possession?

We have always argued that the government must provide the Leader of the Opposition and senior shadow cabinet ministers with a full briefing from all relevant domestic agencies and authorise the United States government to do the same. However, to my mind, at no stage has this occurred in a full and frank way and it appears that it will not. So now that this issue has been finally brought before the parliament, maybe the government will start to give some substantial information to us all so that we can examine and debate the issue. But, as we have all heard tonight, it seems that there is nothing new to work on. However, what the government also need to do in order to allay the concerns of the Australian public is to figure out where they stand on the issue and let us all know.

Earlier this year we had both the Prime Minister, Mr Howard, and the Minister for Foreign Affairs, Mr Downer, take every opportunity to attack, disparage and criticise the United Nations. We also had Mr Downer attack anyone who voiced the slightest concerns about government policy towards Iraq, labelling them appeasers. However, now that the British Prime Minister, Mr Tony Blair, and the American President, George Bush, have addressed the United Nations Security Council and have sought to encourage a more united international effort, we see both the Prime Minister and Mr Downer change
their rhetoric and become more supportive of the United Nations Security Council.

So it is little wonder that the broader community is lacking confidence in the ability of the Howard government to demonstrate, with hard evidence, the need for a military strike on Iraq. But of course they now have the chance to put the backflips and the ever-changing rhetoric behind them and show us what they have in the evidence bag. As opposed to the government’s stance, the Australian Labor Party’s stance on Iraq has been clear and consistent. The leader of the federal opposition, Mr Simon Crean, and our shadow minister for foreign affairs, Mr Kevin Rudd, have consistently argued the need for the international community to adopt a five-step approach towards Iraq.

It is worth while reiterating that five-step approach. It talks about, firstly, the early convening of a United Nations Security Council meeting to discharge the council’s responsibilities under resolution 1284 of December 1999 on the complete removal of Iraq’s weapons of mass destruction, missiles and production facilities and the consideration of any other relevant solutions. We have also argued that the United Nations Security Council should determine a reasonable but strictly finite time frame for the return of weapons inspectors. That appears to be at least on its way. Further, the UN Security Council should not tolerate any Iraqi non-compliance or partial compliance with the United Nations Monitoring, Verification and Inspection Commission’s mandate within Iraq. In concert with this, the Security Council should reconvene immediately to form a conclusion as to whether or not Iraq has effectively and appropriately complied with the resolution. Finally, if Iraq does not comply, the United Nations Security Council should determine the most appropriate form of collective action against Iraq, including action under article 42 of the United Nations Charter.

We as the opposition have always advocated the need for the international community to exhaust all United Nations processes. It was also very pleasing to see that other world leaders are now embracing the need to utilise the United Nations when dealing with Saddam Hussein and Iraq. Tony Blair, the British Prime Minister, at a recent TCU conference in Blackpool, stated:

I believe it is right to deal with Saddam through the United Nations. After all, it is the will of the UN he is flouting. He, not me or George Bush, is in breach of UN Resolutions. The challenge to us is to work with the UN, we will respond to it.

In conclusion it is worth summarising that the debate may well be the government’s best chance to allay the doubts being expressed by many Australians. The government need to come clean and show parliament the evidence that they have in their possession—evidence that warrants the commitment of Australian troops to military action against Saddam Hussein.

Senator NETTLE (New South Wales) (8.04 p.m.)—I seek leave to table a document which calls on the government to oppose the war in Iraq and is signed by over 700 organisations and individuals.

Leave granted.

Senator NETTLE—The Australian Greens welcome the opportunity to begin what must necessarily be an ongoing parliamentary debate on the situation in Iraq. It is important that we discuss this international conflict in the context of the welcome break that has been provided by today’s announcement that the Iraqi government will unconditionally allow weapons inspectors back into Iraq. The announcement provides an opportunity for calm and rational reflection. This reflection is necessary if the international community is to continue to work together to achieve positive outcomes, rather than spout the warmongering rhetoric that we have heard from George Bush, John Howard and Alexander Downer in the last few months. In their response to today’s announcement, the US administration have confirmed their real agenda, which of course is regime change.

International situations such as these are complex, yet the United States administration continue the hard sell of their simplistic solution of regime change. For the handful of people who continue to believe that this is about September 11 or about removing dictators who possess and develop weapons of mass destruction, let the US response to to-
day’s announcement be a wake-up call: the game is up; it was never about that and it was never going to be.

All international conflicts are about strategic interests, and this is no different. It is about US strategic interests in the region and the US domestic political situation. The modern history of the Middle East has been about the US and the international community trying to dominate affairs in that region. Some of this engagement has been constructive, but the current rhetoric is totally unproductive and clearly focused on extending US influence in the region, particularly relating to resources. ‘Regime change’ is marketing jargon for putting in place a new US-friendly government. Regime change does not mean democracy, improved human rights for Iraqi civilians or stability in the Middle East; it simply means putting in place someone the United States can do business with.

September 11 had an enormous impact on the United States. The need for the US to avenge this tragedy has been pinned to the so-called ‘war on terrorism’. It is hard to have a war on a concept, so now we have the war on Iraq. Also influencing the US government are the corporate collapses that have occurred in the US, which are not helping the Republicans’ re-election chances in the upcoming congressional elections. And no amount of weapons inspections will change that.

The Greens believe that it is imperative that the international community addresses instances of militarism, violence and oppression. There is a responsibility on democratic and peaceful governments to assist others in achieving democracy and stability. As part of the international community, we must urgently address global poverty, inequality and human rights abuses. It is worth restating the obvious fact that if half the money and energy that have been poured into warmongering were directed towards achieving peaceful outcomes we might already have achieved many of these solutions. This is something we should not forget when we talk about committing vast resources to the destructive course of war.

We should use Iraq as a model for how the international community should resolve difficult situations. Indeed, if we want to achieve long-term stability in Iraq we need to start by laying off the rhetoric. It was not bullying that achieved today’s breakthrough. The US has been flexing its muscles for months on this issue. George Bush made it clear that he would not be satisfied with inspections, but the rest of the world has forced him to re-open that option. It was the concerted international pressure exerted by the United Nations that finally brought Iraq to see sense on this issue. This kind of pressure can and should be used to push the Iraqi situation to a peaceful resolution.

We must then take a range of measures to restore dignity and prosperity to the Iraqi people. Democratic reform is a luxury for people whose basic needs of clean water, food and health care are not being met. The innocent citizens of Iraq have suffered not only under the dictatorship of Saddam but also through the punishment of the international community’s brutal and inhumane sanctions regime. Basic infrastructure must be restored and sanctions wound back so that they are tightly focused on weapons capability. There are numerous examples of governments that have been condemned internationally and have even been subjected to sanctions while at the same time there has been direct assistance to their people. The Oil-for-Food program fails on this test. Organisations and individuals of many nations worked within South Africa during the apartheid regime to help black communities resist the regime and move towards democracy. The idea that all the people of South Africa should have been isolated and condemned because of their oppressive government is clearly ridiculous and unjust. This is also true for Iraq.

There must also be justice for the abuses and atrocities perpetrated by the leaders of these countries. When there is evidence of crimes against humanity, the perpetrators should be tried. We already have a proven mechanism for doing this, in the International Court of Justice. It is appropriate for us to pursue justice, not vengeance. The peace that the Greens are talking about is not a passive response to a dictator but the only way to achieve a lasting peace in the region.
The Greens have called, and continue to call, for UN involvement in a program for peace. But we do not support war, even with United Nations endorsement. The United Nations might be the only forum that can bring peace, but United Nations support does not justify an invasion.

There is a serious risk that the United States, in its overwhelming dominance, will be able to persuade and coerce nations to support a course of action that is against their better judgement. We have seen here in Australia that even overwhelming opposition from the electorate will not stop a government that is determined to make its international masters happy. The Greens in parliaments and on the streets all over the world have been pushing for programs for peace. Here in Australia we call on the government to take an opportunity to step back from the terrible game of brinkmanship that the United States has drawn us into.

Australia must play a lead role in the international arena to pursue justice, democracy and peace. The path to peace is not as simple as a call to war, but it is the only responsible course of action and it is the only way that we can achieve long-term peace in the region.

Senator RIDGEWAY (New South Wales) (8.13 p.m.)—Like my colleagues in the Democrats, I want to take the opportunity to explain to the broader community why I am opposed to Australia becoming involved in a first strike against Iraq, or any other form of unilateral action by the United States against the Iraqi people. First and foremost, it is unquestionable that the fallout of a military attack on Iraq will increase the suffering of innocent Iraqi people and create another human rights crisis in the Middle East. It will undoubtedly interrupt the UN Oil-for-Food program and, more particularly, the supply of much needed medicines. It will destroy much needed infrastructure and it will cause a breakdown in communication in coordinating efforts to alleviate existing suffering after more than 10 years of sanctions.

If such an attack is proven to be necessary for world peace and security, it must first be mandated by the United Nations Security Council. International law and the framework provided should show the way in which these issues are resolved and the role of the United Nations must become pre-eminent in this goal. I have heard what the Australian government has said on this occasion, but in particular I want to hear from the UN Security Council about whether it believes that Iraq poses a threat to international peace and security. I want to know whether Saddam Hussein, and his regime, is responsible for this and why some 16 UN resolutions on Iraq since the Gulf War have been ineffective. I want the government of the United States of America to provide to the international community clear and comprehensive evidence justifying the use of self-defence against what is seen as an impending threat. For it to include Australian military forces, it must be demonstrated to be consistent with Australia’s interests and our support for the rule of international law.

The people of Iraq have already been subjected to an international invasion in 1990. The United Nations estimates that 150,000 Iraqi civilians were killed in that episode of war and that, furthermore, approximately half a million Iraqi children have died as a consequence of either the sanctions or the residual effects of the war. Whatever infrastructure and basic services have not been destroyed by the war and the crippling sanctions will almost certainly be destroyed by the new aggressive proposals.

I do not believe for a moment that the Iraqi people understand why they are once again being threatened with war when they already live under a brutal dictatorship. They do not believe that they deserve the consequences of renewed military actions when they have already suffered so much. If Australia is prepared to support multilateral military action against Iraq, we must equally be prepared to advocate and assist in rebuilding. This has not been occurring in Afghanistan, but a reconstruction plan for war-affected Middle Eastern countries modelled on the Marshall Plan will obviously be fundamental and necessary.

In addition to the grave humanitarian consequences, a war on Iraq would almost certainly impact heavily on Arabic Australians and Muslims who will again bear the brunt
of the anger, fear and racial hatred and vilification that come with the climate of war. As Dr Nabil Sulaiman, the Acting Chair of the Australian Arabic Council, recently warned:

Our experience during the Gulf War, and also in light of September 11 and the so called War on Terror, has proven that it is Arab Australians who often are the public target of ill-informed frustrations, anger and fear in these times of impending and actual war.

As elected representatives of the Australian people, we have a responsibility to ensure that the parliament and the government of the day act in the best interests of all Australians. We have a responsibility to show leadership and to ensure that our actions do not further fuel racism and vilification in our country or anywhere else in the world for that matter.

The Australian Democrats are also deeply concerned by the Howard government’s eagerness to support US unilateral action against Iraq. We believe that this will jeopardise the viability of the Security Council, the one institution with a mandate under international law to ensure the maintenance of international peace and security. The United States and Australian governments are effectively playing Russian roulette with the future of the United Nations. That is an irony when you consider that the Charter of the United Nations was developed by the international community in the wake of two world wars to rid the world of the scourge of war. It is unclear in my mind whether, on joining the international fight against terrorism, the Howard government decided that this battle provides an opportunity to affirm the principles of human rights and international law or a new reason to ignore them.

At the core of the fight against terrorism is the need to foster a stronger international human rights culture. The body of international human rights and humanitarian law sets limits on permissible conduct and no government should be tempted to compromise or ignore the values and principles it enshrines. As Kenneth Roth, the Executive Director of the Human Rights Watch committee, recently commented:

Building a stronger human rights culture—a culture in which any disregard for civilian life is condemned rather than condoned—is essential in the long-run for defeating terrorism.

The UN Security Council is the one international institution capable of resolving the Iraqi situation without more bloodshed. The Australian government should be doing everything possible to utilise the extraordinary capabilities of this institution rather than trying to sacrifice it on the altar of power politics. Despite the very welcome announcement today by the Iraqi government that it has unconditionally accepted the return of UN weapons inspectors, the Bush administration has made it clear that this is not enough to rule out a military attack or unilateral action by the United States. As the US Vice President, Dick Cheney, commented on the weekend:

It’s not going to be enough here simply to invite inspectors back in and say ‘there, the problem’s solved. [Saddam’s] going to have to produce the weapons of mass destruction stockpile and he’s going to have to destroy it.

Statements like that only make confrontation more likely.

Iraq is not alone as a serial breacher when it comes to the UN Security Council and its resolutions. The international community is beginning to question why the United States has not threatened unilateral action against some of the other countries that are also serial offenders when it comes to breaching demands from the UN Security Council. Israel, Palestine, Cyprus, India and Pakistan are some of the countries that have openly defied UN Security Council resolutions, in some cases over successive decades. Similarly, why is Iraq being singled out as the greatest threat to international peace and security when a number of other countries have amassed weapons of mass destruction, including nuclear weapons?

Tensions have recently been pushed to the brink between the two Koreas, and also in the Kashmir region. The world has looked on, fearful that weapons of mass destruction could have been deployed with the attendant loss of innocent lives and destruction of property. Yet on that occasion the United States did not threaten unilateral action in these instances, nor did the US demand
tougher UN Security Council resolutions or compliance with them.

Finally, I remind the Senate and the Howard government that this is not the first time in our nation’s history that we have given our blind loyalty to another country. I refer of course to action taken by Robert Menzies and a majority of his ministers in 1956 at the time of the Suez crisis when Australia went out of its way to side with Britain, France and Israel against the Egyptian government. The historical parallels between the Suez crisis and the current situation in Iraq are striking. The Menzies government was quite conscious that its unconditional support for the British government could do Australia little material good and possibly substantial harm, yet we persisted with international actions that placed undue strain on our relations with other Commonwealth nations like Canada, India, Pakistan and so on, and including the United States on that occasion. The danger that Australia might have been pulled into a war on Britain’s heels was recognised and accepted by Menzies, but he chose to run that risk just as his contemporary devotee, Prime Minister John Howard, is doing in the current crisis. We also need to consider the impending trade costs of unilateral military action, the cost to relations with our Muslim neighbours and the cost of putting forward an America first foreign policy, as this government is.

