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Thursday, 20 March 2003

The PRESIDENT (Senator the Hon. Paul Calvert) took the chair at 9.30 a.m., and read prayers.

PETITIONS

The Clerk—A petition has been lodged for presentation as follows:

Iraq

To the Honourable the President and Members of the Senate in Parliament assembled. The Petition of the undersigned calls on the members of the Senate to support the Australian Democrats’ motion opposing Australia’s involvement in pre-emptive military action or a first strike, against Iraq.

We believe a first strike would undermine international law and create further regional and global insecurity.

We also call on the Government to pursue diplomatic initiatives towards disarmament in Iraq and worldwide.

by Senator Bartlett (from 1,353 citizens).

Petition received.

NOTICES

Presentation

Senator Allison to move on the next day of sitting:

That the Senate—

(a) notes:

(i) the release, on Thursday, 20 March 2003, of a report on the future of wind energy in Australia Driving investment, generating jobs: Wind energy as a powerhouse for rural and regional development in Australia,

(ii) that there are now 104 megawatts of wind power installed and running in Australia, 736 megawatts approved or under construction, and 1,400 megawatts formally proposed for planning approval,

(iii) that this total of 2,240 megawatts is sufficient to supply the energy needs of approximately 800,000 houses but is twice as much energy as is currently mandated under the Mandatory Renewable Energy Target,

(iv) approximately 6.6 times as many manufacturing and installation jobs are created for wind power as for coal-fired plant and up to 9,375 jobs could be created in Australia together with income of $17 million for rental of land from Australian farmers, with 5,000 megawatt installed capacity by 2010, and

(v) the cost to households of increasing the target to 10 per cent is estimated to be just $1.20 per month; and

(b) urges the Government to heed the recommendations of the report and increase the target from 2 per cent equivalent to 10 per cent.

Senator Brandis to move on the next day of sitting:

That the time for the presentation of the report of the Economics Legislation Committee on the provisions of the Corporations (Fees) Amendment Bill 2002 and 2 related bills be extended to 27 March 2003.

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

That the Senate—

(a) notes that:

(i) 22 March 2003 is World Water Day,

(ii) more than 1.1 billion people around the world do not have access to safe drinking water, and 2.4 billion people around the world do not have access to adequate sanitation,

(iii) it is estimated that by 2025, two-thirds of the world’s people will live in countries suffering from water scarcity,

(iv) currently, Australia spends only 3.5 per cent of its total aid on water and sanitation, compared to the 7 per cent average spending of other donor countries;

(b) congratulates Water Matters Australia on its campaign to ensure everyone has access to safe water and adequate sanitation, starting with the world’s poorest countries; and

(c) urges the Government to:

(i) immediately increase Australia’s overseas aid for water and sanitation to $100 million in the 2003-04 financial year, and to continue raising this level to $355 million a year by the 2007-08 financial year,
(ii) encourage good governance in the provision of water and sanitation services, and
(iii) ensure that any participation by the private sector benefits the poor.

Senator Crossin to move on the next day of sitting:

That the Senate—

(a) condemns the Howard Government’s seven years of lack of interest and denial on public transport, as evidenced by:
(i) its decision to add a goods and services tax to fares,
(ii) its failure to address the fringe benefit tax disincentives on public transport fares,
(iii) its failure to give urban buses a fair go under the Diesel and Alternative Fuel Grant Scheme, and
(iv) its stated denial of any responsibility or consideration of public transport in the Auslink Green Paper that purports to lay the groundwork for a national transport plan;
(b) notes, with concern, the impact of increased congestion in urban and outer urban areas on quality of life, health, and access to jobs and services for Australians;
(c) emphasises the environmental gains to be made through policy measures that reduce transport emissions, especially by reducing car dependency;
(d) stresses that access to public transport is an issue in all regions, including regional towns and cities, impacting daily on access to jobs, education and services for Australians; and
(e) calls on the Howard Government:
(i) to release any policy option and research papers commissioned or undertaken by the Commonwealth that canvass policy measures and costs associated with tax and regulatory barriers to increasing public transport usage, including the ‘Cost Benefit Analysis Study for Exempting Employer-Provided Public Transport from Fringe Benefits Taxation’ conducted by the Australian Greenhouse Office in 2002; and
(ii) to accept a role for the Commonwealth in relation to public transport and declare that role in the Auslink White Paper, due to be released in 2003.

BUSINESS

Rearrangement

Senator Ferris (South Australia) (9.31 a.m.)—by leave—At the request of the Chair of the Legal and Constitutional Legislation Committee, Senator Payne, I move:

That business of the Senate orders of the day nos 2 and 4, relating to the presentation of reports of the Legal and Constitutional Legislation Committee, be postponed till a later hour.

Question agreed to.

Rearrangement

Senator Ferris (South Australia) (9.32 a.m.)—by leave—At the request of the Chair of the Economics Legislation Committee, Senator Brandis, I move:

That business of the Senate order of the day no. 1, relating to the presentation of the report of the committee on annual reports tabled by 31 October 2002, be postponed till a later hour.

Question agreed to.

Rearrangement

Senator Boswell (Queensland—Leader of the National Party of Australia in the Senate and Parliamentary Secretary to the Minister for Transport and Regional Services) (9.32 a.m.)—by leave—I move:

That the following government business orders of the day be considered from 12.45 p.m. till not later than 2 p.m. today:

No. 5 Agricultural and Veterinary Chemicals Legislation Amendment Bill 2002.
No. 6 Agriculture, Fisheries and Forestry Legislation Amendment Bill (No. 2) 2002.
No. 7 Transport Safety Investigation Bill 2002 and a related bill.
Family and Community Services Legislation Amendment Bill 2002.

Question agreed to.

Rearrangement

Senator Boswell (Queensland—Leader of the National Party of Australia in the Senate and Parliamentary Secretary to the Minister for Transport and Regional Services) (9.32 a.m.)—by leave—I move:
That the order of general business for consideration today be as follows:

(1) general business notice of motion No. 405 standing in the name of Senator Conroy relating to late payments to small business suppliers; and

(2) consideration of government documents.

Question agreed to.

NOTICES
Postponement

Items of business were postponed as follows:

General business notice of motion no. 389 standing in the name of Senator Evans for today, relating to the decline in the rate of bulk billing, postponed till 24 March 2003.

General business notice of motion no. 393 standing in the name of Senator Stott Despoja for today, relating to coffee producers in developing countries, postponed till 24 March 2003.

BUSINESS

Consideration of Legislation

Senator BROWN (Tasmania) (9.33 a.m.)—by leave—I would like to speak briefly on the order of business for the day. It is private members’ time on Thursday afternoons. I draw to the Senate’s attention that that time is available for private members. I have sought from the opposition on a number of occasions the opportunity to discuss legislation that I have before the chamber. I will be writing today to the Leader of the Opposition in the Senate to seek time for the discussion of Greens legislation. It is very important to recognise that this time is for private members and not just for the opposition.

Senator LUDWIG (Queensland) (9.34 a.m.)—by leave—I would like to make a statement in reply. The normal procedure is for those matters to be reappraised. If there is a time that you want, I am sure you can come and talk to me and we can arrange it.

Senator Brown—I have done that a number of times. Right throughout last year you were approached.

Senator LUDWIG—I do not recall in the last fortnight or in the last sitting period an approach from the Greens in relation to this matter. If the Greens do want to renew their approach, I am sure the matter will be taken into consideration and dealt with.

COMMITTEES

Rural and Regional Affairs and Transport Legislation Committee

Extension of Time

Senator FERRIS (South Australia) (9.35 a.m.)—At the request of Senator Heffernan, I move:

That the time for the presentation of the report of the Rural and Regional Affairs and Transport Legislation Committee on the Wheat Marketing Amendment Bill 2002 be extended to 14 May 2003.

Rural and Regional Affairs and Transport Legislation Committee

Meeting

Senator FERRIS (South Australia) (9.35 a.m.)—At the request of Senator 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 Monday, 24 March 2003, from 4 pm, to take evidence for the committee’s inquiry into the Dairy Industry Service Reform Bill 2003 and a related bill.

DEFENCE: CLUSTER BOMBS

Senator NETTLE (New South Wales) (9.36 a.m.)—I move:

That the Senate—

(a) notes the Human Rights Watch report, from December 2002 regarding the use of cluster bombs, which described these munitions used by both British and American forces as ‘fundamentally flawed’;

(b) recognises that by February 1993 unexploded bomblets had killed 1 600 Kuwaiti and Iraqi civilians and injured 2 500, sixty per cent of which victims were under 15 years of age;

(c) notes:

(i) that a leaked British Ministry of Defence report estimated that 60 per cent of the 531 cluster bombs dropped by the Royal Air Force during the Kosovo war missed their intended targets or were unaccounted for,

(ii) the provisions of the protocol additional to the Geneva Convention
of 12 August 1949, relating to the protection of victims of international armed conflicts (Protocol 1) of 8 June 1977, to which Australia is a state party, in which Article 51 forbids indiscriminate methods and means of attack,

(iii) that unexploded cluster bomblets are indiscriminate and cluster bomblets cause higher rates of live ‘duds’ than other explosive munitions, and

(iv) that Article 35(2) of Protocol 1 additional to the Geneva Convention states, ‘It is prohibited to employ weapons, projectiles and material and methods of warfare of a nature to cause superfluous injury or unnecessary suffering’;

d) accepts the status of these munitions as being as acceptably dangerous to the safety of civilians as the use of anti-personnel landmines, which are banned under the Ottowa Convention;

e) therefore, endorses the European Parliament’s call for the United Nations Convention on Certain Conventional Weapons (CCW) State Parties to declare an immediate moratorium until an international agreement has been negotiated on regulation or restriction or ban on the use, production, and transfer of cluster munitions under the CCW, including air-dropped cluster munitions and submunitions delivered by missiles, rockets and artillery projectiles; and

(f) calls on the Government to guarantee that Australian forces will not use, or be involved in the use of, these cruel and indiscriminate weapons.

Question agreed to.

ENVIRONMENT: WATER MANAGEMENT

Senator LEES (South Australia) (9.37 a.m.)—I move:

That the Senate—

(a) notes that:

(i) 22 March 2003 is World Water Day,

(ii) there is a growing global water crisis, with more than 1.3 billion people lacking access to safe water and 2.4 billion lacking adequate sanitation,

(iii) one of the Millennium Development Goals is to halve by 2015 the proportion of people without access to safe water,

(iv) this goal was agreed to at the United Nations Millennium Summit in 2000, and

(v) Australia has agreed to this goal; and

(b) calls on the Australian Government:

(i) to commit to paying its fair share of the global costs of meeting the water Millennium Development Goal, and

(ii) to ensure that local communities have the support needed to manage their own water and sanitation service provision.

Question agreed to.

HEALTH: WATER AND SANITATION

Senator ALLISON (Victoria) (9.37 a.m.)—I move:

That the Senate—

(a) notes that:

(i) more than 1.1 billion people in the world today lack access to safe drinking water, and around 2.4 billion lack adequate sanitation,

(ii) by 2025 two-thirds of the world’s population will live in countries suffering water scarcity and that this will pose a massive threat to world security,

(iii) water-related diseases are the greatest cause of death in the world today, with one child dying every 8 seconds,

(iv) Australia is committed to the Millennium Development Goals, which include targets to halve, by 2015, the proportion of people without access to safe drinking water and adequate sanitation, and

(v) Saturday, 22 March 2003 is World Water Day; and

(b) calls on the Federal Government to work towards its commitment to increasing water and sanitation aid in developing countries in line with the 2015 Millennium Development Goals.

Question agreed to.

ENVIRONMENT: MURRAY-DARLING RIVER SYSTEM

Senator LEES (South Australia) (9.37 a.m.)—I move:

That the Senate—
(a) notes:

(i) that 2003 is the International Year of Freshwater and that 22 March is World Water Day,
(ii) that we are taking more resources from the Murray-Darling Basin than its natural systems can replenish due to poor management,
(iii) the ecological stress in the Murray-Darling Basin indicated by salinity, unhealthy rivers and decreasing biodiversity,
(iv) that the condition of the Murray River below its junction with the Darling River at Wentworth in New South Wales is continuing to decline,
(v) current scientific advice is that 1 600 gigalitres per annum of additional flow would provide a moderate likelihood of restoring the health of the river system, and
(vi) the bipartisan declaration, the Adelaide Declaration, issued after the deliberations in the Forum at Parliament House, Adelaide, on 25 February 2003; and

(b) supports:

(i) the Adelaide Declaration’s call for the Murray-Darling Basin Ministerial Council to agree to its April 2002 upper reference point of 1 500 gigalitres in extra flows for the Murray River when it meets in October 2003,
(ii) the Adelaide Declaration’s proposal for an immediate step of restoring an additional flow in the Murray-Darling Basin system of 500 gigalitres within the next 5 years, and
(iii) the principle that local communities have the capacities to both implement their local action plans and be involved in making the trade-offs to restore environmental flows.