In conclusion, the Australian Democrats call on the Prime Minister to work constructively and cooperatively with the international community to ensure that a multilateral approach is taken in relation to Iraq. Any strike against Iraq must be acceptable according to international law and it must have international support and legitimacy, as the Gulf War did. The world is mourning the death of thousands of innocent people as a result of senseless international attacks that occurred a year ago. We should be learning from that experience and be doing all in our power to avoid another human tragedy on such a scale.

Senator LEES (South Australia) (8.22 p.m.)—Tonight we are debating Iraq’s non-compliance with the UN Security Council resolutions, and we have been promised another debate if there is any contemplation of any Australian involvement should there be military action against Iraq at some stage down the track. But we cannot neatly separate out these two issues. The noncompliance with UN resolutions is the formal excuse the US needs to justify its quest to remove Saddam Hussein and put in place another regime in Iraq. We have all heard a statement today that Saddam Hussein has decided to allow the weapon inspectors back again. I think most of us have also heard the US’s very sceptical response to that statement. The details of this Iraqi move will be analysed over the coming days, but one gets the impression that this is not what the US really wants. The US now at least faces a delay before it can get on with what it sees as unfinished business from the time of President Bush’s father’s Gulf War back in 1990.

Iraq has, without doubt, been in breach of at least eight UN resolutions. As to how many of these it is adequately going to address now after its decision, only time will tell. Also, time will tell how the United Nations will respond to what Iraq is doing and how the US will further respond to what they think is the likelihood of Saddam Hussein abiding by all that he has been required to abide by. We will also see, no doubt with interest, the response of the other Gulf states—other Muslim countries—and also the response of those countries that the Bush regime are hoping will be potential allies, such as Britain. All of this will become clearer over the next few days.

The US has been using international law to argue its case for military action. What a shame that the US is not interested in other international actions and agreements, such as the International Criminal Court and the Kyoto treaty on climate change. It certainly has been very selective, as a number of other senators have said, with respect to whom it is upset with as far as noncompliance with United Nations Security Council resolutions is concerned. Of course, Iraq is one of those countries that has been ignoring the UN. There are also other countries, such as Israel, Palestine, Pakistan and India, that either have weapons of mass destruction or have been
ignoring, in some cases for many years, directions from the United Nations.

There has been much flagging by the US over the past few weeks and months of their intention to launch a military strike against Iraq. Indeed, one reads of the build-up of weapons throughout this region by the United States. It seems that one reason is that they wish to avenge the terror of September 11. But what they are saying to the world is that they want to avenge one terrorist act with more terror. They see the bombing of Iraq, and the removal of Saddam Hussein, as part of the retribution for what happened on September 11. Indeed, they see it as part of an international security move that will somehow prevent further terrorist attacks happening anywhere in the United States. They argue that by attacking Iraq they are reducing the likelihood of another terrorist attack on their soil.

Not only is there no clear link between the perpetrators of the violence of September 11 and Iraq; there is no logic in the argument that, by launching a war against Iraq and terrorising its entire population, global terrorism is going to be reduced and that the risk to the US—or indeed any other country—is going to be reduced. In fact, it is highly likely that by attacking Iraq the antagonism and the anger across the Muslim world against the US will increase, perhaps not at government level but at community level. I think that will happen without any doubt. The general population in many Muslim countries will be incensed if the US follows this route. I think a lot of this will be due to the US’s role in a raft of international issues, including all that is happening in Israel and Palestine.

Richard Butler, the former Chief of the UN Special Commission to Disarm Iraq from 1997-99 said:

… Iraq is breaking key international treaties and undertakings in the field of control of weapons of mass destruction.

But having said all of that—and indeed he argues at length about what Iraq has been up to—he also urges extreme caution about Australia’s involvement in any US-led military action against Iraq. He warns that Australia should be very certain that any action is taken for the right reasons. As Richard Butler pointed out, the US has played up and down Iraq’s weapons of mass destruction status as it suited them politically. But quite apart from America’s hypocrisy or otherwise on this issue, there are many vital issues for the Australian parliament and, indeed, all Australians to consider, as over the next few weeks and months this issue continues to face us and threatens world peace.

Firstly, we need to consider the impact on the lives of ordinary Iraqi civilians of another war. They had tens of thousands of tonnes of bombs dropped on them during the last Gulf War. Much of their country’s infrastructure was destroyed. The Iraqi people have suffered years of sanctions that have resulted in tens of thousands of preventable deaths of children, a constant shortage of basic necessities and indeed great hardship for much of the population.

Secondly, we have to consider that we may be decreasing the risk of terrorism and indeed increasing the risk of terrorist activities and further attacks on innocent civilians across the world by religious fanatics. The determination of some extremists will most likely be increased by an attack on Iraq, particularly now there have been some signs that Saddam Hussein is prepared to give in to the UN demands and let the weapons inspectors back. Oppressing people, traumatizing families, entrenching the shortage of basic essentials and condemning people to a life of uncertainty, deprivation and a day-to-day struggle just to survive and pushing them into poverty will breed more terrorists and give potential terrorists a cause.

Thirdly, of course, we must consider the risk of any combat activities for Australians, for Australian Defence Force personnel and their families. We also need to consider the fact that not many Australians support action against Iraq by the United States. As well, there is the impact on the long-term future of the UN, if the United States decides to ignore them and to basically go it alone without the UN’s backing.

I will go back to today’s topic: Iraq’s non-compliance with UN Security Council resolutions and today’s announcement by Saddam Hussein. Exactly what it means will be
tested over the coming weeks and months, as I have already said. I have to stress tonight that I am very disappointed at the US’s response and indeed at some of the words from our own minister, Minister Downer. The US scepticism may be very well founded—we may have every right to be rather cautious—but to describe it as ‘just another delaying tactic’ sends a strong message that war, not compliance with UN resolutions, is what the US really wants.

No matter how horrendous Saddam Hussein’s regime, how bad his human rights record or indeed how many holes the United States can find in today’s announcement that weapons inspectors can go back, there is currently absolutely no justification for any military action against Iraq. I hope that over the coming days and weeks we will see Australia work in a positive sense for peace and not move down the US road of becoming more and more sceptical, looking deliberately for more holes and more justification for war in what Iraq is doing, rather than working constructively towards a peaceful solution.

Senator MACKAY (Tasmania) (8.32 p.m.)—The decision today by Iraq to allow the UN weapon inspectors back into the country is a very welcome development. It demonstrates the importance of insisting on UN processes as a mechanism for resolving the stand-off between the USA and Iraq. I hope that over the coming days and weeks we will see Australia work in a positive sense for peace and not move down the US road of becoming more and more sceptical, looking deliberately for more holes and more justification for war in what Iraq is doing, rather than working constructively towards a peaceful solution.

We have heard this rhetoric before—we heard it in 1991 prior to the Gulf War. We already knew that Saddam Hussein brutally represses his people. We knew that even before 1990, when Iraq was considered a friend by the United States. The Iraqi people are suspicious of the United States. The US has been pushing hard for the UN to enforce the UN Security Council resolutions defied by Iraq but has shown no interest in asking Israel to comply with resolutions Nos 242 and 338, which demand an end to the occupation of Palestinian land.

We also cannot forget that it was Washington’s ill-considered decision to misuse the inspection teams for unrelated spying operations that gave Saddam Hussein the excuse to cease his cooperation completely in December 1998. Since then, there have been no incentives for Iraq to allow inspections to resume. Instead, Saddam Hussein has been able to cynically manipulate economic sanctions against Iraq for local political gain.

In the United States, important congressional elections are only two months away. ‘Why now?’ is the question Democrat lawmakers and strategists are asking about President Bush’s demand that Congress authorise war against Iraq before November’s mid-term elections. An increasing number of United States politicians are questioning whether the timing—60 days before an election—is designed to benefit Republican candidates. Just last Friday, President Bush told Democrats not to wait for the United Nations to act. In relation to the congressional elections he said:

“If I were running for office, I’m not sure how I’d explain to the American people—say, vote for me, and, oh, by the way, on a matter of national
security, I think I’m going to wait for somebody else to act,” he said.

He was clearly referring to the congressional elections. Two weeks ago the headlines in the United States were about a lethargic economy, a depressed stock market and corporate misdeeds; the news about Iraq was about policy disagreements amongst Bush advisers. Now the debate has shifted almost entirely to preparations for military action—a Republican favourite. The hardball politics President Bush has exhibited should cause doubts amongst would-be allies, including Australia, about the purity of his motives.

It also contrasts Bush’s stance with his father’s decision, 12 years ago, to postpone a vote on hostilities with Iraq until after the mid-term elections. That the Australian Prime Minister has been so willing to follow the lead of George Bush and these neo-conservative Republicans is alarming, to say the least. There has been no justification given to the Australian people for blindly rushing to fall in behind US calls for any unilateral pre-emptive action by the United States against Iraq. There has been no separate consideration of Australia’s national interest—just a slavish following behind every step George Bush has taken.

In the past, both the Prime Minister and Minister Downer have been consistently disparaging of the United Nations. However, now they have changed their tune—no doubt in response to the changing polls. On both the question of the UN Security Council’s role and the question of a formal parliamentary debate, the Prime Minister has been a follower and not a leader. This stance has increasingly axiomatically alienated the Australian people and again demonstrated a lack of leadership. As Minister Hill said today, Australia does have a major stake in the stability of the Middle East, and not just for trade reasons. But the government has to concede that a war against Iraq would also damage this stability.

The key issue now rests with the strength of evidence on Iraq’s weapons of mass destruction. That is what poses a threat, that is what has to be established and that is the case which needs to be made. Today we heard nothing from the Minister for Defence or the Minister for Foreign Affairs that we did not already know. The Prime Minister owes it to the Australian people to make the case for Australian involvement in any military action, to clearly explain the reasons and to present the evidence supporting this position. So far, even in today’s debate, this has not yet taken place to the standard required by Australian people in a democracy. Stronger evidence is needed before they would be willing to sanction any Australian military involvement and the consequent dramatic loss of life that such action could potentially entail for anybody caught up in this war. We cannot play politics with the lives of Australian servicepeople or with the lives of the innocent people of Iraq, who have already suffered enough.

What the world wants to know is: does Iraq have nuclear capability? There have been many claims and counterclaims on this issue. Despite speculation—particularly by those who seek an excuse to invade Iraq—of possible ongoing Iraqi efforts to procure weapons of mass destruction, so far no-one has been able to put forward any evidence that the Iraqis are actually doing so, although they have certainly done so in the past. In the aftermath of the 1991 Gulf War and the subsequent inspections regimen, almost all of Iraq’s stockpile of weapons of mass destruction, its delivery systems and its capability of producing such weapons were destroyed.

Although Iraq’s potential for developing weapons of mass destruction should not be discounted, Hussein’s refusal to allow UN inspectors to return and, until recently, his lack of full cooperation prior to their departure did not necessarily mean he was hiding something, as has been alleged by government members. It was possible that the previous Iraqi opposition to the inspections program was based on what I can only describe as Washington’s abuse of UNSCOM for intelligence gathering operations, and represented a desperate effort by Saddam Hussein to increase his standing with Arab nationalists by defying Western efforts to intrude on Iraq’s sovereignty.

This issue will now be pursued by the United Nations, and any new evidence gathered by the UN weapons inspectors should
be presented to the Australian people. This is the course that has been advocated by the Labor Party since April. We believe there needs to be a two-stage process: a reasonable and finite timetable given to Iraq to comply, and a second stage in which, if Iraq does not comply, appropriate action is considered and arrived at collectively. That is the sensible way to proceed in relation to this: to go through the United Nations, to go through the multilateral framework, and to go forward in coalition. It is demonstrating that we as a group of nations, a collection of nations, want to have the United Nations' authority adhered to. That is the position that has been consistently advocated by the Labor Party, and I believe that is the only position that the Australian people will agree to.

Senator ALLISON (Victoria) (8.40 p.m.)—The war against Iraq, according to the government, is about addressing weapons of mass destruction. Minister Downer said at the United Nations General Assembly last week:

Australia, for its part, intends to pursue practical and effective measures through international non-proliferation treaty regimes and export control arrangements. These regimes and arrangements have delivered tangible security benefits, and should be supported strongly.

The Democrats strongly and warmly welcome this commitment to disarmament. We hope it is a commitment to global disarmament, not just to the disarmament of Iraq, but somehow I doubt that this is the case.

This evening I want to concentrate on what are arguably the worst weapons of mass destruction—nuclear weapons. There are tens of thousands of nuclear weapons in the world today, and yet so far there is not a shred of evidence to show that Iraq has even one. It was close to getting one back in 1991, but there is no evidence to show it has one now. The US and Russia continue to maintain enormous nuclear weapons arsenals despite the nonproliferation treaty that legally obliges them to negotiate to achieve the total and unequivocal elimination of their nuclear weapons. The United States get around the testing moratorium with subcritical nuclear weapons testing. The last of those was in Nevada on 29 August. The United States also refuse to sign the Biological Weapons Convention. What biological weapons of mass destruction, we should ask, does the States have?

The United Kingdom has 250 nuclear warheads. Australia is, of course, still paying for the testing that the United Kingdom did here in the 1950s. The US has 12,000 warheads in total; Russia has 22,000. France has 450 warheads; China, 400. India has somewhere between 65 and 100 warheads, and Pakistan between 35 and 50. The India-Pakistan situation has been described as the world's most dangerous nuclear stand-off, with leaders on both sides freely using the nuclear threat across the line of control in Kashmir. Israel has 100 to 400 warheads. General Lee Butler, head of the Clinton strategic command in the early 1990s, said:

It is dangerous in the extreme that in the cauldron of animosities that we call the Middle East, one nation has armed itself, ostensibly, with stockpiles of nuclear weapons, perhaps numbering in the hundreds, and that inspires other nations to do so.

He was referring to Israel. Iraq does not have nuclear weapons, but it does have about 20 primitive medium-range missiles that could reach cities in only five neighbouring countries—there is no chance of their reaching Canberra and no chance of their reaching New York. Iraq probably also has biological and chemical capabilities. I think we need to ask: would an attack on Iraq prompt Iraq to attack Israel using these medium-range weapons? If that happened, would Israel respond with a nuclear strike?

North Korea probably has one or two warheads. Of course, North Korea was named by President Bush as another of the axes of evil. Whatever weapons Iraq has, it has absolutely no hope of obtaining anything like the same level of weapons of mass destruction as the US, Russia, France, China, the UK, India, Pakistan, Israel or even North Korea. It may have imported aluminium tubes which might be used in the manufacture of a centrifuge to manufacture weapons-grade material, but according to all the experts it is extremely unlikely to have actually made nuclear weapons or even to get them in the near future.
United Nations weapons inspector Scott Ritter has described the idea that Iraq has nuclear weapons as patently ridiculous. He says these are aluminium tubes coming in for civilian use; they are not being transferred to a covert nuclear-processing plant. The head of the UN weapons inspections program, Hans Blix, said this week that satellite images of construction at old nuclear plant and missile sites:

... are useful for us to decide on where we might want to go but nothing more. They are not proof.