Question agreed to.

Senator Brown—Mr President, can I have it noted that the government opposed the last three motions?

The PRESIDENT—I do not believe there is any need for that—I think it will be recorded accordingly. If you wish to move something along those lines, you will have to seek leave.

Senator Brown—I seek leave to move that the government opposed the last three motions.

The PRESIDENT—I am advised that you should be seeking leave to have that recorded. Is leave granted?

Senator Ferris—No.

Leave not granted.

Senator Brown—Mr President, on a point of order: the government has refused leave for that to be recorded, compounding their wish to vote against these motions but not to have it recorded.

Senator Ferris—It’s not even your motion.

Senator Brown—You should stand up for what you are doing here on each of these occasions.

The PRESIDENT—Order! I think the Hansard will show what has transpired here this morning.

CORRIE, MS RACHEL

Senator STOTT DESPOJA (South Australia) (9.39 a.m.)—I move:

That the Senate—

(a) notes the death of Ms Rachel Corrie, a 23-year old American killed by an Israeli bulldozer as she attempted to prevent it demolishing a Palestinian home in the Rafah refugee camp; and

(b) expresses its condolences to Ms Corrie’s family and friends.

Question agreed to.

IRAQ

Senator BARTLETT (Queensland—Leader of the Australian Democrats) (9.39 a.m.)—I move:

That the Senate—

(a) notes the comments of many former leaders and security experts opposing war on Iraq, including former Australian ambassador to the United Nations, Richard Woolcott; and

(b) notes that senior British Cabinet Minister Robin Cook resigned on 17 March 2003 from his post as the government’s leader in the House of Commons over the United Kingdom government’s decision to back military action against Iraq;
(c) notes that the reports of Hans Blix and Mohammad El Baradei on weapons of mass destruction in Iraq made strong recommendations that the weapons inspection process continue;

(d) notes that the resolution tabled in the United Nations by France, Russia and Germany urges the continuation of the inspection regime rather than military action;

(e) notes that Iraq has been successfully contained for 13 years, committing no external acts of aggression; and

(f) opposes the Cabinet’s decision to participate in a war against Iraq without a United Nations resolution authorising force.

Question agreed to.

COMMITTEES

Employment, Workplace Relations and Education Legislation Committee

Report

Senator FERRIS (South Australia) (9.40 a.m.)—On behalf of the Chair of the Employment, Workplace Relations and Education Legislation Committee, Senator Tierney, I present the committee’s report on annual reports tabled by 31 October 2002.

Ordered that the report be printed.

FAMILY AND COMMUNITY SERVICES LEGISLATION AMENDMENT BILL 2000

First Reading

Bill received from the House of Representatives.

Senator BOSWELL (Queensland)—Leader of the National Party of Australia in the Senate and Parliamentary Secretary to the Minister for Transport and Regional Services) (9.41 a.m.)—I move:

That this bill may proceed without formalities and be now read a first time.

Question agreed to.

Bill read a first time.

Second Reading

Senator BOSWELL (Queensland)—Leader of the National Party of Australia in the Senate and Parliamentary Secretary to the Minister for Transport and Regional Services) (9.41 a.m.)—I table the revised explanatory memorandum relating to the bill and I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in Hansard.

Leave granted.

The speech read as follows—

This bill contains a number of non-Budget measures that will assist in more effective and efficient administration of the social security law and family assistance law.


The technical amendments contained in this bill include the repeal of redundant provisions, references and notes and the renumbering of misdescribed provisions. This bill also makes minor amendments which largely seek to simplify and clarify existing legislative provisions, achieve consistency between similar provisions and payment types, and address some unintended consequences of earlier amendments.

The bill also makes some minor policy changes, such as amending the Social Security Act 1991 to allow a person to be qualified for mobility allowance if they are undertaking approved activities, such as gainful employment, vocational training or voluntary work, for at least 32 hours every four weeks, rather than eight hours every week. This will provide more flexibility for mobility allowance customers, and recognises that these customers have different needs and abilities, which may affect the number of hours they are able to undertake approved activities in a particular week.

In addition, the bill repeals the First Home Owners Act 1983, which is now redundant given that no new applications have been permitted under that Act since 1991.

Debate (on motion by Senator Mackay) adjourned.

Ordered that the resumption of the debate be made an order of the day for a later hour.
COMMITTEES
Legislation Committees

Reports

Senator FERRIS (South Australia) (9.42 a.m.)—Pursuant to order and at the request of the chairs of the respective committees, I present reports from legislation committees, except the Legal and Constitutional, the Employment, Workplace Relations and Education and the Economics Legislation Committees, on the examination of annual reports tabled by 31 October 2002.

Ordered that the reports be printed.

IRAQ
Debate resumed from 19 March, on motion by Senator Hill:

That the Senate—

(a) condemns Iraq’s refusal, over more than 12 years, to abide by 17 resolutions of the United Nations Security Council regarding the threat it poses to international peace and security;

(b) recognises:

(i) that Iraq’s continued possession and pursuit of weapons of mass destruction, in defiance of its mandatory obligations under numerous resolutions of the United Nations Security Council, represents a real and unacceptable threat to international peace and security,

(ii) that Iraq’s behaviour weakens the global prohibitions on the spread of weapons of mass destruction, with the potential to damage Australia’s security, and

(iii) that, as more rogue states acquire them, the risk of weapons of mass destruction falling into the hands of terrorists multiplies, thereby presenting a real and direct threat to the security of Australia and the entire international community;

(c) abhors:

(i) Iraq’s continued support for international terrorism, and

(ii) the institutionalised widespread and grave abuse of the human rights of the Iraqi people over many years;

(d) notes that United Nations Security Council resolutions adopted under Chapter VII of the United Nations charter, in particular resolutions 678, 687 and 1441, provide clear authority for the use of force against Iraq for the purposes of disarming Iraq of weapons of mass destruction and restoring international peace and security to the region;

(e) endorses the Government’s decision to commit Australian Defence Force elements in the region to the international coalition of military forces prepared to enforce Iraq’s compliance with its international obligations under successive resolutions of the United Nations Security Council, with a view to restoring international peace and security in the Middle East region;

(f) expresses its unequivocal support for the Australian service men and women, and other personnel serving with the international coalition, its full confidence in them and the hope that all will return safely to their homes;

(g) extends to the innocent people of Iraq its support and sympathy during the military action to disarm Iraq of its weapons of mass destruction and the reconstruction period that will follow; and

(h) notes that the Government is committed to helping the Iraqi people, including through humanitarian assistance, to build a new Iraq at peace with itself and its neighbours.

upon which Senator Faulkner had moved by way of an amendment:

Omit all words after “That”, substitute “the Senate—

(a) insists that Iraq must disarm under the authority of the United Nations (UN);

(b) believes that in the absence of an agreed UN Security Council resolution authorising military action against Iraq, there is no basis for military action to disarm Iraq, including action involving the Australian Defence Force;

(c) insists that there should be no commitment of Australian troops to a war in Iraq outside the authority of the UN;

(d) concludes that Australian involvement in a war in Iraq without UN authorisation is not in Australia’s national interests nor in the interests of maintaining international peace and security; and
(e) expresses its confidence in our service men and women and its full support for them and their families”.

and upon which Senator Bartlett had moved by way of an amendment:

At the end of the amendment, add:

(f) is of the view that the decision of the Australian Government to commit Australian troops to an invasion of Iraq is clearly being done without the authorisation or support of the UN Security Council;

(g) condemns and opposes the decision of the Australian Cabinet and the President of the United States of America (Mr Bush) to commit troops to an imminent attack on Iraq;

(h) calls for the Australian troops to be withdrawn and returned home immediately; and

(i) calls on the Australian and the United States governments to continue the policy of containment and disarmament through weapons inspections under the existing UN Security Council authority, as proposed by the governments of France, Germany and Russia.

Senator LIGHTFOOT (Western Australia) (9.43 a.m.)—I thank the Senate for the opportunity of contributing to this ongoing debate with respect to the proposed war in Iraq. I have listened, not to all of the speakers—there have been a number of them—but to a lot nonetheless. I have listened in this chamber and I have listened on my monitor, and I do not remember there being such vociferous differences between the conservative elements of those in this house and the socialist elements.

It reminds me of the Second World War—about which other people have spoken here as they contributed in a significant way to this debate—and of the rise of Hitler, when he created a putsch in the mid-twenties, when he was not stopped, and later in 1933 when with less than 40 per cent of the vote he replaced the German Kaiser and Chancellor and assumed control as Chancellor, and then again in 1938 when he promised he was not going any further and had no expansionary visions for Europe. Then he went, in the face of telling the world and particularly the Britons at the time, who were in a similar position to that of the United States today, and convinced them of his sincerity. I wonder whether he did convince them. I wonder whether there was not a large element of people who went along with what their leaders said—not necessarily the Prime Minister of the day but what their opposition Labour Party leader said in Britain. The Labour Party at the time, you might recall, Mr Acting Deputy President, had a disposition that erred towards national socialism.

You will recall Mosley’s mob, as they were referred to. You will also recall the traitor whose name was William Joyce, who was given the name of Lord Haw-Haw by a journalist from the Daily Telegraph in London, a paper published in the city at least. I do not remember precisely the genesis of the term ‘Haw-Haw’, but it was the tone of his voice, his impeccable accent, that at least contributed to that sobriquet. We have a similar situation today where, if Saddam Hussein had been stopped at some time during his murderous rise through the Baath Party, we would not be facing this dilemma today. We would not be sending Australian troops there today. We would not see over 300,000 troops defending what we believe firmly, fervently and totally is a just war. It is a just war because there are so many other times in history when aggression could have been stopped but we did not stop it. We did not have the ticker in the leadership at the time to stop it.

We do have that ticker today, and I am pleased and proud to say that I embrace and endorse totally, without equivocation and unambiguously, those moves that the coalition government, through the Prime Minister John Howard, have made to prevent this madman, this manifest killer, this man who kills his own kith and kin, this man who has slaughtered his way to the top and who holds his position and the premiership in Iraq by fear—not just fear of losing your life, which is bad enough, but fear of terrible, terrible torture before you succumb to the embrace of that black abyss. I think about the parallel with Hitler’s Germany of the thirties and, ultimately, the forties. I know that it is not going to be like that because of the action of the United States, the British and the Austra-
lians—and let us not forget the Polish government, which is also sending 200 troops to that never-ending trouble spot of the Middle East.

But let me get back to Lord Haw-Haw. Lord Haw-Haw’s tactics, as I recall from reading in history, were to broadcast to the Allied forces, particularly the British, to let their troops know that their wives and families needed them at home and how much they missed them, to let the troops know that they could not win, to let the troops in other parts of that awful geographical area at the time know that their loved ones were waiting for them and to let them know that they had an option about living in trenches and that they should be at home. He was disrupting the ability of the armed services at the time to function in a proper fashion—or at least that is what he hoped and that is what his Nazi masters hoped at the time. Here you have Mr Crean from the other place saying that this is an unjust war: ‘This is not a war that is sanctioned by the United Nations. Why don’t we bring our boys home?’ There is a parallel between the two characters.

Senator Santoro—A treacherous parallel.

Senator LIGHTFOOT—As my colleague Senator Santo Santoro says, there is a treacherous parallel between the two systems, the one using the age-old propaganda of using loved ones, their home, their succour and with their bright fires burning—using all these illustrations—to try to unseat and to create unrest amongst the armed services. Mr Crean is not Lord Haw-Haw; he is Lord Ha-Ha, because people laugh at him. They are laughing at him because what he should be doing is getting behind the Australian troops and the Australian service personnel unequivocally, saying he supports their endeavours; the die is cast. Why would you try to create dissension, unrest and unhappiness amongst our troops by saying that you are going to bring the boys home? It might have worked with Clement Attlee, but it is not going to work today. These men and women of ours have a cause. The cause is just, the cause is legal, and the Australian people are behind our service men and women in the Middle East, as they have been behind them in all other conflicts this country has participated in since the turn of the century at least—although some historians would say that the Maori wars of the 1850s were the first conflicts that Australian troops fought in.