The assumption is that Saddam Hussein used biological warfare on the Kurds in 1988 and would therefore use it again. I would argue that America dropped an atomic bomb on civilians in Japan but that does not necessarily mean that America is dangerously likely to use one again.

It is not generally known that in the Gulf War and the war against terrorism in Afghanistan nuclear weapons of mass destruction were actually used. Well-known campaigner Dr Helen Caldicott reminds us that waste radioactive material, or depleted uranium, has already had devastating health consequences for the Iraqi people. Depleted uranium comes from the enriched uranium used for power generation, and of course it is very convenient for the United States to get rid of their waste in this way. It is very radioactive and, because it is 1.7 times more dense than lead and is much less expensive than titanium, it is commonly used to make armour-piercing shells. Depleted uranium is used in everything from bullets in guns and shells in cannons to anti-tank weapons. This is because the shells can go through armoured steel plate. But, when these shells hit, they burn and produce tiny particles of uranium oxide less than five microns in size that are easily inhaled into the air passages.

Depleted uranium is an alpha emitter and is highly carcinogenic. The incidence of childhood cancer in Basrah in the south of Iraq, where 1.5 million people live, has increased from six to 12 times. Genetic malformations have doubled and many grossly malformed babies die within days of birth. A doctor there who trained in the UK and the US said recently that when he was in England he would only see a case of bone cancer about once every three years, but he was seeing one a fortnight in Basrah, where depleted uranium warheads were used extensively. Depleted uranium has a half-life of 4.5 billion years and it will go on causing cancers and genetic diseases in the people of Iraq forever. Professor Robert Hunter says that 500 tonnes of depleted uranium were used in the Gulf War and much of that is still there. At the military firing range in Indiana, where these weapons were tested, it cost $5 billion just to clean up the contamination. No such clean-up has taken place in Iraq.

Weapons used against Iraq in the Gulf are weapons of endless mass destruction, and the Australian government has not said a word against their use by the United States. Senator Ferguson says only Iraq has used weapons of mass destruction—I don’t think so. Some observers say that the US is singling out Iraq for action because Saddam is a more tangible target than Osama bin Laden and the rest of Al-Qaeda—one way of dealing with unfinished business. Perhaps Khomeini is right in saying that the US wants to control Iraq’s oil reserves—the second largest in the world. Whatever the motive, Australia should not join in this potentially catastrophic attack. The case has simply not been made.

I do not condone the actions of Saddam Hussein—I believe him to be a dangerous and brutal mass murderer—but when he was committing his worst atrocities against the Kurds the United States regarded him as an ally. During the Iran-Iraq war of 1980-88, the US actively supported Saddam and was aware that Iraq was using chemical weapons against Iran. The former President Bush authorised loan guarantees and the sale of advanced technology, knowing that it had application in weapons of mass destruction, right up to the day of the Kuwait invasion, and Britain was still selling Iraq military equipment and radioactive materials a few days after the invasion. We are all expected to forget this history and the complicity of the US in equipping Saddam Hussein with weapons of mass destruction. We are expected to believe that the Gulf War did not destroy Iraq’s capacity for war-making and that we must attack again—I do not think so.
This attack is a high-risk tactic that defies logic and Australia should play no part in it.

Senator CROSSIN (Northern Territory) (8.49 p.m.)—I rise this evening to contribute to this debate on the ministerial statement on Iraq. I would like to state at the outset that I do not believe at this point in time that a case has been made for us to even contemplate taking any sort of warlike action in the international arena against Iraq. I want to make a case for that based on the fact that in the Northern Territory we have a substantial number of people who are in the Australian Defence Force. These people are committed and professional Defence Force personnel. They have, as their first priority, the defence and security of our country and they will uphold any commitment that either this parliament or this government might ask them to undertake. But that does not stop us in this parliament from considering very seriously the impact that any such action would have not only on what happens in the international arena but also on what happens to these very people in the Northern Territory who are members of the Defence Force and whom I represent. I know it is their profession, but this is an extremely serious business.

Nobody actually likes to talk about going to war or to even contemplate what that would mean for us. I believe that at this stage any outcomes we, as a nation, are seeking to achieve can be achieved through diplomatic means. We talk about whether or not any suggestion that we would join with the USA in any pre-emptive strike would be in the national interest of this country. This government has yet to define exactly what it means by us taking such severe action and whether or not that would be in our national interest.

That is not to say that we do not value the security and the relationship that we have with the USA, particularly with respect to our position in the South-East Asian region. But this does not mean that our national interest is each and every time the same as the national interest of the USA. Not each and every issue that we are going to come across will exactly match what the USA is seeking to achieve on this issue. Nor do I think that we should automatically agree to fall in line and do whatever is asked of us by the United States and its President and surrender ourselves to achieve America’s goals. What are America’s goals in the actions it has taken over the last couple of months? Are they Australia’s goals? Is what America is seeking to achieve in our best interests and in our national interest? I do not believe that a case has been made at this stage that would warrant us supporting, in any way, the sending of our people, our men and women, to Iraq to achieve whatever we perceive might be within be our national interest—whatever that is.

This is a time in our country’s history when we need to be cool-headed about this. There is no doubt that the events of September 11 changed the world and changed the way we feel secure about our right to stake a claim in this world. Never did we believe that we would see the events of September 11 playing out before our very eyes, other than in some movie. Never did we dream that that would happen in this day and age. But if this is about the international war on terrorism, if this is about trying to stop the people that were involved in the September 11 attacks, then I think we do need absolute evidence that that is the case. We do need further evidence that the government of Iraq has been absolutely involved in those attacks. To date we do not have evidence that that country has weapons of mass destruction, nor do we have evidence that it is involved in terrorism.

This is not about defending what we believe is right; this is about ensuring that, if action needs to be taken, proper diplomatic channels have been followed and exhausted as much they can be. This is about ensuring that whatever actions we take and whatever actions this parliament decides we ought to take will enhance what we are trying to achieve. I think we have yet to crystallise what we are trying to achieve.

There is no doubt that today we welcome Iraq’s decision and the letter they have given to the United Nations in regard to allowing weapons inspectors into their country to have a look at what is happening. That proves that the process through the United Nations can work. It proves that all avenues have yet to
be exhausted. It proves that, where countries unilaterally and collaboratively work together, pressure can be put on countries, such as Iraq, to open up their doors and listen to what the United Nations is saying. I know that Iraq have not at all had a good track record in this and have defied the requests of the United Nations many times before. It may well happen again at this point in time. But today has seen at least a step forward—and I believe that step forward is through the United Nations.

What we already know about what Iraq have and what they obtain is on the public record. There is not yet sufficient evidence that the general public in this country is satisfied with that warrants any pre-emptive strike or any military strike at all on that country. As I said, today’s decision by Iraq shows the importance of our insisting on the United Nations process. I believe that we now need to give Iraq time to comply with the request and their commitment today to do that. We now need to give the United Nations time to work with this country as best they can in ensuring that that happens. If that does not happen, then we need to be there with the international community while there is a long, considered and deliberate debate about the next appropriate action that is needed, and that should be arrived at collectively.

I do not think that this government has yet put a compelling case in relation to our Australian defence forces being committed, along with any US military action against Iraq. I am yet to be satisfied and convinced that there is a compelling case at this point in time for that to happen. The general public does not believe that evidence or a compelling case has been put before them yet either.

We also need to remember the many thousands of innocent victims that any sort of military action in any country will generate and the many thousands of people who will be affected by any such action that the international community seeks to undertake. We have seen that happen in Afghanistan. We still see it happening as a result of the Gulf War. We do not want to create another collection of citizens within our international community who become the innocent victims of some sort of retaliatory strike by the United States, with us assisting them. It simply opens the door for other countries to launch unprovoked attacks. I do not think that that is what this country wants to be on about and that the people of this country want to see this government supporting.

I am yet to be convinced that any attack on Iraq will lead to greater peace. I am yet to be convinced that any military attack would lead to any further international security emanating around the world. I do believe that the United Nations process needs to be exhausted and supported and that we need to be there to assist the United Nations to deal with this as they are best equipped and able to do. Until a case is put forward that we should join the United States in this action, until the national interest is actually defined as to exactly what we would want to get out of such a strike, then I believe that we should let the United Nations take its course and we should support them to do so. (Time expired)

Senator KIRK (South Australia) (9.00 p.m.)—I welcome the opportunity to speak today in the Senate on this important matter. It is imperative that the federal parliament be given time to debate this matter of national and international significance. I also welcome the decision announced today in New York by UN Secretary-General, Kofi Annan, that Iraq will allow the UN weapons inspectors back into the country without conditions to continue their work. This is an important breakthrough, and it vindicates Labor’s long-held view of the importance of insisting upon the UN processes as a mechanism for resolving the situation in Iraq. It is essential that the processes of the UN be fully exhausted and that a diplomatic settlement of the situation in Iraq be reached to avoid the need for war.

Since April this year Labor has consistently called for the pursuing of the processes of the UN as the most effective way for the international community to resolve the Iraqi stand-off. Labor has argued that the international community should now move towards a five-stage approach to resolving the Iraq situation as follows: firstly, the early convening of the United Nations Security Council meeting; secondly, the Security Council
should determine a reasonable but finite time frame for the return of UN weapons inspectors; thirdly, the council should not tolerate any Iraqi noncompliance or partial compliance with the execution of UNMOVIC’s mandate in Iraq; fourthly, the council should then reconvene immediately to reach a decision as to the adequacy of Iraq’s compliance; and, finally, if Iraq does not comply, the council should resolve the most effective form of collective action against Iraq in accordance with the UN Charter. In the event that diplomacy fails, Labor’s policy is that support for military action would only be considered if there is convincing evidence either of Iraq’s complicity in the terrorist attacks on September 11 or of a significant increase in Iraq’s weapons of mass destruction capability and threat.

The exhaustion of UN processes in this way has been part of Labor’s policy since it was formally adopted in April this year. Consistency on this issue cannot be attributed to the government. In May this year the government, through its defence minister, indicated that it would support a US-led preemptive military strike on Iraq. In July, the Minister for Foreign Affairs claimed that Labor’s refusal to identify with the government’s endorsement of any US attack on Iraq was equivalent to appeasement. In August, the foreign minister went a step further and, in an outrageous outburst, accused the opposition leader of ‘talking like Saddam Hussein’.

By early September the Prime Minister heard that US President George Bush had decided it was more appropriate to pursue the proper UN mechanisms to achieve support for resolving and enforcing Iraq compliance. Immediately the Prime Minister changed his tune and the government’s rhetoric. Less than a week ago the Prime Minister, parroting President Bush, spoke of the government’s new-found enthusiasm for multilateral processes. The next day the Prime Minister announced that he would permit the foreign minister to make a ministerial statement in the parliament. That statement was made this afternoon and this debate is in response. The decision to allow full parliamentary debate on Iraq was taken by the government following the lead of the Blair government to recall the UK parliament to debate the matter. In my view it is imperative that the actions of the executive government in this country be overseen and made fully accountable to the parliament, as the representatives of the Australian people.

The Australian Labor Party has consistently called for action to be taken against Iraq only if it is done for the right reasons. There must be considered, intelligible and coherent reasons for action to be taken if such action is to be viewed as representing more than merely the sheer exercise of power. In the words of Richard Butler:

The problem with raw masculinity … is that it triggers a chain of events: of action and reaction. No conclusion, no victory, even by a great power will be permanent. More importantly, if great power is seen to be used without regard to reason, law or principle, then its use weakens civilisation itself.

Labor recognises the need for resolving the current stand-off in Iraq. Labor has long recognised the centrality of international law as a key Labor value since the establishment of United Nations and the work of the great H.V. Evatt.

There are credible grounds to condemn Saddam Hussein’s Iraq as contrary to the principles of international law and accepted human rights standards. Firstly, Saddam’s Iraq is in violation of at least eight binding resolutions of United Nations Security Council. To allow such a situation to persist does untold damage to the authority of the United Nations Security Council’s unique law-maker role in international law relating to peace and security. Secondly, Saddam has an appalling human rights record. The UN human rights rapporteur has said that his record is the worst since Hitler. Thirdly, Iraq is in breach of key international treaties and undertakings in the field of control of weapons of mass destruction.

In the almost four years since the UN weapons inspections ceased in Iraq, there has been a constant flow of reports from intelligence and other sources that indicate that Saddam has reinvigorated his weapons of mass destruction development. Perhaps most disturbing are the reports of rapid develop-
ments in the nuclear and biological areas. The benefits of addressing these three serious infringements of international law are significant. Their effects would be felt throughout the Middle East and beyond.

It is evident that the US administration is not ruling out military action to remove Saddam Hussein. Although such action is at present only hypothetical, a number of questions need to be asked as to the benefits of such action. Firstly, would such action be effective? Can it be achieved, and at what cost? What would be the cost in terms of loss of combatants and civilians? Would such losses of life lead to an abandonment of the action before its aims were achieved? Would attempts to remove Saddam be successful? Who would be his successor? Would the new government have a different attitude to the problems that currently exist under Saddam? On the matter of Iraq’s alleged weapons of mass destruction capacity, would it be destroyed by military action? Or would such capacity be used by Iraq in response to military action?

These questions must be fully debated in this parliament before any decision is made to commit Australia to military action as part of an international alliance. The parliament, on behalf of the Australian people its members represent, needs to be convinced that action against Iraq is taken for the right reasons and that military activity and targets reflect this. If Australia is to be a respected alliance partner, not merely an extension of the US machine and under US orders, we must have ample opportunity to debate these issues. We must strive to salvage, from what is often considered to be a compromised international system, whatever principles of law and good conduct are still able to be preserved. At this point in time, it is by exhausting the processes of the United Nations that this can best be achieved. This is, and has been since April, the position of the Australian Labor Party. It is the only process that will give reason, law and principle to what will be the exercise of great power. Without this, the use of such power will weaken our democracy and the strength of the system of international law.

Senator MOORE (Queensland) (9.08 p.m.)—It is valuable that we have this long-awaited discussion concerning Iraq, and much more valuable that we are engaging our community in the discussion. We know that Australians have been concerned about the concept of war. Media, surveys and many approaches to politicians of all parties reflect this concern. I have been contacted by members of the community with their fears, their personal experiences of past wars and their growing anger about the apparent message from our government of the inevitability of armed conflict.

This debate is not a matter of strength or patriotism. Peace is not a fall-back position. It is not weakness or appeasement. It is not ‘speaking like Saddam’ or somehow not being Australian, and it is not turning our back and hoping that the problem will go away. Peace is always in the national interest. Labor Party policy has been consistent. As a member of the international community, we support the role of the United Nations in seeking an ongoing solution to the situation in Iraq. This must involve clear and open access given by Iraq to UN weapons inspectors. We will not accept military action on the basis of hidden reasons or secret agendas—something like ‘Trust us; come to war’—and we do not believe that countries should take unilateral military action. Peace must be built from a basis of international law and collective security.

We have a strong heritage of commitment to the United Nations. This organisation was not formed to dictate or enforce solutions, rather to seek peaceful solutions through every method possible. This can lead to military options but in no way supports the concept of pre-emptive action or the imposition of force which reflects the very behaviour and actions which we seek to change. The first words of chapter 1 of the United Nations Charter are as follows:

The Purposes of the United Nations are:
To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about—
and I stress the next words—
by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace ...

When Jessie Street, the only woman in the Australian delegation to the formation of the United Nations in 1945, was working to develop the fledgling organisation, she was motivated by genuine internationalism and a desire to overcome the abominations evident in the horrors of world war. She had been there and she did not like it. Her statement in a speech made for the Stockholm Congress for Disarmament and International Co-operation rings true today in our Labor Party policy:

One of the main tasks of all who want peace is to bring organised pressure on their governments to compel them to use the machinery of the United Nations and to conduct international relations according to the principles of the charter.

Later the same woman said:

The times are pregnant with danger. We must cease to accept the popular propaganda line. We must think for ourselves and act.

That quote relates immediately to our current situation in 2002. Australians share a commitment to democracy and freedom. The leadership in Iraq has earned our condemnation. We have listened to a litany of practices and actions, both internationally and against its own people, that are wrong and offend our concepts of human rights. We agree on this. However, any attack on Iraq will not just affect the leadership and, in particular, Saddam Hussein—one man, one dictator. War will affect all the Iraqi people. The Labor shadow foreign minister, Kevin Rudd, in his address in the other place today, described the impact of any commitment we would make to war. He said:

When Australia commits our men and women in uniform to war, it must be for good reason and there must be no other option.

We believe that all positions and options must be exhausted before any decision is made to wage war involving our men and women in uniform. This war will also impact upon the men, women and children—most not in any uniform—who are living in Iraq.

There are volumes of evidence itemising the victims of war. Only recently we observed the horrors in East Timor. There are no borders, there are no boundaries, there are no restrictions. Any decision to take military action is not clinical, it is not safe and it must not be easily made. We as a country must be strong and not be bullied, shamed or coerced into military action. There are options, and Australia has the real opportunity to lead in a discussion on peace rather than a debate on war.

We are committed to the United Nations process. We acknowledge that Iraq is not a peaceful country and that we do not want to live there. We know that there is little trust in our relationship with Iraq. Its actions over the last 10 years have not given us any reason for that trust and little has changed, if anything, since September 11. However, there is a responsibility to our own people, to the people of Iraq and to the international community for us in this house to seek all options to war, to offer a genuine alternative to militarism and to work to rebuild trust in the law based system of international relations. Minister Downer has said today that we have good reason to be extremely worried. We do, but we also have the chance to be committed to a genuine peace and to communicate with all Australians so that any decision that is made is clear, justified and accepted.

Senator BUCKLAND (South Australia) (9.15 p.m.)—I rise to take note of the foreign minister’s statement on Iraq and the comments made by Senator Hill this afternoon. Senator Hill said that experience with Iraq demonstrates that the international community must not take Saddam Hussein’s comments at face value. One could argue that this comment is a little steep considering that experience with the Howard government demonstrates that the international community must not take John Howard, his government and his commitments at face value—commitments for no GST, commitments on health and commitments on education. We have to draw the line somewhere and one has to question whether the commitments that John Howard is making are the government’s
commitments or in fact commitments dictated from elsewhere.

During Minister Downer’s meeting with the Iraqi foreign minister, Mr Downer asked the Iraqi minister why, if Iraq has nothing to hide, its government refuses to allow comprehensive inspections. Today we have heard that that government and Saddam Hussein are prepared for the United Nations to make open inspections. One has to be careful in trusting these people or in taking them at face value but promoting diplomacy and taking them up on that offer should be the first step to settle any dispute or any future conflict.

As I said last night in the adjournment debate, there is another area of war that we often overlook, and that concerns those who do not themselves participate in the war but who are affected by it. I was making reference to the children of Vietnamese military personnel who are taking their own lives, sadly. If the government can ask what Iraq has to hide from the international community then surely we too can say to the government, ‘What have you got to hide? What are you not telling us?’ It appears that they are not telling us the entire truth about what they know. It is all hush-hush. I think it was Senator Faulkner, in his address earlier today, who made mention of the fact that anything that is purported to be on the record as new evidence has in fact been on the public record and in the newspapers and libraries for some time now.

I think we should expect the Howard government to practise what it preaches. If the Howard government has nothing to hide from the Australian community it also has nothing to fear from the Australian community. I wonder what the Howard government fears—a backlash from the community? It is certainly publicly demonstrating its concern about any attack or any involvement Australia may have without consultation with the public and the community. The Howard government has a record of not really sticking by the commitments and the undertakings it has made.

It is time our government exercised the same transparency that it is now demanding of Iraq. This government has claimed that it has new evidence. That seems to have been proven incorrect. It says it has new evidence on the threat Iraq poses to international security. Today, however, we found that the government has not given us anything new in evidence whatsoever. Senator Faulkner earlier today said that it is the usual double-speak from Mr Howard—new information equals no information. It is my view that the Australian public, particularly on a matter as crucial as the one we are debating tonight, deserve much better than what we are being given. The Australian community want and deserve to know what the government’s plans are and not what other nations are determined to do whilst we all sit back and watch as we follow the rest. It is time that this Prime Minister, who appears to want to retire with a war under his belt, did something to lead this nation rather than be led by others.

Labor’s position has been not only to work through the United Nations system—and we have been consistent on that from the start—but also to allow a full and transparent public debate, and that is being denied to the Australian public. It seems to me that we have got the United States’ President saying that the matter has to be pursued through the United Nations—that is what he is saying now. It would be no surprise to any of us to hear that all of a sudden John Howard thinks the same, but he did not come out and create that idea himself—he followed someone else. At a time when we are in an unstable situation world wide because of the threat of terrorism, the threat of war, we do have to react responsibly. Good government reacts with good leadership; this government has failed.

Senator Ferris—Read the polls this morning.

Senator BUCKLAND—It does not depend on polls, Senator Ferris. It takes leadership to run a nation. We are not getting that leadership. Any new evidence should also be presented in a transparent and open way to the people of Australia so that they can be confident that any action that may be required as a result of what is happening now has stood the test of public scrutiny. In July, Alexander Downer, the Minister for Foreign
Affairs, was prepared to endorse in advance any attack the US may have made upon Iraq. That is not the position now. Labor’s refusal to support this idea was considered as appeasement by the Howard government but now the Howard government is on the same tram as us, going the same way that Labor has consistently been going. So I do not think that the foreign minister has any credibility as a result of his involvement in this process.

From the start, Labor had always argued that the international community should move towards a five-step approach, including the early convening of a United Nations Security Council meeting to discharge its responsibilities under resolution 1284 of December 1999, the removal of Iraq’s weapons of mass destruction missiles and production facilities and the consideration of any other relevant resolutions. Secondly, we have been arguing consistently that the Security Council should determine a reasonable but finite time frame for the return of the UN weapons inspectors. We have argued that the United Nations Security Council should not tolerate any Iraqi noncompliance or practical compliance with— (Time expired)

Senator FORSHAW (New South Wales) (9.25 p.m.)—Tonight I rise to speak on this matter of great importance—the potential involvement of the Australian armed forces in a future conflict with Iraq. I must say at the outset that I had thought seriously earlier about whether I would speak tonight or not, because pretty much everything that needs to be said has been said in the debates both in this chamber and in the House of Representatives. It is important, however, that all members of this parliament take the opportunity to put their views on this issue on the record. Whilst it may involve a fair amount of repetition, it is nevertheless important for the Australian public to hear that their political representatives are participating in the debate and outlining their positions.

To put it fairly simply, it is now universally recognised that, before any military action is taken with respect to the murderous regime in Iraq led by Saddam Hussein, we need to follow due processes, particularly if we are to uphold the ideals of democratic nations and of using all avenues to avoid war and armed conflict. We should not just blindly charge into some military action against Iraq; rather, we should follow the processes that are embodied in the United Nations.

I have to say that not everything that happens in the United Nations always pleases me. I think that as an international organisation it sometimes leaves a fair amount to be desired, particularly in its inability to respond to crises that occur around the world from time to time. That was evident in the situation in central Europe a couple of years ago, when it was only after the terrible massacres in Bosnia that finally the member states of the UN—particularly the European Union states—got to a point where they would take serious action to prevent the genocide that had been occurring in that part of the world. Similarly, we can look at the events that have occurred in other parts of the world, such as on the African continent or indeed closer to home—in Timor, for example. I want to come back to that in a moment. On this occasion, sanity has prevailed. Quite clearly, we now have a position, particularly following the statement this morning by the Secretary-General of the United Nations, that they as an organisation—the Security Council, in particular—appear prepared to take serious steps to resolve this situation regarding the development of weapons of mass destruction and potential nuclear weapons in Iraq.

It is certainly a position that we all are grateful for. We now have the unified position involving the United States, other members of the Security Council, it would appear, and indeed even the Australian government, that this matter should be processed through the UN and that every effort should be made for the weapons inspectors to get back into Iraq and undertake the necessary task of examining what has occurred in the years since the inspectors were forced to leave. If it is necessary—God, we all hope that it is not—that some military action has to be taken, it will be done under the auspices of the UN Security Council. That is the position that the Australian Labor Party has been advocating all along. It is a consistent position and it is a
position of strength. It is a position that recognises that if we are to make the United Nations work we have to be prepared to take the steps to ensure that it is given support by member countries to bring to bear the authority of the world against rogue states such as Iraq.

I do not want to spend too long on some of the political ramifications or the political spin that has been put on this issue, particularly by the government in the weeks and months leading up to today. It has been fairly clearly put on the record by my colleagues in the opposition that our foreign minister, Mr Downer, has had an unfortunate gung-ho attitude to this issue. Tonight I want to respond to a disgraceful speech that I heard earlier this evening by the member for Lindsay, Jackie Kelly, in the other place. I thought that of all things today we would not stoop to the sort of attack that she made upon the Australian Labor Party and the opposition in the other place.

Senator Abetz—So you’re going to attack her?

Senator FORSHAW—I am going to respond, because it deserves a response, Senator Abetz. She stood up and said that the policies of the Australian Labor Party on this issue were equivalent to Neville Chamberlain’s policy of appeasement in 1939. That is an outrageous slur. The only thing I have to do to refute that sort of an attack is to remind Ms Kelly, the government and the Australian people that, in the darkest hours that this country faced in 1941, a Labor government under John Curtin led the defence of this country and of our democracy.

Senator McGauran—that’s true.

Senator FORSHAW—that is true. It is a disgrace to suggest that our attitude, which is to support the reasoned approach through the United Nations Security Council, is akin to appeasement. But I also make the point that in 1991 the Labor government, under Bob Hawke, supported, again, the UN approved action by the US-led forces that liberated Kuwait. A Labor government was shoulder to shoulder with the US and other nations as part of that coalition of forces, including Arab nations, that liberated Kuwait.

Ms Kelly also tried to suggest tonight that Mr Howard, the Prime Minister, not only was the great liberator of East Timor but also has gone on to liberate Afghanistan. It could take me another 20 minutes or longer to debate that issue, but I make this point: if the United Nations peacekeeping forces had been in East Timor before the plebiscite was held, many thousands of East Timorese lives would have been saved. I remind the government that at that stage the Labor Party urged this government to support the placement of UN peacekeeping forces into East Timor.

Senator McGauran—I don’t remember that!

Senator FORSHAW—it is on the record, Senator McGauran. I will remind you on a later date if you cannot use the resources of the Parliamentary Library to check it out. We are on the record as supporting action to defend those people.

The final point I want to make in the very short time I have available tonight is this: we have to do everything possible to avoid a war with Iraq. We have to do it. Fortunately, we have the opportunity this time, unlike in 1990 and 1991, after Iraq had invaded Kuwait, to avoid a war and we should take all steps to do it. (Time expired)

Senator MARK BISHOP (Western Australia) (9.36 p.m.)—I am very pleased to speak to this motion in the Senate tonight both as a senator from Western Australia and as the Australian Labor Party’s shadow minister for veterans’ affairs. It is often overlooked in matters such as this that whenever there is a threat of war there is an accompanying cost which is rarely calculated: the impact on defence personnel who serve and whose lives too often are regarded as collateral and ancillary and not part of the decision making. At the outset, however, the fact that we are having this debate is one of the more positive signs I have seen in the process of parliamentary development in this country where the people and their representatives in the parliament actually get a say in what is a momentous issue with awesome outcomes if we chance to get it wrong.
It is also encouraging to see some sense brought to the notion of leadership, which simply should not be expected to shoulder the whole burden of momentous decisions. There is no such thing as a master of the universe. No one person is so well informed or all-knowing that they can be trusted to get it right. In fact, it has been a most salutary experience in the last few weeks to have observed the dramatic shifts in the government’s attitude which was blown in the wind by the rhetoric of the hawks and has thankfully now been dragged back by reason, commonsense and the strength of public opinion, both here and abroad.

It is regrettable that in matters such as this we forget the instruction of history. Here I refer to the process engaged in prior to the Vietnam War and the disastrous outcome for those sent to put their lives on the line. It is a very relevant parallel. The then decision by Prime Minister Menzies on behalf of the government of the day was a unilateral one, although one which, initially at least, was supported by a degree of community righteousness, patriotism and trust in the leadership of the government of the day. Retrospect is indeed a wonderful thing and it shows that those times have some worrying similarities to the present day: that is, a lack of information for a long period of time, an unwillingness to question and, above all, an unwillingness to take the Australian public into the government’s confidence.

Fortunately, the world has changed and Australians are not going to tolerate their sons and daughters being offered unwittingly to the cause without their being convinced of its merits. The price of the downside of the service of over 50,000 Australians in Vietnam has been horrendous. Let me remind the Senate that just over 500 young Australians, some too young to vote, lost their lives. Thousands were injured and continue to suffer trauma so severe that they are unable to take their places in the work force. Families continue to suffer dysfunctional behaviour with high suicide rates among children, and wives and partners struggle to sustain marriages in the face of violence, gambling and substance abuse.