We have fought in many battles. We have always pumped well above our weight in our battles, whether it was the Boer War or the First World War—where only the Irish suffered greater casualties per capita of troops sent—whether it was the Second World War, the Malayan Emergency or the Indonesian conflict or whether it was the Korean War or the Vietnamese war. And let me say that when there was a tragic loss there of French troops, of young Frenchmen, tens of thousands of them at Dien Bien Phu, it was not a time when the French should have pulled out. But what did they do? They pulled out of Indochina and left the United States, again, to raise the flame of democracy in that area, and not a French trooper was to be seen after the terrible debacle at Dien Bien Phu.

Senator Barnett—They have a real track record, haven’t they?

Senator LIGHTFOOT—They do have a track record and it is a bad track record. And today the same thing is happening. The French created problems in the Levant. They deserted it. The French created problems in the Lebanon and they deserted and left that tiny country to its own particular secular conflicts. It is not a pleasant time in the world today. It is not a pleasant time for a united Europe, where you have two of the largest countries there, one of which is still an economic force—I speak of Germany, where over 11 per cent are unemployed at the moment and the Chancellor is not doing much to assist it—having conflict. With these two major countries opposing the rest of the countries of the European Union, it does not augur well and one should be very sceptical about the European Union being able to function properly, either in a cohesive sense or in an economic sense. Some would say it needs to function in an economic sense to be cohesive. I find no argument with that.

But let me get back to ‘Lord Ha-Ha’. The Leader of the Opposition in the other place said that there is no justification for going in.
We know there is justification. Everybody, from six-year-olds upwards, knows that the justification is ample and is manifest. It is manifested every day. You heard someone speak last night, in a contribution on this same debate, of a dissenter in Baghdad who had his tongue cut out, who was stabbed and mutilated and then tied to a telegraph pole so everyone could see what happened to people who offered some dissent. You know that history has recorded in recent times that there have been 375,000 young men and some young women who were killed as a result of the conflict between Iraq and Iran in the eighties. You know that the president, the dictator, the despot of Iraq induced his son-in-law to come home: ‘All is forgiven’. This was the father of the despot’s grandchildren he induced to come home, and when he came home he had him executed. He had him summarily shot.

Senator Boswell—There were two of them—two sons-in-law.

Senator LIGHTFOOT—Two sons-in-law, as Senator Boswell, the Leader of the National Party, says. Two sons-in-law were executed. What sort of a man is this? How can you find the justification or the cause to support a man like this? I have been to the Middle East on several occasions. In December I was in Jordan and Iran. Could I say—I trust not the detriment of those countries—that they support what we are doing. I spoke to many people in high places. I was very fortunate to speak to King Abdullah, but the subject of this was not protracted, I can assure you. He did not say that he supported the allies’ advance. But other people in high positions in both of those countries told me privately and I guess in some confidence—but because invasion is imminent I feel free, and I feel it proper, to say now—that political leaders and clerics in those countries want him overthrown. He is a threat to the stability and the peace in that country and the wider region.

Senator Ferris—And all the oppressed women.

Senator LIGHTFOOT—And all the oppressed women, as Senator Ferris has said. There is a cause, particularly in Jordan and Iran, because women form more than 50 per cent of university enrolments but what happens to them after that? In some places they still have to wear the chador; they still have to wear head veils and so on. They do not have the freedom that women in the developed world have, particularly those in Australia. You could think of a hundred different justifications for overthrowing this despot.

Paradoxically, it is rather sad to think that the first recognised civilisation, the Sumerians, started in those rich, watered valleys of the Tigris and the Euphrates several thousand years ago, where people stopped and fostered and grew crops from which, incidentally, we benefit today. So here we have the cradle of civilisation being run, over a number of decades now, by one of the greatest despots and most cruel of men that this world has ever seen. I put him in the same category as Pol Pot, as General Tojo, as Herr Schickelgruber—otherwise known as Adolf Hitler; I put him in the category of all those despots that have come before him. So the justification is there to overthrow him on that basis alone.

The legality of the proposed invasion is not there, as the chap I refer to as ‘Lord Ha-Ha’ says. Let me have a look at resolutions 678, 687 and 1441. Resolution 678 authorises United Nation members to ‘use all necessary means’ to implement United Nations resolutions to restore peace and security in the region. That is clear. You cannot read anything into it other than what it says. It is plain language. Where is the problem with 678? Resolution 678 is augmented by resolution 687, created in 1991, which sets out clear and unambiguous obligations on Iraq to abandon its weapons of mass destruction. So far there has been no conclusive evidence that those weapons of mass destruction have been destroyed. I am sure that they are in the bastion and armoury of this despot. Resolution 687 says that it is necessary to take steps to restore peace and security to the Middle East in the wake of the Gulf War. By its failure to comply with its obligations, Iraq has breached the cease-fire conditions imposed at the end of the Gulf War in 1991 by the United Nations.

Let us look at resolution 1441. The cease-fire resolution declared that Iraq was in continuing material breach of those cease-fire
conditions of resolutions 678 and 687. Resolution 1441 then gave Iraq one last chance—and how many last chances has the despot had?—to comply with its disarmament obligations, or it would face serious consequences. As Iraq failed to take advantage of the opportunity provided by resolution 1441, it still remains in material breach of resolutions 678 and 687. Therefore, there is no basis for continuing the cease-fire.

The justification is ample. Even a fraction of that which I and my colleagues in this chamber have described is ample to justify the war. No-one likes war. You would have to be insane to look forward to a war with glee. But we know from the past—from Australian and European history—that freedom has only been won where the opportunity and where the justification exist to overthrow despots of this nature. If done with alacrity, certainly we have been able to overthrow other despots—which gives us this freedom that we enjoy today and which gives us these laws that allow women to be equal to men in Australia. Some would say that women are equal—but not as equal as the men. I have no problem with that; it is coming and it will come. But it will not come to the Middle East and it will not come to Iraq. It will not come because of this bloodthirsty killer. I really do not think he is insane, if that is not a contradiction of what I have already said. I think that he is too clever, too witty and too much of a survivor, but he has killed, slashed, stabbed, murdered and intimidated his way to the top through the Ba’ath Party.

Let me turn to more recent events in the House of Commons on their last sitting day. The House of Commons approved ‘all means necessary’ against Iraq by 396 for and 217 against. (Time expired)

Senator LUNDY (Australian Capital Territory) (10.03 a.m.)—A mere phone call from President Bush to Prime Minister Howard was all it took to have Australia confirm its participation in the invasion of Iraq. This commitment by John Howard represents the first time Australia has engaged in conflict as an aggressor. At any other time under any other government this would be untenable. But under the coalition government this is where the citizens of Australia find themselves. This shameful situation has been brought about by Prime Minister Howard.

The motion that we are debating today seeks endorsement for John Howard’s decision to commit the Australian Defence Force to an attack on Iraq led by the US. The opposition is seeking to amend this motion to express the view of the Labor Party and the majority of Australians, which is to oppose Australia’s involvement in this attack. I speak against the motion and in support of the amendment put forward by Labor. This is not a debate about the alliance with the US. This alliance does not mandate Australia to comply with US military action. For the Prime Minister to assert that this alliance somehow obligates the Australian federal government to act in such a subservient way to the US government is galling for Australia as a proud and independent nation. It is embarrassing that our democratic independence can be traded away so irresponsibly by our Prime Minister. Labor is responsible to the citizens and to the parliament for the national security of Australia. This means parting company with our American ally on the question of invading Iraq, and this is what Labor has done.

It is important to note that Australia’s alliance with the US involves a mutual commitment to the United Nations. This includes Security Council processes. These have not been followed. There has been no subsequent resolution authorising military force in Iraq. Resolution 1441 provides for the Security Council to consider the disarmament reports, which say that more time is needed. Through this process, there is still an opportunity to peacefully disarm Iraq. However, this government claims that this peaceful process is futile. In contrast, in the absence of another resolution and without the continuing progress of the weapons inspectors led by Hans Blix, Labor cannot support this war. We say no because this war is not only unjustified but unjust.

The government and opposition are at odds. For the first time, bipartisan agreement for the deployment of troops has not been achieved. Labor has chosen to support con-
continuing peaceful disarmament under UN resolution 1441. The coalition supports an invasion of Iraq led by the US, with Australia as part of the coalition of the willing, without United Nations authorisation. I know which choice is morally right. I know which choice is in the interests of the Australian people. We should not be going to war. Labor choose the path of peace, and our amendment sets out Labor’s alternative approach. Our amendment insists that Iraq disarm under the authority of the United Nations, asserts that without a specific UN resolution there is no basis for military action to disarm Iraq, insists that there be no commitment of Australian troops to Iraq in the current circumstances and says that war in Iraq is not in Australia’s interests. Finally, Labor’s amendment expresses confidence in Australia’s troops.

That last point is worth emphasising, because the Prime Minister is trying to interpret opposition to the war as lack of support for the troops. The truth is there is no relationship between the two. The Prime Minister is trying to bully people into thinking that to oppose the war is to abandon respect and concern for Australian Defence Force personnel who have been sent to Iraq. Isn’t this Mr Howard all over? Such a tactic is true to form of this manipulative, mean and tricky government. I ask that the citizens in the ACT and the rest of Australia keep their eyes and ears open to such manipulation and reject it as the shallow, divisive attempt it is to drive a wedge between Australians who feel for our troops and Australians who oppose the war. My thoughts are also with them during this distressing time. Again, I assure them that Labor’s opposition to this war is accompanied by our complete confidence in and support for our service women and men as they do their duty. I also add that, as a senator for the ACT, I ask journalists to note that it is not Canberra which has committed Australia to war. I argue that Canberra and the ACT government are opposed to this war and to this commitment. Responsibility and blame for this war belong to John Howard and the coalition government, not to Canberra.

I turn now to Australia’s relationship with the United States of America, a relationship which is not just about diplomatic and trade ties. Australia and the United States also share very close cultural ties, but often our closeness is expressed through diplomatic representatives. That is why I believe that the comments by the US Ambassador to Australia were so unhelpful. His offensive interjections in the public discourse were naive and partisan, and his attempt to characterise Labor’s opposition to the US unilateral action in Iraq as undermining our alliance was incorrect—the implication being that the United States was united on the question of Iraq. Nothing could be further from the truth. To provide an insight into the range of views being expressed by US federal representatives, I would like to quote Senator Edward M. Kennedy, who delivered a speech titled ‘Securing America and disarming Saddam: concerns about the President’s rush to war in a dangerous world’ on 4 March 2003. Senator Kennedy said:

All of us agree that Saddam is a despicable and deceitful dictator, but we are deeply concerned that such a war will make the world even more dangerous for Americans—not less dangerous. Surely, we cannot afford to shatter the very coalition we need in order to combat the obviously greater and more imminent threat we face from Al Qaeda and its terrorists—the same coalition that led to the arrest this weekend of the planner of the 9/11 attack on America.

And on top of these actions, the Bush Administration quietly and stealthily changed a half century of American defense policy from one that used our nuclear arsenal for defense to one in which nuclear weapons may be used preemptively. These are major changes that affect not just our own safety and security, but peace on our
planet. After the horror of 9/11, we owe it to all Americans to debate these immense changes in the way we conduct ourselves in the world. And we owe it to our troops, to the Iraqi people, and to humanity.

Surely, we can have effective relationships with other nations without adopting a chip-on-the-shoulder, my-way-or-the-highway policy that makes all our other goals in the world more difficult to achieve. We cannot be a bully in the world school yard and expect cooperation, friendship, and support from the rest of the world.

No war by America can be successfully waged if it lacks the strong support of our people. The reason for that lack of support today is clear. The Administration has not made a convincing case for war against Iraq, or its costs, or its consequences.

I urge senators in this place to read the full transcript of Senator Kennedy’s speech. It provides an insight into how hard the Bush administration has tried to make Saddam Hussein a convenient surrogate for Osama bin Laden. But he has failed to prove the link between terrorism and Iraq. And the Prime Minister of Australia has also failed to prove this link.

On Thursday, 13 March we were told that John Howard would reveal ‘intelligence secrets to link Iraq with terrorism’. The best he could do was to say:

... if terrorists ever get their hands on weapons of mass destruction that will ... constitute a direct, undeniable and lethal threat to Australia and its people.