Service life, we know, is difficult. The stress of service, when your life is constantly under threat, has its own indelible effect. It is salutary to note that, of the 50,000 who served in Vietnam, 13,000 are considered to be totally and permanently incapacitated. That number is growing at about 2,000 per year, which means that by the time these men have reached 65 almost half the contingent will be so treated—and mostly for psychological reasons. This is an enormous cost, not just in budgetary terms but in human terms. I submit that the causes of this include the process by which the Vietnam War was entered into, the loss of public support and the complete failure of the government and society of the time to recognise the commitment of these men and women, who served because they had no choice.

What is worse, they went without preparation for the psychological experience they were about to encounter and, what is just as bad, received no counselling on their return. They were simply dumped back into society without a word of thanks, few new skills and a confusing sense of shame for having done no more than their duty. They did their duty but were spirited back into the country unheralded, in the dark of night, to be spat on and, in one dreadful instance, to have blood thrown at them. That is what can happen when public support is not canvassed and obtained. Hence, I repeat my satisfaction that at least now we, as elected representatives, have an opportunity to reflect the public view.

The position of the Australian Labor Party appears to have come to pass. The contrast between what happened during the Vietnam War and the more recent deployments to Timor and Afghanistan is dramatic. The public clearly understood the issues in both of those more recent cases and supported the commitments. Certainly a public debate in the parliament would have helped even more. ADF personnel were better prepared and on repatriation, as I understand it, at least some counselling is provided. Recognition of service is also forthcoming in volumes, as it should be, even if it is exploited for political or partisan gain.
So if we are to become engaged in Iraq, let us do so in a way whereby those who serve go with our complete support and blessing and in the knowledge that they are fighting a good cause in the interests of the nation and world peace. We must learn from this. It is imperative that there is a path forward, agreed to in a bipartisan way, with differences to be tolerated only at the margins. Having sounded that warning, let me turn briefly to the other encouraging sign to be drawn from the debate today, and that is the sudden and very reassuring return to the framework of the United Nations for a solution to this problem.

For those quick to disparage the United States—as many are wont to do from time to time—let me remind them that since that long period of isolationism, the US has been the driving force of internationalism and a rules based approach to many issues. Costs to that country over the last 50 years, in dollars and lives, have been huge. Since the formation of the League of Nations and the work of President Wilson—and despite the national doubt that ensued in that country until late 1941—the US has not swerved from its commitment to the installation of an international rule of law. This has particularly been the case in post World War II years. But the United Nations, as we know it now, is not a flawless model. We know that it works imperfectly and inconsistently, but it is an ideal that must be supported. It is an organisation that is only as good as its membership, but overall I submit that its efforts around the world to obtain peace have been largely successful, particularly in the last 10 years or so.

Similarly, its involvement in economic, trade, humanitarian and environmental matters has the same potential. As Australians we have been part of many of those peacekeeping deployments. In recent times these have included the Gulf War and deployments in East Timor. We can be proud of our support and involvement and we can be confident that the UN, as an institution, has further gained in its credibility as a result. It is salutary to consider that implicit in membership of the UN is the subjugation of national interest and the sharing of power. Clearly, this is a frustration, and the tension between those members who will not take action because they cannot and those who want to and can is very evident. Yet we continue to see the pressure for the UN to fulfil its charter, and quite rightly. All individual members must face up to their collective duty. But at the same time there needs to be recognition of the major contribution by the US to the UN in most of its work. While its frustration is evident, the US nevertheless continues to fully support that organisation it was instrumental in founding. What is more, it pays the lion’s share of the bills.

So today we need to be celebrating two things: the debate in parliament as a symbol of the expression of the public will and the sudden reassertion of support for the United Nations. Beneath all this, though, there is a bottom line and that is that no decision ought to be made without all of the evidence. That is imperative for us here today as it is for member countries of the United Nations. Our support should not be taken for granted. We must not allow ourselves to be confused and misled by the propaganda of the spin doctors, and we need to be committed to international obligations as part of our national interest.

After weeks of speculation, threats and confusion of rhetoric, it seems that for today at least we have some universal or widespread recognition that the UN must accept the challenge placed before it. There can be no other reason for the sudden about-face of Iraq to allow the unconditional return of weapons inspectors. War can only ever be the outcome of failed diplomacy, and it is most encouraging to see how galvanised support can truly make the United Nations work.

Senator HUTCHINS (New South Wales) (9.46 p.m.)—It is always a pleasure to follow Senator Bishop and his reasoned and intellectual approach to some of the events of the day. I want to speak this evening about the events as they have occurred in the last 24 hours and to support my party’s decision to make sure that, when and if there is a need for decisions to be made that may lead to warlike action, they go through a system of,
as Senator Bishop said, public debate and are achieved through consensus.

During discussions on this matter, anyone who was not necessarily 100 per cent in favour of unilateral action was called an appeaser. I do not think that that is a fair assessment of the Labor position or the position of many in the Labor Party who have been concerned about the activities of Saddam Hussein and that regime in the Middle East. History lessons tell us that if we, as a nation or as a group of nations, do not stand up to dictators, as we have seen since the 1930s and—as some people persist in calling it—the war against fascism which was World War II, we will be in a position to repeat those mistakes.

In our lifetimes we have seen a situation where we appeased nations and were not prepared to act. In 1999, reflecting on many human rights atrocities perpetrated during the Bosnian civil war of 1992-95, UN Secretary-General, Kofi Annan, confessed that the international community’s lack of action against Serbia during that period amounted to appeasement. The Bosnian civil war had its origins in the desire of the majority Serbs and Croats to create two separate states out of the former Yugoslavia. In creating those two states, the Bosnia-Herzegovina region was to be cleansed of its Muslim population. Consequently, in May of 1992, Nazi style concentration camps for Muslims were set up and administered by the Serb army. The United Nations, the International Red Cross, the United States and Great Britain were all well aware of this development by June 1992.

During the period 1992-95, the Serbs were responsible for perpetrating countless human rights abuses against the Muslim population, including mass deportations, mass murder, torture and systematic rape. Throughout this period, the international community, instead of taking action, sought to negotiate with Milosevic and his generals. Promises were made by the Serbs and then broken—each time the West’s bluff was called and the slaughter went on. Some of the Serbs’ famous last chances include: the fall of Jajce in 1992; the revelations of systematic mass rapes in December 1992; the successive water and bread queue massacres in Sarajevo; the shelling of orphanages and hospitals; the establishment of farcical safe havens; the Serbs’ pretence of accepting the Vance-Owen plan and the massacres in Bihac and Gorazde.

The most famous example of the futility of the West’s appeasement approach is the Srebrenica massacre in July 1995. The UN had declared Srebrenica a safe haven but, instead, hundreds of men, women and children were massacred, buried alive, mutilated and tortured. In one case, a grandfather was forced to eat the liver of his own dead grandson. The only action that finally stopped these atrocities and brought the Serbs to the table once and for all was a series of limited US-led air strikes in 1995. The strikes led to the Dayton peace accords and a final end to the ethnic cleansing program.

It might seem at first difficult to draw a link between the activities and actions of Saddam in 2002 and those of Hitler in 1939. After all, Saddam has not invaded any country. When he did in the past, in the case of Kuwait in 1991, he was rightly opposed and repelled by the international community. However, there are a number of direct links that make the use of the phrase ‘appeasement’ relevant for the purposes of dealing with Saddam. These include: allowing Hussein to defy the United Nations and treaty commitments leads him to expect that he can broadly defy the international community and get away with it whenever he chooses and allowing Hussein to continue to develop weapons of mass destruction takes away whatever military advantage you may have. For example, if the Western powers had enforced the Treaty of Versailles and acted swiftly and strongly against Hitler when he began re-arming in 1935, it is arguable that there would never have been a second world war in Europe.

Allowing Saddam Hussein to get away with gross breaches of UN Security Council resolutions and breaches of international treaties is akin to turning a blind eye to Hitler’s rearmament in 1935. The key question to those who would not like to take action against Saddam over the weapons of mass
The destruction issue is, ‘When would be the right time to take action?’

Another key lesson from the Bosnian experience is that often you simply cannot make deals with dictators. Saddam has shown in the past that he will frustrate attempts at weapons inspections. Since Saddam Hussein has today accepted the readmittance of UN weapons inspectors, the UN or the US need to make sure that the readmittance is backed up by a guarantee of strong military action. The experience of Bosnia shows that the words of force are often the only words that are listened to.

History teaches us that Saddam will not stop developing weapons of mass destruction. Like Hitler rearming in 1935, Saddam is bound to use his weapons for some purpose. His past conduct demonstrates that this will be either for pursuing aggressive war or for further breaching human rights. Weapons inspections need to be enforced. It has been proven that the threat or the imposition of sanctions will not work against Saddam Hussein. What is needed is a strong guarantee of military action should Saddam Hussein frustrate any attempts by the UN to dismantle his weapons of mass destruction program.

Senator HOGG (Queensland) (9.54 p.m.)—I had not intended to rise and speak in this debate, particularly given the late hour, but I was one of the people who were in New York on the occasion of the attack on the twin towers. Of course, I experienced not only a degree of fear personally but also the sadness in New York at that time. That action was totally uncalled for, totally unwarranted, totally cowardly and it was against a civilian population. The reaction of the United States in those circumstances was not unexpected. The reaction by the United Nations was equally predictable in seeking to protect the most important thing that we have at our disposal—that is, the rights and the common good of the people throughout this world.

It is definitely a right, proper and morally just position to protect the basic and intrinsic rights that we all enjoy. In defending those rights, though, we must not trample upon the rights of others. Having said that, we are entitled to our rights in terms of freedom of movement, speech and association. On September 11 last year in New York, I felt that my rights had been completely denied. The reaction of the United States, as I said, was not unexpected and was something that many people at that time welcomed indeed.

They also welcomed the concept of preventing the recurrence of the type of action that had taken place in the United States by waging a war on terror. Of course, there was a determined attitude on the part of many nations throughout this world to see that the terror that had been waged in the United States did not spread elsewhere. However, one must say that there needs to be an element of caution in how one then approaches those rogue states and rogue nations that do exist and do harbour, in some instances, the forces of Al-Qaeda and forces that are known to terrorism, that do harbour weapons of mass destruction and that do at heart have societies that are quite the anathema of our own democratic society in Australia.

However, those rogue states should be pulled into line in a proper and orderly manner. That can only be achieved in current circumstances through the United Nations. I welcome today the determination arising from the announcement by Iraq that the United Nations weapons inspectors will be allowed back into Iraq to ensure that that nation has divested itself of nuclear weapons and the capacity to have nuclear weapons and weapons of mass destruction. However, one must add caution, as I heard Senator Ray advocate earlier in the evening, to ensure that the processes of the United Nations are not bogged down in bureaucratic red tape or in the argy-bargy that can occur from time to time between nations. The processes of the United Nations need to be pursued in a rigorous manner to ensure that the Iraqis are not buying time and that the weapons inspectors can be readmitted into that country after a substantial period of time to ensure that weapons of mass destruction and nuclear weapons are not being produced to be used in a quite unacceptable manner against people of goodwill throughout the world. At the end of the day, of course, one must hope that the rule of law will prevail.
If one looks at the amendment that was moved by the Leader of the Opposition, Senator Faulkner, one sees the essence of the matter in the last part of his motion. It reads:...

If we do not go down that path then we are capable of being accused of the same inconsiderate, ill-conceived and poorly timed actions that others might contemplate and embark upon in trying to solve the problems of the world. Achieving the right balance in due process is important indeed. I welcome the amendment by Senator Faulkner in calling for the due processes of law to be followed and the due resolution processes of disputes through the United Nations to be followed and of course in ensuring as a result that we all have the right to protect the common good of those throughout the world and that we do not find ourselves saddled or burdened with the actions of rogue elements in rogue states.

The other important part of Senator Faulkner’s amendment was to call upon the Senate not to support a pre-emptive strike on Iraq. That is very important indeed. Until the due processes of law and until the proper processes of the rule of law have been pursued to their fullest, without jeopardising the basic safety of people—I would never advocate that people’s basic safety be placed in jeopardy under any circumstances—then I think it is important that the sentiments in the amendment put forward by Senator Faulkner are taken up by the Senate. I commend Senator Faulkner’s amendment and I commend the processes that have been and should be embarked upon now by the United Nations to ensure the freedom and the democratic rights of everyone in our society.

**Senate adjourned at 10.02 p.m.**

**DOCUMENTS**

**Tabling**

The following government documents were tabled:

- Defence Housing Authority—Statement of corporate intent 2002-03.
- Treaties—Bilateral—Text, together with national interest analysis—
  
  
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Agriculture: Wool Industry
(Question No. 392)

Senator O’Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 24 June 2002:

(1) What was the total cost in Australian dollars to the Australian wool industry of flystrike for each of the past 5 financial years.

(2) Is the Minister aware of a document entitled, An innovative product for the prevention of flystrike in sheep, by Mr John Norris.

(3) What do the document and its author seek of the Commonwealth.

(4) What process was undertaken to assess the document and the suitability of Mr Norris’ proposal for Commonwealth-funded assistance.

(5) What other federally-funded assistance programs might Mr Norris approach.

(6) On what basis pertaining to Mr Norris’ proposal does the Minister suggest each of these federally-funded assistance programs.

(7) What research is the department doing (either directly or by way of funding support) into methods to reduce the incidence and cost of flystrike to the Australian wool industry.

(8) What is the quantum of Commonwealth government expenditure on this research for each of the past five financial years.

(9) What is the estimated quantum of Commonwealth government expenditure on this research for each of the next 5 financial years.

(10) Are there any other current federally-funded programs that are directly conducting research into the reduction of flystrike incidence and cost of flystrike to the Australian wool industry.

(11) What is the quantum of Commonwealth government expenditure on this research for each of the past five financial years.

(12) What is the estimated quantum of Commonwealth government expenditure on this research for each of the next 5 financial years.

(13) Are there any other current federally-funded programs that are supporting (by way of funding) research into the reduction of incidence and cost of flystrike in the Australian wool industry.

(14) What is the quantum of Commonwealth government expenditure on this research for each of the past five financial years.

(15) What is the estimated quantum of Commonwealth government expenditure on this research for each of the next 5 financial years.

Senator Ian Macdonald—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(1) The Australian sheep blowfly is estimated to cost the Australian wool industry $161 million annually. Treatment costs of crutching, mulesing and labour in conjunction with mustering sheep for jetting account for $130 million, while production losses account for $31 million.

(2) Yes. However, the detailed document referred to has not been received by the Minister or his office.

(3) Advice and information on possible ways to proceed to commercialise his product.