What an underwhelming piece of logic. We know that no link has been found to suggest that Iraq could have been in any way linked to the Bali bombings. And not one of the September 11 bombers was from Iraq. No one has suggested that we should bomb Indonesia or Saudi Arabia. So why Iraq? John Howard spoke of the atrocities inflicted by Saddam Hussein’s regime on the children and families of Iraq and said:

We’re talking about a regime that will gouge out the eyes of a child to force a confession from the child’s parents. This is a regime that will burn a person’s limbs ...

But he did not explain how bombing by the coalition of the willing of those same suffering children and families will improve their lot. Indeed, Messrs Howard, Ruddock and company have been accusing many of the refugees fleeing these regimes of not having a genuine case, and have sent many back into the conditions that they now appear to decry. And this supposedly ‘new evidence’ of Mr Howard’s of the crimes of the Iraqi regime, far from being new intelligence, was exposed as being lifted from a book on Iraq published last year.

Not long ago the Prime Minister was insisting that Iraqi refugees had thrown their children overboard into the sea, and he said that he did not want in Australia the sort of people who would throw their children overboard. This disgusting attempt to exploit the division he had generated in relation to asylum seekers was blatant. Later he claimed to have been misled when the truth came out that no children were thrown overboard. So if we were to give the Prime Minister the benefit of the doubt, how can he possibly know that he is not being misled again on Iraq and its possible ‘links’ with al-Qaeda and on the ‘need’ for pre-emptive strike action? He is likely to be just as wrong as he was in the ‘children overboard’ affair. And will he again claim that it was someone else’s fault? I do not think that the Prime Minister deserves the benefit of the doubt. His record is forever tainted.

I remember way, way back when people referred to Mr Howard as ‘Honest John’. He was never this. I am reminded that this nickname came about during his time as Treasurer in the Fraser government, as a sarcastic reflection on the opposite attribute. Mr John Howard will go down in history as a warmonger, as aiding the slaughter of innocents and as a willing saboteur of United Nations processes. He will leave a legacy in the form of a far greater vulnerability to terrorist attack. This war will make Australia less safe. It is also a legacy that, sadly, may be felt along the fault line of racial and religious tension, at odds with Australia’s multicultural society. This legacy will be felt by our children in the years to come.

Where are the lessons of previous conflicts? My generation has learnt the merits of peace and the despair of war from our parents. They were direct observers of the aftermath of World Wars I and II. What are the
implications for the civilised and structured processes for resolving regional and global conflicts? If the US, Australia and the UK take off their gloves and walk away from the UN, they dispel all moral authority for requiring others to comply. What happens then? We now know that the Prime Minister effectively committed Australia to US military action some 12 months ago. The dishonesty with which he has sought to pretend otherwise is an absolute disgrace. Labor, on behalf of the people of Australia, condemns the Prime Minister for being loose with the truth in relation to the level of commitment previously given to the United States. The real truth is that Australia was committed nearly a year ago, evidenced by the leaked memo between Minister Downer and the New Zealand High Commissioner and by, of course, the predeployment of ADF troops to the gulf.

I would like to conclude by expressing my congratulations to the people, including young people and children, who have expressed their opposition to the war through many peaceful rallies and demonstrations. Here in Canberra they have been very well attended, with the messages clear. I ask that this energy continue as there is more reason than ever to stop this unjustified war. I acknowledge the role of many organisations in organising for peace. In particular, the peak body of trade unions locally has played a very positive role in spreading the word for peace and is to be commended. State governments too have opposed the conflict. Through the leadership of the Labor Party in government, the ACT Legislative Assembly passed a resolution which, in short, calls on the Australian government to oppose the proposed war on Iraq and to withdraw our troops from the Middle East, because there is no clear evidence of an immediate threat to Australia or our allies. Just yesterday I received a copy of a statement from the Canberra Central Parish of the Uniting Church, which says that the parish is:

... concerned that a threat of military attack (especially if initiated outside the UN framework) would: put at risk the lives of Iraqi citizens, destroy what remains of Iraq’s social and economic infrastructure and thus lead to further human suffering and increase the risk of worldwide terrorism by disaffected extremists.

The parish is just one of hundreds of community and religious groups calling for an alternative, non-military solution to the Iraqi crisis. Finally, Australia is in uncharted waters. I fear for our future. I fear for the next generation and how their attitudes to war and peace will be shaped by what they observe this Prime Minister doing. I hope they at least sense the folly and futility of military aggression. Fear is a powerful emotion and I am determined to make my fear for the future inspire my commitment to peace. I urge all Australians to do the same in this very difficult time.

Senator Barnett (Tasmania) (10.18 a.m.)—I stand in support of the motion on Iraq and wish to use some key words to express my thoughts and views. Since September 11, 2001 there has been a paradigm shift in the way that we see security and country-to-country and people-to-people relationships in this global community in which we live. This was brought home face to face to the Australian people on October 12, 2002 with the shocking and terrible incident in Bali. We are now living in a new world order. This is one in which insecurity prevails, and it is quite possible that insecurity could grow and that terror could become even more horrific and terrible in the months and years ahead if we do nothing.

There has been a paradigm shift or change in the way that we see ourselves in this world community, and not only for the United States as a result of what happened in New York, Washington DC and Pennsylvania on September 11 and since that time with terrorists’ attempts to shut down the US Congress and community. What should be remembered is that it is not just that 3,000 lives were lost on September 11 and that 90 or more Australian citizens were killed on October 12. From the terrorists’ perspective, they were thrilled and pleased and celebrated that outcome. Saddam Hussein congratulated the terrorists on their actions, but their preference would have been that, instead of 3,000 lives or 90-odd lives lost, there would have been 30,000 or three million innocent
lives lost. That is the type of community and the type of terrorism that we are facing.

This is not simply a war against Iraq. I call it a war against Iraqism. It is a war against terror, and that is why I am pleased, humbled and honoured to be able to stand here and say that if we withdraw now at this time it would certainly cause an increase in insecurity and terror around the world tomorrow. If we do nothing today, there will be an increase in insecurity tomorrow; terrorism will reign. The Iraqi regime have had 12 years to be contained, to act in accordance with the law and the UN resolutions that have been made—and there have been no less than 17—and they simply have not been contained. There are some people in this chamber and elsewhere who say, ‘Give them more time.’ They have had more time and the only reason they have been allowing UN weapons inspectors in in the last two years is quite simply world action—the UN Security Council resolutions—and military force. That is why I supported the predeployment of Australian and US military personnel and hardware.

Today we stand here at a critical time in our history. It is a watershed event, and I accept and agree with that point. But inaction is simply not an option. Inaction, by withdrawing our troops at this vital time, can only provide victory to Saddam Hussein. It will provide victory to terrorists. It will provide victory to rogue states, and that is simply not an option. If we withdraw now, think of the people of Iraq—the innocent men, women and children—who have suffered unfairly and in an awful manner over so many years under this wretched regime. They have been gassed, tortured, persecuted and hurt, personally and in every way. If we cannot deal with this issue vis-a-vis Iraq today, what hope do we have of dealing with other terrorists or rogue states tomorrow?

I raise the issue of North Korea. What hope would we have of dealing with North Korea? Our ability in that regard would be deficient. Both Iraq and North Korea present grave security concerns for this nation. Both have pursued weapons of mass destruction in breach of their international obligations. Each case warrants treatment on its merits with the tools and means available to the international community. Australia is addressing both of these important international issues in ways most appropriate to the circumstances of each case. I compliment Alexander Downer, in particular, in that regard and, of course, the Prime Minister. North Korea is undoubtedly influenced by the decision making process of the international community in relation to Iraq. This is a key juncture in global history. If the international community is ultimately unprepared to show unity in disarming Saddam Hussein in Iraq, North Korea will see for itself the limitation of international resolve in dealing with weapons of mass destruction, and its approach will be influenced by that. Disarming Iraq, and making unacceptable the acquisition of weapons of mass destruction by other countries, will send a powerful signal to North Korea. That is the key. Withdrawal now is simply not an option.

I have mentioned September 11 and 12 October. Recently, in the *Australian Financial Review*, Greg Craven said:

> At least since September 11, but probably before, we have lived in a different world. The danger to our security is not from an attack by some rival superpower. The real threat is from an ever-changing mosaic of connection between brutal rogue states and terrorist movements, whose interactions are invisible and whose attacks are unpredictable.

We now live in a new world order. This is the paradigm shift that has occurred. Greg Craven goes on to say:

> What would be the result if the US was to turn away now, defeated and humiliated? Critics of the US would rejoice in its embarrassment and France would hum the Marseillaise, but rogue states and terrorist rogues around the world would sing a different song.

Saddam Hussein, of course, would be celebrating and he would be heartened beyond measure by that. He would be the victor, as I have indicated. Greg Craven continued:

> They would discern that the democratic world was paralysed in the face of its own misgivings and divisions from dealing with real and present danger. Like apt pupils, they would learn the obvious lesson: only a fool wants war, but you do not have to be a fool to accept that we are going to have to fight one.
In today’s *Australian*, there is a very thoughtful article by William Shawcross. He says:

All wars have unintended and unexpected consequences.

But the flip side is also true. When all other avenues have been tried, war sometimes becomes the necessary last resort. To flinch from it becomes far more dangerous than to accept its dread inevitability, as we learned between 1933 and 1939.

My colleague Senator Ross Lightfoot highlighted that time of appeasement very eloquently during his speech previously. The article continued:

The French would like us to believe we are rushing into war. Nonsense. For 12 years Hussein has defied UN demands that he hand over and destroy his biological, chemical and nuclear weapons programs. They have been “12 years of humiliation for the UN” in the words of Britain’s Foreign Minister Jack Straw. Twelve years in which the international community has failed to enforce its own laws against one of the vilest dictators on earth.

That is a reflection on us. That is a sad reflection on the international community, as a result of the inaction of the last 12 years. Now it has come to this. Yes, sadly, it is late, but it is never too late for action and that is what is happening here. I would also like to congratulate Prime Minister Tony Blair on his recent speech, on his stand and on his credibility.

Senator Eggleston—A great man.

Senator BARNETT—He is a great man, standing up for his country, for his beliefs and for the freedoms of this world. It is sad that the senators on the other side of this chamber cannot acknowledge the great stand taken by the Labour Prime Minister of the United Kingdom. He said:

Because the outcome of this issue will now determine more than the fate of the Iraqi regime and more than the future of the Iraqi people, for so long brutalised by Saddam. It will determine the way Britain and the world confront the central security threat of the 21st century; the development of the UN; the relationship between Europe and the US; the relations within the EU and the way the US engages with the rest of the world. It will determine the pattern of international politics for the next generation.

That applies to the world community and it applies to Australia. This is a watershed event in global social and political history. Prime Minister Blair has summed that up so well. We all should learn from history and its lessons, particularly in the period prior to the Second World War.

I note that in the last two years there have been some 20 separate terrorist incidents which have caused the loss of thousands of lives in the world community. This is tragic indeed. In this new world order where insecurity reigns, we must do something about it. Prime Minister Blair stated that the world has to learn the lesson all over again that weakness in the face of a threat from a tyrant is the surest way to war not peace. That is a great statement and an appropriate lesson for all of us. Prime Minister Blair continued:

Looking back over those 12 years, the truth is that we have been victims of our own desire to placate the implacable, to persuade towards reason the utterly unreasonable, and to hope that there was some genuine intent to do good in a regime whose mind is in fact evil.

No, the very length of time counts against us. People say, ‘You’ve waited 12 years, so why not wait a little longer?’

Indeed, we have waited; it is time now for action. Insecurity is spreading throughout the world like a virulent cancer. We came face to face with it on 12 October with the Bali bombing. As an Australian nation, we cannot roll ourselves up into a little ball, as the Prime Minister so eloquently put it after the Bali bombing. We cannot pretend that there is no tyranny out there. We cannot deny the insecurity and terror that runs rife in the world. Iraq has weapons of mass destruction. They have chemical and biological weapons. That is a deadly cocktail. Those weapons getting into the hands of terrorists or rogue states is a fear which drives my thinking on this issue. I want to protect the future for my children and for the children throughout this country, because we are moving into very worrying times. That deadly cocktail is nigh.