(4) A Mr Muscat of the Queensland Chamber of Commerce and Industry Limited, acting on behalf of Mr Norris, was advised to explore possible funding assistance under the Agriculture Advancing Australia (AAA) – Farm Innovation Program and the New Industries Development Program. Mr Muscat was also advised to seek assistance from the R&D Start Program and the Commercialising Emerging Technologies Programs administered by AusIndustry. Mr Norris was separately advised to contact Australian Wool Innovation (AWI), the private service delivery company responsible for managing the expenditure of statutory wool levy funds and Commonwealth matching contributions.
(5) I am advised that the Department of Agriculture Fisheries and Forestry (AFFA) is unaware of any other federally funded programs Mr Norris could access for purposes of developing his innovation.

(6) The AAA - Farm Innovation Program provided funding assistance to businesses to assist the adoption of innovative practices, production techniques or products that have been demonstrated through the results of research and development to contribute to increased profitability, in consideration with sustainability of the natural resource base.

The New Industries Development Program assists businesses to commercialise market-driven agribusiness ventures for new products, technologies and services.

AusIndustry programs such as the R&D Start Program and the Commercialising Emerging Technologies Programs might be a possible funding source for the development of new technologies.

AWI is the private company responsible for managing research and development in the wool industry through the use of statutory wool levy funds and Commonwealth matching contributions.

(7) AWI has published on their website the document ‘Investment Portfolio as at 30 June 2002’. In this document there are currently three AWI funded projects into flystrike research: breech strike prevention, blowfly control with Lucitrap, and producing flystrike resistant sheep.

(8) Australian Wool Research and Promotion Organisation (AWRAP) Annual reports from 1997-98 to December 2000, immediately prior to the privatisation of AWRAP, record approximately $1,904,000 as having been spent on flystrike research. AWI has advised the Department that between January 2001 and 30 June 2002, $326,308 has been spent on flystrike research.

(9) The AWI Animal Health Program Strategic Plan for July 2002 – June 2012, states that for the four-year period 2002 – 2006, an amount of $3,600,000 has been budgeted for the subprogram ‘research into external parasites and pesticide residues’. The goal of this subprogram is to significantly reduce the current and future economic burden of lice and flies on wool producers.

(10) AFFA has been advised that the Commonwealth Scientific and Research Organisation (CSIRO) is currently undertaking several research projects on flystrike including genetic resistance to blow fly strike and breech strike prevention and alternatives to mulesing.

(11) AFFA has examined the CSIRO Annual Reports for the past five financial years and can find no information on the amount of expenditure allocated to research on fly strike.

(12) CSIRO has advised AFFA that for the existing research projects (outlined in the response to question 10), an amount of approximately $670,000 is estimated to be spent in each of the next 2 financial years then approximately $450,000 for the following financial year. These estimates include external income. However, new projects could commence and changes could be made to these existing projects to affect these figures.

(13) The Australian Sheep Industry Cooperative Research Centre (CRC) has advised AFFA that it will be supporting, by way of funding, research into the incidence of flystrike in the Australian wool industry.

(14) The Australian Sheep Industry CRC commenced operation in 2002, therefore, has not provided funding support in previous years.

(15) In terms of the total amount of expenditure for each of the next 5 financial years, the Australian Sheep Industry CRC has advised AFFA that at this stage, around $105,000 will be provided in 2002-03 and that it is likely a similar amount will be provided again in the 2003-04 financial year to support research into the genetic resistance to blow fly strike.

**Natural Heritage Trust: Clyde Run, Tasmania**

(Question No. 403)

Senator Brown asked the Minister for Forestry and Conservation, upon notice, on 26 June 2002:

(1) What amount from the Natural Heritage Trust fund was allocated to trial monitoring, through satellite imaging, of forest change at the ‘Clyde Run’ property in Tasmania.

(2) (a) When was the allocation made; (b) for how long will it be continued; and (c) what are the results so far.

(3) (a) What is the overall cost of this project; and (b) who else is contributing and by how much.

Senator Ian Macdonald—The answer to the honourable senator’s question is as follows:
(1) Under the Farm Forestry Program of the Natural Heritage Trust, $20,000 in Trust funding was approved for a project, Inventory of Privately Owned Disturbed or Degraded Land. The aim of the project was to identify such land using Geographic Information Systems data and remotely sensed map data and to classify the land according to its potential for improved land use. The remote sensed data covered 40,000 hectares, which included the property ‘Clyde Run’.

(2) (a) Natural Heritage Trust funding was approved in 1997-98. (b) The project was completed and a final report submitted in August 2000. Of the approved sum, $19,613 were expended. (c) As noted in the project final report, a trial site to demonstrate the potential for improved land use was identified and established on ‘Clyde Run’. Since then, the trial area has been maintained by the landowner, with advice from Private Forests Tasmania. Private Forests Tasmania has advised it aims to include the trial area in future analysis of remotely sensed information, to assist with broad scale land identification of potential areas for forestry improvement.

(3) According to information provided by the Tasmanian Department of Primary Industry, Water and Environment. (a) The overall cost of this project was $50,953. (b) In addition to the $19,613 provided from the Natural Heritage Trust, the project proponents, Private Forests Tasmania, provided $22,940 (in kind); CSIRO, Forestry Tasmania and the Bureau of Rural Sciences provided a combined total of $5,900 (in kind), and the landowner provided $2,500 (in kind).

Environment: Climate Change
(Question No. 456)

Senator O’Brien asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 11 July 2002:

(1) What was the total quantum of Commonwealth funding expended for each of the past 5 financial years on the study of the potential effects of climate change on the Australian livestock industry.

(2) What was the total quantum of Commonwealth funding expended for each of the past 5 financial years on the study of the potential effects of climate change on the Australian grains industry.

(3) What is the total projected quantum of Commonwealth funding for each of the next 5 financial years on the study of the potential effects of climate change on the Australian grains industry.

(4) What is the total projected quantum of Commonwealth funding for each of the next 5 financial years on the study of the potential effects of climate change on the Australian livestock industry.

(5) What are the highest ten potential disease risks to the Australian livestock industry resultant from climate change over the next 50 years identified by Commonwealth-funded studies to date.

(6) What are the highest ten potential disease risks to the Australian grains industry resultant from climate change over the next 50 years identified by Commonwealth-funded studies to date.

(7) Has the Commonwealth funded any research into the potential future economic impact of these diseases; if so, what are the projected costs for the next 50 years to: (a) the Australian economy as a whole; and (b) the ten most affected agricultural industries.

(8) What was the quantum of Commonwealth funding for each of the past 5 financial years in developing plans to mitigate the effects of the highest ten potential disease risks to the Australian grains industry resultant from climate change over the next 50 years identified by Commonwealth-funded studies to date.

(9) What was the quantum of Commonwealth funding for each of the past 5 financial years in developing plans to mitigate the effects of the highest ten potential disease risks to the Australian livestock industry resultant from climate change over the next 50 years identified by Commonwealth-funded studies to date.

(10) What is the projected quantum of Commonwealth funding for each of the next 5 financial years in developing plans to mitigate the effects of the highest ten potential disease risks to the Australian grains industry resultant from climate change over the next 50 years identified by Commonwealth-funded studies to date.

(11) What is the quantum of Commonwealth funding for each of the next 5 financial years in developing plans to mitigate the effects of the highest ten potential disease risks to the Australian livestock industry resultant from climate change over the next 50 years identified by Commonwealth-funded studies to date.
Senator Hill—The Minister for the Environment and Heritage has provided the following answer to the honourable senator’s question:

(1) to (4) It is not possible to confidently indicate the total quantum of funds, both past and in the future, appropriated to the effects of climate change on the Australian livestock and grains industries. The Intergovernmental Panel on Climate Change (IPCC) released its Third Assessment Report in 2001 providing an up-to-date assessment of the state of knowledge on climate change, including climate change impacts. The Working Group II Report (of the Third Assessment Report) on Impacts, Adaptation and Vulnerability summarises current knowledge on impacts in Australia, including for agricultural industries. The Australian Government accepts the findings of the IPCC Third Assessment Report. Also in 2001 the CSIRO released projections of climate change and a summary of climate change impacts for Australia. The Australian Greenhouse Office (AGO) is currently funding a project through the CSIRO to provide an overview of adaptation options for the agriculture sector, including identification of knowledge gaps and research priorities. The findings will be reported to the AGO in November 2002, and it is expected that this study will provide a rigorous basis to direct further work. A variety of studies have been undertaken in recent years that include assessment of the impacts of climate change on agriculture. However, research on climate variability and change in the agricultural sector is part of a larger and ongoing national research and development effort. In this broader context, the Commonwealth has allocated some $10.9 million in 2002-2003 to research relating to greenhouse and the human impact of climate change through CSIRO and the AGO, as outlined in the Commonwealth’s environmental expenditure statement, “Towards A Sustainable Australia,” of May 2002.

The Government recognises that many natural and human systems are vulnerable to future climate change, and is committed to developing strategies to adapt to climate change, particularly in agricultural regions.

(5) to (11) The current state of knowledge is such that it is not possible to be able to rank the pest and disease risks induced by climate change in terms of a top ten within the Australian livestock and grains industries. This is not an area that has had a specific allocation of resources and it is not possible to indicate the quantum of future funding which may be appropriated to the effects of climate change on the top ten disease risks within the Australian livestock and grains industries. The Commonwealth is concerned about the potential economic impacts of climate change on disease risks in the future. The current level of specificity in scientific understanding and economic analysis, however, is insufficient to provide a basis for a comprehensive assessment of the economic impacts of climate change for Australia and the agricultural sector.

Forestry and Conservation: Heard and McDonald Islands

Senator O’Brien asked the Minister for Forestry and Conservation, upon notice, on 29 July 2002:

(1) Since July 1996, what level of funding has been appropriated in each Budget, through the Department of Agriculture, Fisheries and Forestry, to protect Australia’s sovereign rights in the exclusive economic zone (EEZ) adjacent to Heard and McDonald Islands.

(2) In each financial year since July 1996, including 2002-03 to date, how much of the funding appropriated for the protection of Australia’s sovereign rights in the EEZ adjacent to Heard and McDonald Islands was actually spent.

(3) Where not all of the funding appropriated was spent: (a) was funding carried forward to the following year; and (b) what was the reason for the failure of the Government to spend all funds appropriated for the above purpose.

(4) In the above financial years: (a) what funding was allocated for surveillance of the EEZ adjacent to Heard and McDonald Islands; (b) what level of funding was allocated for monitoring fishing in this zone; and (c) what level of funding was allocated for enforcement measures to combat illegal fishing in the Heard and McDonald fishery.
(5) In the above financial years: (a) what funding was actually spent on surveillance of the EEZ adjacent to Heard and McDonald Islands, on monitoring fishing in this zone; and (b) what level of funding was actually spent on enforcement measures to combat illegal fishing in the Heard and McDonald fishery.

Senator Ian Macdonald—The answer to the honourable senator’s question is as follows:

(1) The following level of funding has been appropriated through the Department of Agriculture, Fisheries and Forestry or its predecessors each financial year since 1 July 1996 to protect Australia’s sovereign rights in the exclusive economic zone (EEZ) adjacent to Heard Island and the McDonald Islands (HIMI). It should be noted that these figures do not include the cost to the Department of Defence.

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* Note: In 1997/98 the $4.1m was not appropriated specifically for sub-Antarctic surveillance. It was sourced, with the agreement of the Department of Finance, from funding that had been allocated to other projects that did not take place.

(2) Expenditure since July 1996 in protecting Australia’s sovereign rights in the HIMI EEZ. It should be noted that these figures do not include the cost to the Department of Defence.

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</table>

(3) (a) Underexpenditure from 1997/98 was carried forward each year until 2001/02. (b) See answer to question 2.

(4) Surveillance, monitoring and enforcement measures are undertaken as an integrated activity so a discrete breakdown of allocations was not made.

(5) Surveillance, monitoring and enforcement measures are undertaken as an integrated activity so a discrete breakdown of expenditure is not available.

Forestry and Conservation: Heard and McDonald Islands Fishery

(Question No. 485)

Senator O’Brien asked the Minister for Forestry and Conservation, upon notice, on 29 July 2002:

With reference to the Minister’s media release, AFFA 02/128M, which announced action ‘to get tougher on toothfish poachers’:

(1) What level of funding has been appropriated for this purpose in addition to funding provided in the 2002-03 federal Budget.

(2) Specifically, what additional funding will be allocated to surveillance, monitoring and enforcement measures in the Heard and McDonald fishery as part of the Government’s announcement to increase security in this zone.

(3) (a) What funding has been provided for in 2003-04, 2004-05, and 2005-06 financial years to meet the cost of protecting the Heard and McDonald fishery; and (b) what additional funding has been allocated for these years following the Minister’s announcement that the Government is to get tougher on poachers in that region.
Senator Ian Macdonald—The answer to the honourable senator’s question is as follows:

1. The Government has agreed to provide an additional AUS2.6 million in 2002-03.
2. The additional funding of AUS2.6 million will be used for monitoring, surveillance and enforce-
   ment measures to combat the problem of illegal foreign fishing in the Heard Island and McDonald
   Islands fishery.
3. (a) Funding for the 2003-04, 2004-05 and 2005-06 financial years to protect the Heard Island and
   McDonald Islands fishery has not yet been agreed. The Government will be considering additional
   allocations for this task later this year. (b) See response to (a) above.

Forestry and Conservation: Heard and McDonald Islands
(Question No. 486)

Senator O’Brien asked the Minister for Forestry and Conservation, upon notice, on
29 July 2002:

1. How many patrols have occurred in the exclusive economic zone (EEZ) adjacent to Heard and
   McDonald Islands to protect Australia’s sovereign rights since July 1996.
2. In each case: (a) who undertook the patrol; (b) when did the patrol take place; (c) what area did
   the patrol cover; and (d) what was the duration of the patrol.
3. What will be the level of increased patrolling of the EEZ adjacent to Heard and McDonald Islands
   to protect Australia’s sovereign rights, announced by the Minister in his media release,

Senator Ian Macdonald—The answer to the honourable senator’s question is as follows:

1. Eleven
2. (a) The Royal Australian Navy undertook three patrols while eight have been undertaken by the
   AFMA chartered civil patrol vessel Southern Supporter. (b) Two Navy patrols occurred in late
   1997 and early 1998. The third navy patrol occurred in January 2002. The first of eight civil pa-
  trols commenced in 1998. (c) The patrols cover a range of areas within the HIMI EEZ that are
   considered high risk, including known toothfish grounds and areas where illegal vessels have been
   previously sighted. (d) Patrol duration is important tactical information and if made public could
   compromise future monitoring, surveillance and enforcement activity by Australia against illegal
   fishing activity at HIMI.
3. Increased patrol capability is important tactical information and if made public could compromise
   future monitoring, surveillance and enforcement activity by Australia against illegal fishing activ-
   ity at HIMI.