Terror is the enemy. It is not just the act of terror, but it is the fear that it puts in our hearts. The removal of the Taliban and the al-Qaeda network in Afghanistan was right. The United States-led coalition that was cre-
ated to make that happen was correct. It was one step towards ridding the world of terror. We are not just facing a war against Iraq; we are facing—as I have coined the phrase—a war against Iraqism. This is not a war against Islam. The Prime Minister has made that clear, as have many senators and members on this side of the House. We have Muslim communities in Australia, and we want to care for, protect and look after their interests—as we do for all Australian citizens. It is not a war against Islam. The Prime Minister made that point when he came back from his tour to the US and the UK. He came back via Indonesia for a very sensible and appropriate reason: to assure President Megawati Sukarnoputri of that point. Those two leaders have an agreement to disagree in respect of the appropriateness of war in Iraq. But what is agreed and accepted by the Indonesian leader is that this is not a war against Islam. I think it is a fight for the people of Iraq and their liberation. It is also a fight for the freedom of others around the world. These are things that we should not take for granted.

When we are proactive as leaders, wherever we are, criticism will follow. When you are a leader and you stand up for something—in politics we realise this—you are criticised. That is why I want to take my hat off and congratulate the Prime Minister for his courage, steadfastness, determined attitude and willingness to lead this nation, because what he believes is 100 per cent right. In my view, we have never seen such a man for the moment. At a time like this, Mr Howard is the man to lead Australia and to make that decision. I am so proud of him and the leadership team in this coalition government. I admire him and the work that he has been doing, which has been done under great stress. When you see the protesters outside his own home in Canberra, it really pains me to the core to see that happen. He is not, as some people say, a warmonger. Nothing could be further from the truth.

We are now in a special moment in Australian history. Let us not take for granted the need to remove apathy. We need renewed vigour to say, ‘Thank you, God, for this blessed country, for the freedoms that we have to love, care, share, vote, speak, debate and to protest.’ Senator Lightfoot made a point which I would also like to make. In the last few days, a citizen of Iraq expressed a view contrary to Saddam Hussein. What happened to him? He had his tongue cut out. He was mutilated and tied up to a pole as an example. This happened in Saddam Hussein’s own country. That is the type of regime that we are up against. We have to stand up for our freedom to protest and to express a different view. We will fight to the death to protect those freedoms. That is only appropriate, not only for us but for others around this great world in which we live.

Let us see this event as a cause for stirring in our bosom as a nation to be thankful for the privileges that we have to grow, earn money, work, seek satisfaction in our work and to say thanks for our strong health, education and welfare systems. Let us express those views and make those points clear. The legal argument has been put in recent days regarding the appropriateness of this war, but I am not going to make all those points because they have been covered quite clearly. I see those as the secondary, not primary, issues.

I highlight and mention Greg Hunt’s article in the media just a few days ago where he said:

Of course, it would be preferable to have a further resolution for purposes of unanimity. Such a resolution would be the best way of avoiding conflict. But Australia, Britain, Spain and the US have exhausted every avenue to achieve the moral support of an 18th resolution. However, France, while calling for UN solidarity, has at the same time categorically ruled out any further resolution authorising force. It has blocked the very avenue down which it wants the world to travel.

Make no mistake though, full authority to enforce resolution 1441 already exists. It does exist. There is legal authority and I am not going to go into it. The other resolutions that are relevant are resolutions 678, 687 and, as I have said, 1441. They were all passed under chapter VII of the Charter of the United Nations. There are many other reasons for the disarming of Iraq and many other commentators support that. In closing, I want to say that it highlights the importance of the credibility of the UN and this US-led coalition. (Time expired)
Senator FORSHA (New South Wales) (10.38 a.m.)—When the President of the United States, George Bush, concluded his address to the nation the other day, he said, ‘May God continue to bless America.’ When Saddam Hussein said that he and his forces would withstand the military might of the United States, he invoked Allah in his support. I understand that the Prime Minister has stated on occasions that he is a fan of Bob Dylan. Let me remind him of some of the words of Bob Dylan’s song, *With God on Our Side*:

But now we got weapons
Of the chemical dust
If fire them we’re forced to
Then fire them we must
One push of the button
And a shot the world wide
And you never ask questions
When God’s on your side.

In my speech today I want to address some of the issues that have been raised in this debate. Many issues have been raised and it is impossible to canvass all of them in the time allotted. I also want to particularly raise a couple of aspects of this debate that I do not think have been addressed or addressed adequately.

I want first to consider the way in which this decision was determined and announced to the Australian public on Tuesday. This is a grave decision. This can never be an easy decision for any leader of a democratic nation to make. It should never be an easy decision to commit your troops, your armed forces, your young men and women, to fight a war. It is even more grave when you do that not in the defence of your own country under threat of imminent attack, but when you determine to send them to the other side of the world to be engaged in a military conflict.

Whatever one’s views about this decision, what is important for a leader of a nation is to be truthful to the people of that nation—in this case Australia—and to be consistent in the reasoning for such a momentous decision. In respect of this decision, I do not believe that we have had a truthful report to the Australian people. Over the last couple of days, particularly as this debate has unfolded in this parliament, I believe that there has been a total lack of consistency on the part of members of the government in supporting this decision.

Others have spoken about this but let me just remind the Senate: the decision to deploy Australian troops was made in January of this year—rather, that was when it was announced. I believe, and I think all the evidence that we can muster demonstrates, that the decision was probably made much earlier. A commitment was given by this government to be involved in a military conflict, whether or not it was sanctioned by the United Nations. I cannot prove that, but that is my view and my belief. I have not heard anything to suggest that I am wrong. Just as the truth came out about what happened with the Vietnam War and the decision of Prime Minister Menzies to send troops to that conflict, and just as the truth demonstrated that the commitment was based on a falsehood, I think the truth will ultimately come out about this conflict.

Throughout the entire time that this debate has unfolded in the public arena, the Prime Minister and other spokespersons for the government have said that no decision has been made for our troops to be involved. Frankly, the Australian people just do not believe that. That explains why such a large majority of them have been concerned, apprehensive and opposed to a unilateral decision to be involved in this conflict. They have not been told the truth.

In terms of consistency, it has been argued all along that this was about disarming Iraq in accordance with the provisions of resolution 1441. We are now told that this is about regime change. Many government speakers over the last couple of days talked about what a murderous, tyrannical and genocidal regime Saddam Hussein runs in Iraq. I agree with that, and I have stood in this place and in other places and I have said that. I have said that consistently for years, going back to what happened in 1991. But the fact that it is a murderous, tyrannical and genocidal regime does not of itself legitimise the decision that has been made. What is important here is that the government needs to be truthful
and consistent. If the decision to commit our troops is to overthrow the regime of Saddam Hussein, then say so; don’t try and hide behind the proposition that it is about disarmament. I hope the regime of Saddam Hussein is overthrown. I hope that happens, and I will come to the arguments about how that should be achieved in a moment.

The government is now desperate to try to paint any person who questions the morality or the legality of this decision as not interested in the plight of the Iraqis. It is an outrage to suggest that. We are as interested as anyone else in what has happened to the people of Iraq. I am concerned about what is happening to the people in Zimbabwe and what happened to the people in Bosnia, Serbia and Kosovo and in other countries around the world. But we do have to ensure that when we make these momentous decisions to invade another country we do so based upon being truthful and consistent.

I turn to some other issues raised in this debate. A number of speakers, in trying to attack the Labor party’s position, have said, ‘Look at Tony Blair, the Labour Prime Minister of Great Britain—he supports it.’ I could point to any number of conservative leaders around the world—people that members of the coalition government identify with—who do not support this war. Are you saying to those people that they are cowards? Are you saying to the leaders of those nations that they support the Iraqi regime? Is that your argument? Prime Minister Tony Blair has shown the courage that this Prime Minister has not. Prime Minister Blair—whether one agrees with him or not in his decision—has been truthful and consistent with the people of Great Britain throughout this entire saga. He has talked about the fact that we need a regime change in Iraq. But this Prime Minister here has never mentioned that the ultimate purpose of this action is regime change not disarmament.

Senator Lightfoot—That is rubbish, Michael!

Senator FORSHAW—It is not rubbish, Senator Lightfoot. Go back and check it. Prime Minister Blair has been truthful and consistent; this government has not. There are many other nations around the world that do not necessarily agree with this action. There are a number—not a large number—that support the action but have not committed troops. Yet speakers from the coalition, in seeking to defend this government’s decision, try to argue that if you oppose the decision of the government here then you are a coward, that you are by inference a supporter of Saddam Hussein, that you are not interested in either the disarmament of Iraq or bringing about a more democratic kind of government in Iraq.

I reject those accusations and those allegations. They are beneath contempt. The fact that people in this country in large numbers have objected to this government’s decision demonstrates the strength of our democracy. It does not mean that those people are weak peaceniks or whatever other derogatory term you want to throw at them to label them. This is not Iraq. This is a country where people should be able to express their opposition to the government’s decision and do so without having to wear the insults and opprobrium of a government desperate to manufacture arguments to support its decision.

I turn to another justification for this decision. It is now being said—and Senator Barnett said it a moment ago in his contribution—that if we do not stand up to Iraq then how the heck are we going to stand up to North Korea? What is the government’s position on North Korea? Are you going to support military action against North Korea next? Stand up here today and tell us that the next campaign is an invasion of North Korea if they do not disarm, if they do not stop their nuclear weapons development. Stand up and say that is what you want to do. Be consistent in your position. If you are going to invoke the situation in North Korea or in Pakistan or in India, then be consistent and say that is your policy.

It is argued that the troops were predeployed there—though no decision had ever been made to commit them to the war—and we cannot really bring them home. It is argued that it would be illogical; that would be running away. It is also said that there are 300,000 American troops there and they cannot just sit there and wait until the UN processes are exhausted. Action has to be
taken now. I do not agree with that. I am not one who stands up here and says that military action should never occur but I do believe that the processes through the UN are not exhausted. I have to say also I am not terribly happy or enamoured of the UN process in this regard. I do not think that the French have displayed the necessary strength, if you like, and conviction about doing something about disarming Iraq. It has often been said that the UN is far from perfect—but it is all we have got. The UN has been, on occasions in the past, the vehicle by which this sort of action has been approved and taken. When people on the government side say, 'We had to take action against Afghanistan and we had to take action against Iraq in 1991 when they invaded Kuwait,' all of those campaigns and military conflicts were authorised by the United Nations. Go back to the 1950s with Korea. It was a UN force in Korea. But also remember this: over the last 50–odd years, since the Second World War particularly, there have been a number of areas in the world where there have been large numbers of troops and forces stationed for the very purpose of keeping the peace and posing a threat to a rogue state not to take action. NATO, which has just been mentioned—and I will come to Kosovo in a minute—and the US particularly kept hundreds of thousands of forces on alert in Europe for years and years and years. The US has many forces stationed in Korea at this very moment, and has done so ever since the war in the fifties, for the prime purpose of keeping the pressure on North Korea. That does not mean that it logically follows that they have to go into battle. The threat of force has been very effective, I accept, in the process that has led to the disarmament of Iraq, commencing again with the weapons inspectors going into Iraq recently. It has been instrumental—I accept that—and that is why I believe that the continuation of forces there should be under the authority of the UN. Being present there would continue the process of disarmament of Iraq. The suggestion that the day has now arrived when we have to send those forces en masse into Iraq I just do not accept. It may have needed to come in the future, but I do not think it should have come today. However, the decision has now been made in any event.

Kosovo was mentioned a moment ago. I accept that there have been situations in the past where unfortunately, due to UN failure, action had to be taken. It had to be taken by NATO in Kosovo. The bombing of Belgrade was led by a Democrat President of the United States, Bill Clinton. Why did that happen then? It was because genocide was occurring in that country at that very time. Thousands and thousands of Muslims were being massacred. Forces that had been there as peacekeepers had walked away and left those people to their fate. That is why that action was taken, and I support it. The world could not wait then; it could not wait the extra day. I believe the world can wait now. It can wait a bit longer on this occasion.

In all of this debate that is going on, as has been mentioned by many other speakers, the one group of people that really have courage are those forces that are about to be engaged in this conflict. Coalition senators have talked about the courage of the Prime Minister. I do not really think we should be getting into a debate about who is a coward and who has courage or who is a warmonger and who is a peacenik. It is too important for that sort of vitriol. That is the last refuge of a scoundrel. It does not take courage for politicians to make these decisions really. It is hard, but it does not take courage. It is hard, it is tough, I know, but do not ever describe the decisions of politicians when they send their forces off to war as being courageous. The ones who are really courageous are the ones who have to do their duty whether they like it or not, and those people are over there now.