Forestry and Conservation: Heard and McDonald Islands Fishery
(Question No. 487)

Senator O’Brien asked the Minister for Forestry and Conservation, upon notice, on
29 July 2002:

1. What is the membership of the high-level policy group to oversee the protection of the Heard and
   McDonald Island Fishery announced by the Minister in his media release, AFFA02/128M, dated
2. (a) How was the membership selected; (b) when is the proposed first meeting of the group; and (c)
   how often is it intended the group meet.
3. (a) What are the terms of reference or guidelines that have been provided, or will be provided, to
   this group defining its functions; and (b) who drafted these terms of reference or guidelines.
4. (a) What is the anticipated annual cost of the operation of this high-level policy group; and (b)
   how will this cost be met.

Senator Ian Macdonald—The answer to the honourable senator’s question is as follows:

1. The high-level policy group is composed of senior officials representing the Department of Fore-
   ign Affairs and Trade, the Department of the Environment and Heritage, the Department of De-
   fense, the Attorney-General’s Department, the Department of Treasury, the Australian Customs
   Service (Coastwatch), the Department of the Prime Minister and Cabinet, the Australian Federal
Police and the Department of Finance and Administration. It is chaired by a senior representative of the Department of Agriculture, Fisheries and Forestry.

(2) (a) Membership of the policy group reflects the portfolio interests which are involved in policy and operational issues concerning the conduct of monitoring, surveillance and enforcement activity against illegal foreign fishing activity. (b) The policy group convened its first meeting on 6 August 2002. (c) The policy group will meet on an as needed basis.

(3) (a) Terms of reference for this group are to:

- oversee, monitor and review all Commonwealth responses to illegal, unreported and unregulated fishing (IUU);
- oversee information coordination, analysis and sharing;
- direct, coordinate and implement Government recommendations concerning the protection of Australia’s southern ocean waters and resources;
- develop strategies to deal with IUU fishing; and
- provide advice and reports to relevant Ministers on illegal fishing issues and implementation of the Government’s response to combat IUU fishing and protect the HIMI fishery.

(b) The Terms of Reference were drafted by the Department of Agriculture, Fisheries and Forestry and agreed at the first meeting of the policy group.

(4) (a) No new funding has been provided for the operation of the policy group. The cost of operation of the group (primarily staff time) will be met from the existing budgets of those agencies involved in the group. (b) Costs of participation by members on the policy group will be met from the existing budgets of their respective agencies.

Forestry and Conservation: Patagonian Toothfish

(Question No. 488)

Senator O’Brien asked the Minister for Forestry and Conservation, upon notice, on 29 July 2002:

(1) What is the basis for the estimate of the illegal catch of Patagonian toothfish of 3,000 tonnes from the Heard and McDonald Fishery referred to in the Minister’s media release, AFFA02/128M, dated 25 July 2002.

(2) (a) What estimates have been made of the illegal take of toothfish from this fishery, by year, since July 1996; (b) who calculated those estimates; and (c) what was the basis on which those estimates were calculated.

Senator Ian Macdonald—The answer to the honourable senator’s question is as follows:

(1) The figure of 3,000 tonnes of illegal catch is a preliminary estimate of toothfish thought to be taken from the Heard Island and McDonald Islands (HIMI) region, it was provided by my Department, and is based on information from a range of sources.

(2) (a) Official estimates of toothfish catch taken illegally from the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) Statistical area 58.5.2 (which incorporates the HIMI EEZ) are:

- 1996/97 - 7,200 whole weight tonnes
- 1997/98 - 7,000 whole weight tonnes
- 1998/99 - 160 whole weight tonnes
- 1999/00 - 800 whole weight tonnes
- 2000/01 - 1,649 whole weight tonnes

(b) AFMA calculates illegal fishing estimates that are provided to CCAMLR.

(c) Official illegal catch estimates are based on a composite of catches seized from vessels apprehended for illegal fishing inside the HIMI EEZ and estimates of the level of catch undertaken by other vessels suspected of fishing illegally in the HIMI EEZ.
Forestry and Conservation: Illegal Fishing
(Question No. 489)

Senator O’Brien asked the Minister for Forestry and Conservation, upon notice, on 29 July 2002:

(1) Since July 1996, what contact has been made with France, South Africa, United Kingdom and New Zealand regarding the combating of illegal fishing in the southern ocean.

(2) (a) On how many occasions has such contact been made with each of the above countries; and (b) through what forums was contact made.

(3) (a) What agreements have been reached with the above countries regarding the combating of illegal fishing in the southern ocean; and (b) in each case: (i) which country entered into the agreement, (ii) what was the form of the agreement, and (iii) when did the terms of the agreement come into force.

(4) If no agreements have been entered into with any of the above countries in relation to combating illegal fishing in the southern ocean, what is the timeframe for each country for reaching agreements on both joint surveillance and enforcement arrangements.

Senator Ian Macdonald—The answer to the honourable senator’s question is as follows:

(1) Australia has a close working relationship with France, South Africa, New Zealand and the United Kingdom in terms of pursuing cooperative action against illegal fishing in the sub-Antarctic. Like Australia, these four countries have or claim remote territorial interests in the sub-Antarctic within the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) area of competence, adjacent to CCAMLR waters, or both. In this context, these four countries are faced with similar problems in combating effectively illegal foreign fishing and have proved to be valuable allies in pursuing conservation measures within the CCAMLR. Notable recent cooperation is described below:

• Australia is negotiating with France over the finalisation of an agreement that will provide for cooperative action to combat illegal foreign fishing in both countries’ sub-Antarctic exclusive economic zones (EEZs). Further negotiations are planned before the end of the year towards finalisation of this agreement.

• In July 2002, French authorities arrested a vessel for suspected illegal fishing in its EEZ around Iles Kerguelen after it was detected and pursued by an Australian fishing vessel transiting the area. Australian authorities have cooperated with their French counterparts to assist the French investigation into this matter.

• South Africa has assisted Australia in approaching other countries regarding specific incidents of illegal fishing activity in the southern oceans. In 2001 Australian Defence Force personnel operating from South African Navy vessels were able to apprehend a vessel (the Togo registered South Tomi), which had been fishing illegally at HIMI. South Africa has indicated an interest in developing a cooperative arrangement and Australia has engaged in a number of broad discussions on this matter at the departmental officials level.

• In terms of contact with the United Kingdom, Australia’s diplomatic representations and provision of evidence of illegal fishing activity at HIMI resulted in the British effectively prosecuting an owner and master of a vessel, the Mila in 1999.

(2) (a) Contact has been made on numerous occasions with all four countries at the government officials level. (b) Contact has been made both through the CCAMLR and at the bilateral level, through a variety of means, including by diplomatic representations and formal and informal contact between government agencies. (3) (a) Australia, France, South Africa, New Zealand and the UK are all members of CCAMLR and cooperate on matters of mutual interest including measures to eliminate illegal, unreported and unregulated fishing. (b) Apart from CCAMLR, no formal agreements/arrangements are in place with France, South Africa, New Zealand and the United Kingdom. As noted, a treaty is being developed with France.

(4) Australia is currently negotiating with France over an agreement to combat IUU fishing activity in the EEZs around HIMI and the neighbouring French territory including around Iles Kerguelen. Australia preference is to finalise that agreement as soon as is practicable. South Africa has indicated an interest in negotiating a cooperative arrangement with Australia.
Given the remote territorial interests of both the UK and New Zealand in the sub-Antarctic inside the CCAMLR area of competence and a similar interest in eliminating the problem of illegal fishing, there may be scope to pursue formal arrangements with both the UK and New Zealand beyond cooperation in the CCAMLR context.

Forestry and Conservation: Patagonian Toothfish
(Question No. 490)

Senator O’Brien asked the Minister for Forestry and Conservation, upon notice, on 29 July 2002:

(1) What are the names of the countries in which the trading of Patagonian toothfish occurs, referred to in the Minister’s media release, AFFA02/128M, dated 25 July 2002.

(2) In each case, since July 1996, what negotiations have occurred in relation to the restriction of market access for illegal catches of Patagonian toothfish.

(3) In each case: (a) when did these negotiations commence; (b) who initiated the negotiations; (c) what has been the form of the negotiations; and (d) what have been the outcomes of these negotiations.

(4) Where there have been no outcomes, in relation to each of the above countries, what is the agreed timetable to progress arrangements to restrict market access for illegal catches of Patagonian toothfish.

Senator Ian Macdonald—The answer to the honourable senator’s question is as follows:

(1) As stated in my press release, Australia will work with all relevant trading countries to restrict market access of illegally caught toothfish. These markets include, but are not limited to, the United States, Hong Kong, and Japan.

(2) Action to restrict market access for toothfish taken by illegal fishing operations is one of a number of tools available to the Government to combat illegal, unreported and unregulated (IUU) fishing operations. Since July 1996, Australia has on numerous occasions engaged in bilateral, regional and multilateral negotiations to pursue this goal.

Australian efforts in both bilateral and multilateral fora have focussed on the establishment of effective fishery management and conservation measures, including vessel monitoring systems, catch document schemes, trade monitoring, port and flag State measures as well as scientific research. In this context, Australia proposed the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) catch documentation scheme for toothfish (CDS). In 1999, the eighteenth meeting of CCAMLR adopted a CDS requiring the trade of toothfish to be accompanied by government-verified catch documents. The Scheme came into effect on 7 May 2000 and aims to document the origin of Patagonian toothfish catches and deny market access to illegally caught toothfish.

Australia has been a leading advocate of strengthening the CDS, especially its procedures to verify catch origins, to ensure IUU caught fish are not able to be documented as legitimate under the Scheme and hence are denied market access.

Recently, the Australian Government has also nominated toothfish for listing on Appendix II of the Convention on the International Trade of Endangered Species of Flora and Fauna (CITES) to further strengthen the operation of the CCAMLR documentation scheme. If the Australian proposal to list toothfish under CITES is adopted, it would have the effect of expanding the application of the CCAMLR CDS significantly.

In July 2002 bilateral cooperation with United States authorities led to the seizure of a consignment of toothfish when attempts were made to import it into the United States. Based on information supplied by Australia and further investigations by the United States, the consignment was declared to be toothfish illegally taken in CCAMLR waters.

(3) Negotiations have and continue to be conducted on an ongoing basis at officials level both at CCAMLR meetings and bilaterally with countries sharing similar interests in combating illegal fishing in our region and beyond, including particularly France and South Africa.

In addition, Australia has during the period in question, undertaken diplomatic efforts, focussed on key flag states of illegal or suspected illegal vessels, including Russia, Uruguay, Belize, and Togo. All countries that have been flag or port States or have been linked to illegal fishing activity or to
products taken from Australia's EEZ have been approached at various times. Representations have also been made in the past to countries including Mauritius and the Seychelles, to seek their commitment to not support IUU and flag of convenience fishing activity. States parties to international organisations and RFMOs have also been a focus of Australian efforts. The majority of countries, well over 100 around the world, have been the subject of Australian negotiating efforts from time to time.

In terms of specific examples, Australia recently made representations to a number of countries including Uruguay and the United States, over two then Uruguay-flagged vessels suspected of illegally fishing in CCAMLR waters. This action resulted in the seizure of a consignment of toothfish by United States authorities. Australia continues to pressure Uruguay to promptly conclude an investigation it is conducting into the matter so that the outcomes can be reported to the next meeting of CCAMLR in October 2002.

(b) Australia has initiated most negotiations.

(c) There is an ongoing program of making both representations and engaging in negotiations at both the bilateral and multilateral level, formally, informally and on a case by case basis by government officials and relevant Ministers.

Efforts undertaken by the Australian Government have included making representations to flag and port States, lobbying fishing States and fishing companies, engaging non-government organisations (NGOs), cooperating with other countries in apprehending and prosecuting illegal fishers, consistently raising the problem of illegal fishing in relevant multilateral fora including CCAMLR and creating opportunities to send a clear international message that illegal fishers will be caught and prosecuted and where possible their catch will be denied access to relevant markets.

(d) Outcomes from these efforts to date have included: Port States refusing to allow illegal catches to be offloaded, seizing illegal catches, or not allowing illegal vessels to enter port. Flag States have prosecuted their illegal fishers and have tightened their own domestic legislation. Multilateral organisations have stepped up efforts in combating illegal fishing, including through introducing or improving inspection regimes as well as catch documentation and trade information schemes.

Cooperation with South Africa (including provision of vessels and logistical support by South Africa) led to the apprehension and prosecution in 2001 of the South Tomi, which had been fishing illegally in the Australian EEZ. Diplomatic dialogue with Russia is continuing following the apprehension and prosecution this year of the Lena and the Volga for illegal fishing in the Australian EEZ. South Africa and France have cooperated in making representations to third countries to attempt to block market access for suspected illegal catches of toothfish.

Direct representations by Australia and the provision of supporting evidence resulted in the seizure of a consignment of toothfish by United States authorities in July of this year.

(4) The Government is developing a package of measures aimed at combating the problem of illegal fishing activity in the sub-Antarctic waters, which it intends to take forward to the next annual meeting of CCAMLR in October 2002.

Environment: Australian Greenhouse Partnerships Office

(Question No. 499)

Senator Brown asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 30 July 2002:

(1) Is the Australian Greenhouse Partnerships Office about to close; if so, why.

(2) What projects developed with the assistance of the office will be affected if it closes, and how.

(3) Have there been objections to the closure, and from where.

Senator Hill—The Minister for the Environment and Heritage has provided the following answer to the honourable senator’s question:

(1) The International Greenhouse Partnerships Office (IGPO) was administered by the Department of Industry, Tourism and Resources (DITR). Funding for the IGPO was provided until 2000-01.

(2) There have been no effects upon projects developed with the assistance of the IGPO. Responsibility for projects developed with the assistance of the IGPO remains with DITR.
(3) There have been no objections directed to the Government over the closure of the IGPO. The Australian Greenhouse Office is taking on administration of future Government activity on international greenhouse projects.

Defence: Certain Conventional Weapons Protocol (Question No. 501)

Senator Chris Evans asked the Minister for Defence, upon notice, on 31 July 2002:

(1) Does the Government support the development of a protocol on explosive remnants of war to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects of 10 October 1980 (referred to here as the ‘Protocol to the CCW’).

(2) With respect to the Protocol to the CCW currently being discussed by the group of experts formed by the CCW Review Conference, what is the Government’s position on who is responsible for cleaning up explosive remnants of war.

(3) Further, with respect to the protocol to the CCW, does the Government support; (a) a requirement to include in agreements to terminate hostilities, peace negotiations and other relevant military technical agreements (however called), provisions allocating responsibility, standards and procedures for verifying land as being clear of explosive remnants of war; (b) a requirement for states to inform de-mining agencies of where strikes have been made, and how to render safe or destroy their unexploded ordnance as soon as practically possible; (c) a requirement to provide appropriate information and warnings to civilians about explosive remnants of war, both during and after the conflict; (d) a restriction on states using weapons with large amounts of submunitions in or near concentrations of civilians; and (e) a requirement that all munitions have high-quality fuses and detonation mechanisms that ensure explosion on impact or self-destruction within seconds of impact, or that render munitions safe if they fail to detonate.

(4) Which departments, and what level officers, will represent the Australian Government at the group of experts meetings in December 2002 on issues surrounding explosive remnants of war.

(5) Does the Government support any restrictions on the design, production, transfer, stockpiling or use of anti-vehicle mines.

(6) Does the Government support the proposal of the United States (US) that all anti-vehicle mines be detectable by commonly available mine detectors.

(7) Does the Government support the US proposal that remotely delivered anti-vehicle mines contain self-destruct and/or neutralisation features.

(8) (a) Has the army approved a program led by the Defence Science and Technology Organisation to develop a prototype minefield replacement mortar box system; and (b) is this the same as the Metal Storm Anti-Denial Weapon System minefield replacement system.

(9) (a) Which private firms will be involved in this program; and (b) what are they being paid.

(10) Can the original schedule and any modified schedules for the program be provided, including all phases from research to production and the private sector partners in each.

(11) Can information be provided on the program’s aims and funding, including what the technology is designed to offer and what technology or warfare it is expected to replace (if any).

(12) With respect to fuses being designed for Metal Storm Anti-Denial Weapon System minefield replacement system projectiles: what testing, if any, has been done on their probability of function.

(13) What do the results of any testing show about the rate of success of the projectiles’ self-destruct function.

(14) When is production expected to commence on the Metal Storm designed access denial weapon system.

(15) (a) Is this ahead of schedule; if so; why; and (b) is any research or development which was planned to occur before production of the system now expected to occur simultaneously with production.

(16) Has any research on the project been suspended or cancelled, if so, why.

Senator Hill—The answer to the honourable senator’s question is as follows:

(1) Yes.
(2) The Government's preliminary view is that the State which has control and/or jurisdiction over the affected area should be responsible for clearance of explosive remnants of war (ERW). This approach is consistent with existing instruments such as the Ottawa Convention and Amended Protocol II of the Certain Conventional Weapons (CCW).

(3) (a), (b) and (c) The Government supports the efforts of the CCW Government Experts' Working Group to reach agreement on a negotiating mandate for a new protocol covering post-conflict ERW measures on clearance, exchange of information and warnings to civilians, and considers that Amended Protocol II of the CCW could be used as a model.

(d) The Government considers that existing international humanitarian law (that is, Articles 51 and 57 of the Additional Protocol I to the Geneva Conventions) to be adequate, as is the case with Amended Protocol II of the CCW (dealing with mines and booby-traps).

(e) The Government supports efforts within the CCW context to negotiate pre-conflict measures on technical improvements to weapons.

(4) Officers from the Department of Foreign Affairs and Trade, and the Department of Defence will represent Australia at this meeting supported by the Geneva Mission. No decision has yet been taken on the specific composition of the delegation.

(5) Yes. Australia is a party of Amended Protocol II of the CCW which places certain restrictions on anti-vehicle mines.

(6) Yes.

(7) Yes.

(8) (a) The title of the technology demonstrator program is 'Area Denial Weapons System' (ADWS). This is an approved Army program sponsored through the Director-General Land Development.

(b) The ADWS program is based on Metal Storm technology but the Defence Science and Technology Organisation (DSTO) and the Army have developed the concept. The Metal Storm Ltd minefield replacement system is not connected with the ADWS program but has some similar elements.

(9) (a) The private firms involved in the consortium partnership are Metal Storm and NICOPyrotechnik.

(b) The total Commonwealth contribution, provided through the Army, is $450,000 over the period of three years. The industry partners are making substantial contributions, in cash or in kind, and greater in magnitude than those of the Commonwealth. The details of these contributions are commercial-in-confidence.

(10) No. The schedule is commercial-in-confidence.

(11) The aim of this program is to produce a field-deployable ADWS based on the integration of a Metal Storm weapon, a sensor system and a human-in-the-loop for command and control. The ADWS will provide an area denial capability, while avoiding the indiscriminate effects of alternatives such as anti-personnel landmines.

(12) Defence is not involved in the design and development of fuses. The commercial partner NICO, who will provide the munitions, will undertake this work.

(13) ADWS-specific testing will be conducted by industry and data will be examined by DSTO. The self-destruct function has already been developed and tested by the industry and is in use in 40mm systems currently being used in other weapons.

(14) The fabrication and integration of the concept demonstrator is expected to commence March 2003.

(a and b) No. Signature of the collaborative agreement was delayed until May 2002 and this is likely to delay the delivery and completion date by 6 months.

(16) The program is currently proceeding as planned.

Environment: Great Barrier Reef Marine Park Authority

(Question No. 525)

Senator Bartlett asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 7 August 2002:
(1) How many coastal developments along the Queensland coast requiring some form of approval from the Great Barrier Reef Marine Park Authority: (a) are still current; (b) have received approval; or (c) are awaiting approval.

(This need not include marine tourism operators or scientific research permits, but should include: resorts, marinas, harbours, aquaculture farms, cruise ship permits, material changes of use under in principle agreement, space bases, roads or car parks, reclamations, jetties or boat ramps, airports, and golf courses.)

(2) How many of those developments have approvals from either local or state governments.

(3) How many of those developments have approvals from the authority.

(4) Can a table be provided that indicates for each development: the development, location, nature of development (including any stages in the development proposal), level of impact assessment that has occurred, any approvals granted and when, and any permit or licence applications pending and what the application is for.

Senator Hill—The Minister for the Environment and Heritage has provided the following answer to the honourable senator’s question:

(1) The attached table shows all Marine Park permits that have been issued by the Great Barrier Reef Marine Park Authority in the last five (5) years for developments in the Marine Park but does not include Tourist Operations or Scientific Research Permits. As discussed with Senator Bartlett’s office, the period from 1997 to date would provide adequate information at this time. The table also shows permits that were current in the last five (5) years as well as applications for which a decision has yet to be made. Car parks, roads, airports and golf courses along the Queensland coast would generally not require permits from the Great Barrier Reef Marine Park Authority as they are outside the Great Barrier Reef Marine Park Authority’s jurisdiction.

(2) The Great Barrier Reef Marine Park Authority does not retain details of approvals given by either local or state governments.

(3) Details of approvals are provided on the attached table.

(4) See attached table for details of each development. All applications are assessed under the normal assessment criteria specified in the Great Barrier Reef Park Regulations 1983. In the time available it has not been possible to examine each assessment file to determine the precise level of assessment for each permit.
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<td>04/05/2000</td>
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<td>03/12/1998</td>
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<td>Orpheus Island</td>
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Education: Disability Discrimination Act Education Standards
(Question No. 531)

Senator Allison asked the Minister representing the Minister for Education, Science and
Training, upon notice, on 7 August 2002:
Is it the case that the July 2002 meeting of the Ministerial Council on Education, Employment, Training
and Youth Affairs determined that the workplan of the Indigenous and Targeted Initiatives of National
Significance taskforce should be modified to include the conclusion of outstanding work in response to
the development of the Disability Discrimination Act education standards; if so, can reasons for doing
so be provided.

Senator Alston—The Minister for Education, Science and Training has provided the fol-
dowing answer to the honourable senator’s question:
At the July 2002 meeting of the Ministerial Council on Education, Employment, Training and Youth
Affairs (MCEETYA), Ministers agreed that the outstanding work on the Disability Discrimination Act
education standards be referred to the Indigenous and Targeted Initiatives of National Significance
Taskforce. This is the appropriate Taskforce for this work and is consistent with past decisions by Min-
isters to put the work commissioned by MCEETYA under the control of eight taskforces chaired by
Chief Executive Officers of education systems and the Commonwealth.

Health and Ageing: GMF Health
(Question No. 570)

Senator Cook asked the Minister for Health and Ageing, upon notice, on 21 August 2002:
With reference to GMF Health, a Kalgoorlie-based private health insurance fund which was placed in
the hands of Mr Peter Hedge, an administrator appointed by the Private Health Insurance Administra-
tion Council on 23 December 2001:
(1) What duties were specified on his appointment for Mr Hedge to perform in his role as Adminis-
trator of GMF Health.
(2) What monies have been paid: (a) to Mr Hedge in respect of his duties as administrator; and (b) to
any related employing entity of Mr Hedge.
(3) On what basis have these payment been calculated.
(4) For how many hours or days, and on which dates, has Mr Hedge, or any related employing entity
of Mr Hedge, been paid for services relating to his role as administrator.
(5) What other expenses has Mr Hedge incurred and/or been reimbursed for in relation to his em-
ployment as administrator.
(6) What experience and qualifications does Mr Hedge have to enable him to perform the role of ad-
ministrator.
(7) Was any of the financial analysis and accounting work incumbent in Mr Hedge’s role as adminis-
trator performed by persons other than Mr Hedge or staff of GMF Health; if so, was any of this
work contracted out to local accounting firms in Kalgoorlie.
(8) (a) How much longer is it anticipated that Mr Hedge’s services will be required as Administrator
of GMF Health; and (b) how much is it anticipated this will cost.

Senator Patterson—The answer to the honourable senator’s question is as follows:
(1) On his appointment, the specified duties of Mr Hedge were as administrator. The duties of an ad-
ministrator appointed to a registered health benefits organisation are set out in Subdivision 3 of the
National Health Act 1953 (The Act). An administrator is required to act in accordance with the
duties and powers set out in sections 82XL and 82XQ of the Act.
(2) (a) The money paid to Mr Hedge, who is employed by PricewaterhouseCoopers, in his role as
administrator is in accordance with sub-section 82XH(2) of the Act. It is a matter between
the fund and Mr Hedge. GMF Health is billed directly for the hours Mr Hedge works in ac-
cordance with the hourly rate set by the tender accepted by the Private Health Insurance
Administration Council (PHIAC) in November 2001. The costs of this administration are
part of the management costs of the fund.
(b) The money paid to PricewaterhouseCoopers, the related employing entity of Mr Hedge, is in accordance with sub-section 82XH(2) of the Act and is a matter between the fund and PricewaterhouseCoopers. PricewaterhouseCoopers bills the fund directly for the hours worked in accordance with the hourly rate set by the tender accepted by PHIAC in November 2001.

(3) These payments were calculated having regard to the hourly rate set by the tender accepted by PHIAC in November 2001. The rate varies depending on the level of the person undertaking the work. The rates are as follows:

- Director: $395/hr
- Manager: $285/hr
- Executive: $120/hr
- Support: $120/hr

These rates were the most competitive tender.

(4) See the answer to question 2 above.

(5) See the answer to question 2 above.

(6) Section 82XE of the Act provides that PHIAC cannot appoint a person as an administrator of a health fund unless the person is registered as an official liquidator under the Corporations Law. Mr Hedge is so registered.

(7) Financial analysis and accounting work incumbent in Mr Hedge’s role as administrator was carried out by Western Australian staff of PricewaterhouseCoopers and staff of GMF Health. Additional analysis was undertaken by PricewaterhouseCoopers actuaries. A computer servicing contract was let to a local Kalgoorlie firm and some accounting work for Fringe Benefits Tax and Goods and Service Tax was let to a local Kalgoorlie accountancy firm. Other contracts were let to Perth companies where the skills were not available in Kalgoorlie.

Importantly, since Mr Hedge was appointed administrator of GMF Health on 23 December 2001 management expenses have declined from over 20% of outlays to 10.68% of outlays at the end of June 2002. GMF Health management expenses are now below the industry average of 11.8%.

It should also be noted that this reduction in management expenses includes payment of the administrator by the fund.

(8) (a) A decision on GMF Health could be made as early as mid-October 2002 but will require approval from the Federal Court and it is not possible to estimate how long this will take.

(b) As any decision about the future of GMF Health will require approval from the Federal Court it is not possible to estimate the costs involved. Mr Hedge will continue to administer the fund until the course of action approved by the Federal Court is completed.

Employment and Workplace Relations: Superannuation

(Question No. 610)

Senator Sherry asked the Senator representing the Minister for Employment and Workplace Relations, upon notice, on 30 August 2002:

(1) For each department within the Minister’s portfolio, how is superannuation calculated (ie. is the superannuation entitlement calculated on base salary and other income payments, such as overtime allowance or performance bonuses, or on base salary alone).

(2) If the department calculates superannuation on a broader basis, by incorporating all income payments in the calculation of superannuation entitlements, but allows employees to opt out of this arrangement so as to reduce the base upon which superannuation is calculated, what proportion of employees do this.

Senator Alston—The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator’s question:

The Department of Employment and Workplace Relations calculates superannuation in accordance with the general rules governing the Commonwealth’s superannuation schemes, including the Commonwealth Superannuation Scheme and the Public Sector Superannuation Scheme. This means that the department calculates superannuation on base salary and those allowances covered under the scheme’s general rules. These allowances include first aid, shift, restriction and temporary performance loading.
While the department recognises that the rules now allow scope for variability to the calculation of superannuation, it has not, at this stage, adopted any alternate approaches.

**Industry, Tourism and Resources: Superannuation**

(Question No. 619)

Senator Sherry asked the Minister representing the Minister for Industry, Tourism and Resources, upon notice, on 30 August 2002:

(1) For each department within the Minister’s portfolio, how is superannuation calculated (ie. Is the superannuation entitlement calculated on a base salary and other income payments, such as overtime allowance or performance bonuses, or on base salary alone).

(2) If the department calculates superannuation on a broader basis, by incorporating all income payments in the calculation of superannuation entitlements, but allows employees to opt out of this arrangement so as to reduce the base upon which superannuation is calculated, what proportion of employees do this.

Senator Minchin—The Minister for Industry, Tourism and Resources has provided the following answer to the honourable senator’s question:

(1) All ongoing APS employees must be a member of one of two statutory superannuation schemes - the Commonwealth Superannuation Scheme (CSS) and the Public Sector Superannuation (PSS) Scheme. Salary for superannuation purposes in both schemes (ie the basis for calculation of contributions and benefits) is calculated in accordance with the fund rules. Superannuation salary is normally based upon base salary. However, there are a number of allowances that are included for superannuation purposes under the fund rules - for example long term higher duties and first aid officer allowances. Full details of the calculation of superannuation salary are available from the Comsuper (fund administrator) website - http://employer.pss-css.gov.au/faqs/index.htm.

This response relates to the Department of Industry, Tourism and Resources, which is the only department within the Minister’s portfolio.

(2) As the Department calculates superannuation salary in accordance with fund rules in all instances, this question is not applicable.