I return, at the end of my remarks, to where I started: to those who have appealed to God. I note there was a service this morning attended by the Prime Minister, the Leader of the Opposition and the Governor-General. Our armed forces certainly deserve our prayers and our thoughts. I hope this war is over quickly with as few casualties as possible, whether they be military or civilian. I go back to the words of Dylan, when he said at the conclusion of that song: ‘If God’s on our side he’ll stop the next war.’
Senator COLBECK (Tasmania) (10.57 a.m.)—As I presume others have said before me and others will say during this debate—and as Senator Forshaw has just said—this is one of the most grave and difficult decisions that any government and any member of any government has to make. I will admit to a significant personal struggle through the process of coming to this position we find ourselves in today. Like all other members of this place and of the House, I have received countless representations from people of all persuasions and of varying positions and perspectives. I can assure them that I have heard them and that I have considered them as part of coming to the decision that I did in supporting the Prime Minister and my party in the action that is being undertaken at present. As Senator Forshaw said, it is a very difficult decision, but unlike him I do believe that it was a courageous decision, particularly as it goes against all of my natural instincts and, I firmly believe, against all of the Prime Minister’s natural instincts. I do not believe that I know anybody who in any way wants to see armed conflict.

Unfortunately, there are some in our world who for some unknown reason seek to dominate, seek to inflict and seek to persecute. I think that the sooner we can get rid of those particular attributes of our race the better everyone will be, quite obviously. Why did I come to this decision? Why do I support this? In essence, it is basically because I think it is the right thing to do. Obviously there are those in the community who do not believe that is the case but, on consideration of all the evidence I have had before me and of the reading I have done, I believe it is the right thing to do at this point in time.

Over the last 12 years, Iraq has ignored 17 resolutions from the United Nations. It has broken countless promises and turned its back on commitments. It has made attacks on its people and on its neighbours. In my view—and I believe in the view of the majority of people in this place—it continues to harbour weapons of mass destruction, particularly biological and chemical weapons. We have seen over the last few weeks the destruction of some of its long-range missiles. I really cannot understand how some people could doubt that the Iraqi regime continues to harbour weapons of mass destruction, particularly biological and chemical weapons. I just cannot understand how people could not believe that that is the case. I think most people do believe that they have them. We heard Senator Allison yesterday questioning whether or not the Iraqis still had weapons of mass destruction. Consider the litany of lies that time after time the Iraqi regime have given us. Senator Brandis, in quite a detailed chronicle yesterday, outlined where they had indicated to us for the last and final time, ‘This is our war chest; this is what we have,’ only to overturn it themselves; only to admit themselves that they had lied in previous disclosures.

It is time that this regime was disarmed—there is absolutely no question about that. One comes to the issue of the capacity of the United Nations to make a decision in this case. The real disappointment from my perspective was the influence of what I perceived to be enormous vested interests in the decision making process. Senator Forshaw mentioned a moment ago the French, who have come under quite some criticism over the past weeks. The clouding of issues through the vested interests of individual nations in their decision making processes has to be of significant concern to the veracity of the decision making process in the United Nations. Why can’t a country make a decision based on what is best for the united nations of the world? That should be the underlying and only element in the decision making process. In my view, it places a real cloud over the future of the United Nations process. Unless countries are prepared to look at the big picture and remove their individual and vested interests from that process to make a decision, I have real concerns about the capacity of the United Nations to make the hard decisions. I fear a continuation of the process that we have seen over recent weeks where, in my view, those vested interests have clouded the decision making process.

There has been discussion about the continued containment of the Iraqi regime. For the last 12 years, resources have been committed to the containment of the Iraqi re-
regime, supposedly in the name of disarmament. They are not just military resources. Obviously, sanctions have been applied that have had a significant impact on the Iraqi people. Humanitarian resources have been applied from around the world to try and mitigate the impact of Saddam Hussein sequestrating the oil that has been sold under the oil for food program, which should have been going to his people. We have had weapons inspectors there over two periods now and, of course, there are the military resources that are taking away funds that could otherwise be spent, within our respective nations, on things that would benefit our nations and perhaps the rest of the world.

We have had the inspection process, the commitment of resources, the taking of these hard decisions and the continued pressure. Senator Forshaw mentioned a minute ago the possibility of a UN sponsored force in Iraq to apply that military pressure. My real fear is that the United Nations does not have the capacity to make that decision. Therefore it falls on other nations who are prepared to make the hard decisions and who are prepared to go in and apply pressure to the Iraqi regime so that weapons inspectors can attempt to do their jobs. We have seen and heard from the United Nations weapons inspectors that the Iraqi regime still does not recognise the need to disarm—the need for it to remove chemical and biological weapons from its arsenal. All we see is a continuation of the political cat and mouse and the shifting around of the goalposts. There is absolutely no doubt in my mind that, no matter what sort of pressure is applied to the Iraqi regime, they have absolutely no intention at all of disarming. Where does that leave us? What sort of situation does that leave us in?

The difficulty that I have with the approach of the opposition comes from this. They are happy for the weapons inspectors to be there; they are happy for the process to continue. They do not say for how long and they do not say how the pressure should be maintained. I really wonder what the situation might have been had the roles been reversed. What would have been the context of this debate? I concede that there are divisions within the Labor Party, as there are in the UK, but in my view the situation we find ourselves in at this point in time is largely one of leadership. We have mentioned the leadership of the Prime Minister, and I believe that he has distinctly shown leadership. A moment ago Senator Forshaw mentioned the leadership of Tony Blair. He says that Blair is wrong but he refuses to criticise him. The opposition continue to attack Howard and Bush for the same decision that they refuse to criticise Blair for. They will run down, they will denigrate, they will demonise, but why the difference? That raises the question: what is this all about?

Obviously it is a difficult decision for the Labor Party, and that is demonstrated both here and in the UK. But the only conclusion that you can come to is that it is not about the issue; it is about Labor, it is about Crean and it is about the polls. They claim a desire to disarm Hussein. They have not said how. Again, no plan. A staggering policy approach and always with a way out, always with a qualification. Consequently, they lurch from crisis to crisis. But they are happy to swing off the coat-tails of those who have had the courage to make the hard decisions. A minute ago Senator Forshaw said that he would tell us how he would disarm Hussein. Unfortunately, he did not get to that. I would have been interested to hear the answer—I really would. They claim that predeployment to the Middle East is okay for the UK or the US, but not for us. I say again: they are quite happy to ride off the coat-tails of those who are prepared to make the tough decisions, but they have demonstrated a consistent incapacity to do the same thing.

One of the things that has really concerned me about this entire debate—and I realise it is a debate that generates enormous emotions and passions—is the vitriol and invective that have come into the debate. I agree wholeheartedly with Senator Forshaw’s comment that this is not what it is about. In fact, in a very basic sense, how does conflict start in the first place? In my view, it generally emanates from just those sorts of expressions.

In my electorate office last week I had the opportunity to meet a group of ladies who
are passionately against the war. They dress in black every Wednesday to protest in the local mall. They came into my office and we were able to have a reasoned and sound discussion about our views on either side. I have to commend those ladies for that because I understand and I respect enormously the depth of feeling that they hold with respect to this issue. I implore all Australians to take an example from those ladies who were prepared to come to me and, in a calm and collected manner, express their views, put across their disappointments, try to persuade and look for a different solution. That must be the way, and it must be the way within our communities and towards those groups who have been quite sadly targeted particularly in the time since September 11.

This is not an Islamic war. Iraq is not a fully Islamic country—it is a secular country. There is no doubt that there will be those who will try to use the impending conflict as an excuse to raise the ire of extremists. But we have to beware of extremists, no matter what direction they come from. I do not care whether it is Christian fundamentalism, Islamic fundamentalism or any other type of fundamentalism—it is all dangerous. Atrocities have been enacted by fundamentalists in the name of religion for centuries, but it never is right. I ask all Australians to consider their words and their actions. I certainly have in the process of coming to my decision and I know that the Prime Minister has.

The relationships with our neighbours, locally and globally, are important. We must engage; we must learn to understand. That process will provide for a lessening of the misunderstandings and the propensity for issues to cause us great concern and conflict. Like others before me, I would like to express my admiration, my respect and my support for the troops that will be at the front line in this conflict. Earlier in the week I started reading a book called *The Mad Galahs*, a graphic tale of Australians in conflicts in Korea, Malaya and Vietnam. There is absolutely no way known that I can imagine the emotions of those people who have been involved in conflicts in the past, but it was a graphic reminder for me, as I came back to Canberra on the eve of the decision that was made on Tuesday, to consider the implications. I urge all Australians to—I am sure all Australians do—support completely the fine Australians who are currently in the Gulf to undertake the military action that is proposed.

There has been some criticism of members of the coalition for their support of the Prime Minister and for the fact that they had not spoken out in the party room. I say: how can you disagree with a man when he says that he does not want war? Sure, there are different views within the party room, but there is the strength of leadership of our Prime Minister and the courage to make a decision that is, no doubt, not his natural instinct and that he knows is not popular with the public. He knows that it brings risks and he knows that it impacts on others. Yet he has had the courage to put it all on the line and say to the Australian people: ‘If you are not happy with it, take it out on me.’ That is why the coalition party room is prepared to stand behind the Prime Minister in the way that it has. (Time expired)

Senator ROBERT RAY (Victoria) (11.17 a.m.)—We have heard many contributions in this debate, and it is pleasing that the Senate yesterday continued with question time, subjecting the government to appropriate scrutiny over the decision on Iraq. What a pity the House of Representatives, at the behest of the government, refused to do so. Obviously, the Prime Minister’s shallow plea to direct criticism to the government was made in the knowledge that he would not be subject to criticism or examination at question time.

There has been a lively debate over many years as to who in Australia can commit us to armed intervention. Should it be the parliament or should it be executive government? Precedent suggests executive government, and practical considerations reinforce this. Any government that cannot command a majority in the House of Representatives for such a course of action would immediately fall, owing to a no-confidence motion. Therefore the question is: should the Senate be able to block a government from commit-
ting Australian forces to action? The Labor Party has never endorsed that as a viable concept. It is true that some of my colleagues have, from time to time, been tempted to argue for a parliamentary veto. But in the absence of constitutional restraint or legislative provision it is up to the government of the day to make decisions on military commitments. Ultimately, a government decision will be judged by the electorate at large.

Of course, military intervention would be more effective if it received bipartisan support. Bipartisanship is often misunderstood. It is not about agreeing on all matters to do with foreign affairs and defence. It is more about agreeing on general principles and ceding to executive government the right to make tough decisions without being subject to opportunist attack. Good governance requires detailed scrutiny of executive government. Bipartisanship is not a convenient or cosy club for the protection of the inefficient or the inept. This Liberal-National government has never fostered bipartisanship. You just have to go back to Peter Reith’s speech when he was defence minister some years ago to understand that. Wherever possible, they have practised the art of wedge politics. The government’s modus operandi is: do your opinion polls then seek to exploit division and prejudice. This hardly creates a climate that encourages an opposition to offer bipartisan support.

Yet it should not be forgotten just how close we came to bipartisan support on an issue such as this. Without the threatened French veto and the absence of a more concerted diplomatic effort, we may well have had a United Nations security resolution authorising the use of force. Under such circumstances, Labor was committed to support any Australian military intervention. We laid down these preconditions as long ago as last April, so this is in no way a last-minute deviation away from bipartisanship. We knew that, if the UN sanctioned use of force, in that case we would be bitterly criticised by the far left in Australia for backing the UN. Too many of the far left in Australia put anti-Americanism ahead of their international credentials. Too many pacifists spend an inordinate amount of time attacking the United States and virtually none in analysing the brutality of the Iraqi regime.

But when it comes to playing partisan politics, the Prime Minister just cannot help himself. He refers to the British Prime Minister as a ‘strong Labour leader’, inferring of course that the ALP leader is weak. We could point, of course, to the position of the Canadian Liberal Prime Minister, whose views virtually totally reflect those of the Australian Labor Party. So we can both play that game, but nothing is achieved if we do.

Mr Howard has not behaved credibly on this issue. His constant refrain that Australia had not committed to unilateral action was a political statement. All the evidence is that the commitment had been agreed in advance. Plausible deniability is this Prime Minister’s hallmark. Political spin always takes priority over telling the truth. The Prime Minister now tells us that we did not need a second resolution, that previous resolutions are sufficient basis for unilateral intervention. If this is the case, why ever have the second resolution? If the fiction is now to be believed that the numbers were there and that the resolution was not proceeded with because of the threat of the French veto, why would you not push it to a vote and then point to French intransigence? The fact is the numbers were not there.

It is interesting that France is bearing most of the blame for the failure of the second resolution. It should be remembered that both China and Russia were also opposed. The US and the UK, despite all the pressure they tried to bring to bear, simply could not muster the nine votes out of 15 to have the second resolution carried. Some people have drawn the conclusion that the second resolution was essential if any intervention was to have a legal basis. I did not think we will ever know with certainty what the legal position is. The key question is whether the action is right or wrong, not whether it is legal or illegal.

The government find it convenient to rely on Mr Michael Costello’s comments. What an irony. They saw fit to sack him in 1996 but now they lionise him. I thought Michael Costello was pretty good in 1996 and I think he is pretty good today. Mr Costello has
made many caustic criticisms of Mr Howard and his government. So if he is right on this occasion, was he right on all those previous occasions when he made those caustic comments? We know that, on this occasion, the government have tabled their legal advice. As always, this is a very selective process: when such advice is inconvenient, it is never tabled. But, as I said before, this is not a debate about legality; it is a debate about right and wrong, proper process and the practical implications of action.

One of the key reasons for wanting UN sanction was to act as a road map for the future. Sure, there are all sorts of precedents for military intervention, but we would like to see such intervention restricted to UN supported operations. The support of the UN will be increasingly important when it comes to establishing the peace in Iraq, both in humanitarian support and in nation building. The decision by the coalition of the willing to go it alone could be used as a precedent by other countries when it suits them. What is to stop India from a pre-emptive action against Pakistan, claiming Pakistan supports Kashmir terrorists, has weapons of mass destruction—that is, nuclear weapons—and has a poor human rights record? One could go on and cite many other such examples.

All this is against the background of the Prime Minister’s monstrous mistake last year, when he said he supported a pre-emptive strike in our region under certain circumstances. This statement alone has had a poisonous effect on our bilateral relations in the region. We should be promoting cooperation between our regional partners, who are all willing to participate in eliminating terrorist threats. Mr Howard’s quintessential arrogance is feeding hatred for Australia amongst Muslim extremists whose sphere of influence includes the young and impressionable.

Some of our opponents assert that our alliance with the United States demands our participation. For most of us, the US alliance is the cornerstone of our security strategy. We should be friends and partners, not toadying acolytes. You cannot find a country much closer to the United States than Canada, yet their position, as expressed by their Prime Minister, is absolutely the same as the Labor Party’s. By way of interjection, the Tories in this place point to the British Labour government’s stand on this issue to justify their own position. It is interesting that the United Kingdom rejected all overtures to be involved in the Vietnam conflict, yet could remain firm allies of the United States. You do not have to be involved in every fight going in order to prove your credentials as a reliable ally. It is also interesting that most of those in the UK Labour Party who voted against the Blair position support the ALP position of intervention under the auspices of UN sanction and are not just totally opposed to war per se.

In this debate, much has been made of Saddam’s sadistic regime, his weapons of mass destruction, his sponsorship of terrorism and his appalling human rights record, which raises the question: why do we continue to trade with such a country? What price human rights? Do we only apply trade sanctions to a regime when it is economically insignificant?

We in the Australian Labor Party recognise that we must carefully articulate our opposition to military intervention without in any way reflecting on those ADF personnel following government instructions. It is easy to slip into antiwar rhetoric and to blast everyone in sight. We wish all the ADF personnel a safe return and will direct all of our criticism to those who made the political decision to intervene. We are fortunate that those in the ADF are a pretty robust group. They would understand that domestic differences do not extend into criticism of their role. We will, of course, be targeted by a chorus of right-wing know-alls in the media as being disloyal to our troops. We know that. Take, for example, the moronic ramblings of Miranda Devine in today’s Sydney Morning Herald. She says:

Not only has Crean become the first Opposition leader to oppose a conflict in which Australian troops are fighting, he even tried to politicise the troops themselves.

This demonstrates a typical lack of historical knowledge and perspective on Ms Devine’s part. Opposition leaders Calwell and Whitlam vigorously opposed the commitment of
Australian troops to Vietnam, but poor old Miranda Devine doesn’t even remember this. How do these commentators get their jobs when they know none of Australia’s history?

As for politicising the troops—what a pathetic accusation! If Mr Crean had not attended the farewell of the _Kanimbla_ he would have been fair game for criticism. If he had not stated his party’s position, most of the troops would have regarded him as a hypocrite. Indeed, shallow critics like Ms Devine would have been the first to pounce on him and accuse him of double standards. One repeated theme that has come through in this debate is that by intervening against Iraq we have become a more likely terrorist target. Whilst this might be true, it should never prevent us from doing our duty as an international citizen.

The government’s dissembling of the potential threat at the moment is motivated by political advantage rather than public duty. But we should never be coerced into passivity. As I said once before, we have to take on the sponsors of terrorism. We have to convince the United Nations to cooperate in taking on those sponsors. Without state sponsors, most terrorist organisations would wither on the vine. There are still many countries that provide financial assistance to terrorist networks. These hypocrites must be exposed. They are as guilty as the terrorists themselves. Since the F111s visited Libya, we have seen virtually no sponsorship of terrorism coming out of Libya. Following September 11, a whole range of countries have decided to very quietly end their association with terrorist networks, which reinforces the fact that if the country that sponsors terrorism is dealt with the terrorists disappear.

Whilst I respect those who oppose war at any cost, I am not one of them. This is not a debate about war or peace but is a debate about an international system that will work and will not degenerate into anarchism. Again in this debate, members of the Liberal-National Party have to some extent sought to portray themselves as the only patriots in the parliament. I believe that this is a result of their political system. They are so intimidated by their leader that few of them can speak out. As was the case in the 1960s, they will again be proved wrong. They all supported the policies of Menzies, Gorton and McMahon, but none of them today will say that they were right.

I make one final point that there seems to be some confusion as to the government’s responsibility in briefing the opposition on the upcoming conflict in Iraq. As defence minister during the previous Gulf War can I say for the record that any request by the then opposition for briefings were met. Major General John Baker, then head of the DIO, briefed the then opposition leader, Mr John Hewson, on at least a weekly basis. I am sure that this government will use that as a precedent and follow suit.

Senator JOHNSTON (Western Australia) (11.32 a.m.)—This most crucial and important debate is about peace, order and good government. It is also about safety, security and the wise course for Australia in this volatile post September 11 and post Bali international climate. A most crucial and important point made in this debate was the concession by the Leader of the Opposition in the Senate, Senator Faulkner, in which he said that Iraq must be disarmed. The UN has said this on 17 previous occasions through each of its 17 resolutions. The burning question is: why must Iraq be disarmed, and why does the opposition accept this fact? The answer is that the risk and threat posed by this regime through its historical predisposition for, preference for and use of weapons of mass destruction, principally chemical and biological—gas and anthrax—to innocent and defenceless people is far too great. We have heard example after example of what this regime in Iraq is capable of. I simply rely upon the insightful story of what happened in Halabja in north-east Iraq, which reads:

It was early in the morning before sunrise on Friday the 18th of March 1988 in this City of 70,000 people, when the Iraqi warplanes carried out more than twenty bombardments of the civilian population. The weapons used were chemical and cluster bombs. The chemical weapons delivered into the suburban streets cyanide gas. The result was that hundreds of bodies of innocent people—predominantly children—were found in the streets of this City. The impact of the gas was so
immediate as to strike the children down where they had been playing before they could escape to their homes. 5,000 people died that day and more than 7,000 were injured. Women and children formed 75 percent of those people killed or injured.

So the question becomes: what in good conscience should be done to neutralise the threat that this regime poses, which is acknowledged across each side of this parliament, in the safest and most effective way? The Labor Party say that they want yet another directive from the United Nations before dealing with the problem—before uniting with and supporting the Australian government on this very difficult issue. Just how realistic, sensible and rational is this position of the Australian Labor Party?

I want to look at the recent history and performance of the United Nations in matters of humanitarian strife. The Iraq issue is and continues to be a litmus test for the United Nations. It is a test which the UN, I am sorry to say, is failing. As an institution, this organisation is rapidly losing its relevance. On the really big issues, the United Nations is unable or unwilling to act with any acceptable degree of decisiveness and appears to be headed for exactly the same fate as its useless predecessor, the League of Nations. The UN’s effectiveness is blunted through torturous process and the balancing of too many competing and often self-serving interests of its member states. History is not kind to the performance of the United Nations.

I want to look firstly to Rwanda. The genocide of 1994 in Rwanda and the subsequent mismanagement of refugees have been a major calamity. The UN had been engaged in that region throughout the period 1993 to 1995 wherein the horrendous human rights tragedy evolved. This tragedy occurred under the very nose of the UN, which displayed indecision, delay and general hand-wringing in the face of a crisis demanding direct action, thus ensuring and abetting a genocidal catastrophe. There were over 300,000 innocent Hutu and Tutsi deaths. The UN was so disorganised and incapable that many RPF and Rwandan soldiers travelled the countryside looting and killing in UN trucks. So UN vehicles were used in the perpetration of the genocide of the very people the UN was charged with protecting.

I look to the Balkans and Bosnia. The collapse of Yugoslavia in the early 1990s precipitated the worst crisis in Europe since the end of the Second World War. A decade of upheaval produced political chaos throughout the Balkan region—wars which at one point involved not only local antagonists but also the world’s major military powers. The flight and dislocation of millions of civilians was caused by a ruthless campaign of ethnic cleansing by Serbia’s Slobodan Milosevic. All this occurred in the face of a United Nations continually dragging the chain in terms of intervention. The UN had declared Srebrenica in Bosnia-Herzegovina a safe area. However, in July 1995 the besieging nationalist Serbs, under the very noses of the UN troops, massacred 7,000 men and boys. What followed was a four-year reign of terror in the Balkans. How many died, we will never know. What we do know is that 3.5 million people were displaced and their lives reduced to turmoil. The UN sat on its hands for four years, allowing the terrible events of Bosnia to unfold. In March 1999 US-led NATO forces bombed Serbia for 70 days, bringing that reign of terror to an end, all while the UN was reduced to a hapless spectator with no resolutions or action. The end result was that all concerned heaved a collective sigh of relief that Milosevic had been neutralised. A NATO led force continues to be stationed in Bosnia and Kosovo to monitor peace and, of course, stands testament to another failure by the UN.

I want to talk about Zimbabwe. Last year the UN voted to take no action against Zimbabwe in the face of mountains of evidence of gross humanitarian rights violations. Indeed, our own Commonwealth, whilst its success may not have been what we all wanted it to be, has stood as a stark contrast to the prevarication of the United Nations. Last year the United Nations appointed a Libyan woman to chair its human rights commission. To have one of General Gaddafi’s cohorts as chair of this committee has reduced the UN’s credibility to an absolute laughing-stock.
The opposition puts its faith in the United Nations. How responsible is such a stand? I want to place on record that it is a most ill-advised and indeed a most foolish position. The United Nations is not only hidebound and pathetically slow to respond in cases of obvious and urgent need but also hostage to the individual avarice and vanity of the commercial and imperial interests of each member of the Security Council with a right of veto. France is indeed legendary in conducting its foreign policy with all the poise and skill of an ageing and contrary drama queen.

So what is the French contribution to international stability? On 30 December last year the French government sent 3,000 troops to the Ivory Coast to put down a rebellion in its former French colony. The intervention was without reference to the United Nations, or to anyone else for that matter. It was only last month that the French President invited and welcomed with open arms another of the world’s violators of human rights—the Prime Minister of Zimbabwe, Robert Mugabe. He welcomed him to Paris with open arms. What sort of message does that send throughout Africa and indeed to the rest of the world? This is the same UN Security Council member—France—that responded to the Greenpeace protests against the testing of atomic bombs in the South Pacific by sending in secret agents to sink the Rainbow Warrior in a New Zealand port. If ever you wanted a window into French morality, that is a classic example.

France is also a nation that has a huge contemporary arms and industrial trade with the rogue state of Iraq. Let us not forget that the United Nations Security Council is hostage to the likes of France with its veto power, a country which has a very murky track record in this matter, particularly relating to Iraq. It was the French President Jacques Chirac who was instrumental as the deal-maker of 30 years ago, when France supplied Iraq with a nuclear reactor which was constructed at Osirak—a reactor which, thankfully, was destroyed by the Israeli air force before its commissioning. I marvel at the stupidity of a country—France—in supplying Iraq with a nuclear reactor. I can only imagine with horror the advent of an Iraq with a nuclear capability. But France would have given Iraq the bomb. That is how reliable and sensible the French are, and Labor seeks to put our trust and faith, and indeed our future, with them, through the United Nations.

Chirac’s predecessor, Giscard d’Estaing, had a unique friendly relationship with legendary African despot Jean Bedel Bokassa—a relationship that continued throughout a period of mass murder and genocide in Bokassa’s Central African Republic. I reiterate: this is the psyche to which the ALP wants to entrust this issue. So that is the context in which Labor withholds its support. The Australian Labor Party, in putting its faith and trust in the United Nations and French complicity, fails in its responsibility to our country. May I pause to say that, notwithstanding Labor’s muddle-headed Francophile logic in its official position on Iraq, I believe that there are many within its ranks who privately know that the government’s position is right and that its party’s position is indicative of a weak and vacillating leadership. The selective wearing of purple ribbons tells the whole story.

Of all the political, economic and social issues before this parliament, one issue is so important, so imperative, that Australians have a right to demand that political parties and their leaders give a lead and show strength—and make the right decision. That issue is, of course, national security. I am very disappointed that on this issue the parliament is not as one. I am not surprised by the contrary and perverse position that Senator Brown now finds himself in. It was he who on 4 April 1991 moved a motion in the Tasmanian parliament in the following terms:

This House calls on the Prime Minister to act immediately to put pressure on Australia’s allies to intervene in Iraq to stop the slaughter of the Kurds and establish their right to self-determination.

So in 1991 Senator Brown was urging the Australian Prime Minister to intervene, through a motion in the Tasmanian parliament. He went on to say:
We are in the disgusting position of sitting on our hands while these people are absolutely slaughtered—the least we can do is get our Prime Minister to speak up and put the full weight of this country towards the protection of these innocents.

At that time there was no mention by Senator Brown of the UN or of the horrors of war but there was simply a call for intervention. It is also worth recording that the same senator repeatedly and passionately called for Australian intervention in East Timor. The question raised now is: what has changed? I suspect that his current constituency of capitulation pacifists would not countenance his views as held in 1991. This is all indicative of a set of political principles and ideals about as anchored as a tumbleweed—blowing and rolling to wherever the political winds will take it—particularly considering the advent of the NSW state election and Labor’s leadership vacuum. I think that Matt Price was right when he wrote in the Australian that there is a huge gulf in Senator Brown’s current approach to Iraq. Senator Brown’s 1991 speech reads suspiciously like the Prime Minister’s justification for the deployment of our troops in the Middle East.

I must say that I am not surprised by the stand taken by Senator Brown but I am very disappointed with the opposition’s position. I am disappointed that the very few rational clear thinkers inside the opposition could not prevail. The opposition is hopelessly divided. One only has to observe the level of coordination and coherence between Mr Crean and Mr Rudd on Labor’s view, as to the technical legality of this campaign, on Monday of this week. Mr Rudd was adamant that military action against Iraq as mandated under existing UN resolutions, including 1441, is illegal. Mr Crean, on a different channel, was not so sure and seemed determinedly uncertain on the same subject. I pause to observe that our Prime Minister has shown, through advice from the Attorney-General backed by similar legal advice from the United Kingdom and US governments, that our actions are legal. And so to the real explanation for the opposition’s quite disingenuous and irrational public position in this most important matter. The member for Fremantle got it right when she said that the ALP’s leadership was ‘incredibly conservative and timid’—and I repeat: ‘incredibly conservative and timid’. She went on to express her disillusionment with the lack of clarity of her party on Iraq. She apparently said that her criticisms were not aimed directly at Mr Crean but at the party leadership more broadly. She continues in her assessment of shadow cabinet:

The opposition leader was surrounded by too many cautious shadow cabinet strategists and too many people who’ve come up from the school of forelock tugging.

You do not have to be a Rhodes scholar to understand why the opposition is trapped on the wrong side of this argument. On national security, border protection and terrorism the opposition is hopelessly and intractably divided. If you want to see what real Labor leaders do in leading and shouldering responsibility, have a good long look at Tony Blair and ask yourself: is there any comparison between the ducking and diving and the sit at the bottom of the trench attitude of the Australian Labor Party’s current leadership and the strength and resolve and political courage of Blair? So long as the opposition leadership keeps hearing footsteps and is completely distracted by internal conflict and strife, it will continue to find itself on the wrong side of issues of national and international importance. This opposition sends a message to our allies that we will take all of the benefit of our mutual allegiance but none of the burden. May I say this is pretty typical of the user mentality and mind-set which Labor brings to this parliament.

I close by acknowledging that our defence and security is founded upon and indeed is dependent upon our commitments to both the United States and the United Kingdom. There are times when we have to reciprocate and make a contribution. This time is now upon us. I am privileged to support the government in this matter and to support our Prime Minister’s motion as introduced into the parliament by him. I also pledge and confirm my total support for all of our men and women in the field, who I know will carry out their task with honour and distinction.

Senator CROSSIN (Northern Territory) (11.45 a.m.)—I seek leave to have Senator...
Kay Denman’s speech on this matter incorporated in Hansard.

Leave granted.

The speech read as follows—

Tuesday was a sad day for Australia. Sad, because it is the wrong decision for Australia to join America in an attack against Iraq. It is a decision that Australians do not want. It is not in our national interest. And, it is a decision that does not have the sanction of the United Nations Security Council.

The United Nations Security Council gave the international community the opportunity to attempt to disarm Iraq through peaceful means. It is disappointing that our Government has chosen to abandon that process. We should have followed that process through, and we should have been able to disarm Iraq through peaceful means, yet now we will never know. Instead, our Government has chosen to participate in an attack prematurely. The decision to support a war should only ever have been a last resort.

Tuesday’s decision scares me. I am also terrified by the unknown—terrified for our troops, and the innocent Iraqi citizens who will face uncertain and dangerous times in the days to come. I am terrified by the thought of the acts of retaliation that we may face in the future.

While I like other Australians hold these fears, I fully support the Australian troops who have been committed to Iraq. They should not have been committed to Iraq—but they have—and they go with our support. We support our troops for being brave and courageous Australians who will do their job in the most difficult circumstances imaginable. The professionalism and commitment of our troops to serving their fellow Australians is unimaginable. The international community has made positive steps towards achieving this goal. At this point in time, when we were beginning to see results it was imperative that we continued to show our support for international diplomacy, not an attack.

From the information I have seen—emails, phone calls and letters to my office, branch meetings, the media and opinion polls—Australians feel very strongly about this issue. I have participated in the Devonport protest war marches where, like other marches occurring in Australia, the determination and opinion has been so powerful and so firmly against Australia becoming involved in an attack against Iraq.

It is not clear why on Tuesday, we—Australia—abandoned the United Nations process. Iraq is not an immediate threat to Australia. Our alliance with the US on this occasion has the potential to endanger us unnecessarily. Why our Government would make the decision for Australian troops to participate in an attack against Iraq at this point is unclear. The Prime Minister has been unable to present any case on why the decision to deploy Australian troops was necessary on Tuesday. Our Prime Minister has responded to the requests of the American President, George W. Bush, instead of listening to the Australian people. Our Government has agreed to participate in a US led attack without any hard evidence of the link between Saddam’s regime and al-Qaeda. We have no evidence that Saddam’s regime was involved in the Bali bombing. Our former intelligence analyst, Andrew Wilkie, last week said, ‘he has seen no hard evidence to prove that Saddam is cooperating actively, not only with al-Qaeda the group, but also that broad extremist network that leads to al-Qaeda’. Our Prime Minister has not made available any information to the contrary.

Without any evidence to suggest Iraq poses an immediate threat to Australia, or that Saddam’s regime is linked to terrorist acts, our Prime Minister continued to argue, last Thursday 13 March on why our national interest will be pursued if we participate in an US led attack against Iraq. Labor does not agree.

We all want Iraq disarmed, we have wanted that for over 12 years, and in the last few months through the United Nations Security Council, the international community has made positive steps towards achieving this goal. At this point in time, when we were beginning to see results it was imperative that we continued to show our support for international diplomacy, not an attack.

In his speech last Thursday, the Prime Minister made mention of undeniable facts; Iraq has biological and chemical weapons, and Saddam Hussein is an oppressive ruler.

But other arguments are less certain. How is the disarmament of Iraq best achieved by a US led attack on Iraq? And because ‘the day to day lives of the Iraqi people under Saddam Hussein’s rule are hardly peaceful, as we understand the word’—does that give us the right to give our support to placing Iraqi civilians in the middle of a US led attack? The United Nations process may have been able to disarm Iraq, and would have been much kinder to the Iraqi people.

America’s President has threatened to use the most destructive weapons of mass destruction against Iraq. This would result in a humanitarian catastrophe. Let’s not forget that 53 per cent of Iraqi citizens are under the age of 16. Besides being inhumane and hypocritical, these actions are wrong. Australian should not be involved. Australians don’t want to be involved.
Besides disarming Iraq, the United Nations process gave Australia the opportunity to send out a very important message to our neighbours, such as North Korea, that we are serious about eliminating weapons of mass destruction and that we are prepared to work constructively together through diplomatic means. The heightened security and terrorist fears we now all share demand sophisticated foreign policy responses if we are to ensure the peace and security in our region in the long term.

The United Nations Security Council has a charter that assigns responsibility to international peace and security. The Labor Party acknowledges that the international pressure applied by the United Nations Security Council is powerful, and is our best chance of disarming Iraq.

It is a tragedy that our Government abandoned this process on Tuesday, and gave our support to an attack against Iraq. It is a greater tragedy that our Government makes the most serious decision a Government can make without the support of most Australians or the United Nations Security Council.

In closing, I want to repeat a quote from Jean-Paul Sartre, a French philosopher, which seems particularly potent at a time when we need not have chosen this path.

‘When the rich wage war, it’s the poor who die.’

Senator COOK (Western Australia) (11.50 a.m.)—I rise to speak against the government’s motion for war on Iraq and for the motion moved by the Leader of the Opposition in the Senate, Senator Faulkner, for support for a United Nations process and, if possible, a diplomatic and peaceful settlement in the effort to disarm Saddam Hussein. It is not normal for me to reflect on speeches from the other side but Senator Johnston has just made an interesting speech which in many respects typifies the responses from the government side. I do not want to waste my time talking about what they say, but the interesting characteristic of that speech, which is a theme developed by government speakers, is to attack the United Nations and undermine its efficacy and to attack the ALP—in particular the ALP leadership—but to avoid speaking for their proposition to make war on Iraq. In these particular circumstances I think that is a bankrupt approach. The fact that they adopt it suggests their arguments are threadbare and equally bankrupt.

Colleagues on the ALP side who have spoken before me have made a case for not supporting unilateral military action against Iraq—action that does not have the explicit approval of the United Nations. They have made a solid case for disarming Saddam Hussein, for condemning his regime, for standing up for the rights of individuals in that country and for the introduction, hopefully, of some democratic forms in that nation. My colleagues have said, and I support them in their presentation, that, while they do not support the war, Labor support those Australian fighting men and women who have been sent by this government to wage it. Indeed, the Prime Minister was right: our beef is not with them. It is with the Prime Minister and it is with him that we disagree. My colleagues have said, and I support them, that although the war does not have UN sanction our troops are not acting illegally. The recriminations should be against their political masters, not against the soldiers, sailors and airmen who are involved.

My colleagues have made what I regard as a fundamental point: there is no demonstrated link between al-Qaeda and the Hussein regime in Baghdad. This is a vital point. War on Iraq has been made to appear as an extension of the war on terror, and it is not. There needs to be clear definition on this point. No matter how tenuous the case for war against Saddam Hussein, it is not an extension of the war against terror. The vicious irony here, the terrible irony here, is that, while Saddam Hussein is a secular tyrant in a secular state and while the terrorists are Islamic fundamentalists driven by a religious fanaticism, war in Iraq could drive together two groups that are at each other’s throats now, to the net disbenefit of the rest of the world. That is one of the collateral impacts of this war that has been overlooked in the way the argument about terror has been fudged to make it appear as a justification for the war. Of course, we are all shocked and disgusted by, and committed to fighting, terrorism in the world. But, by precipitating a conflict of civilisations, you spread the possibility of terrorism rather than defeat it. You defeat it by isolating it, by dealing with its problems, by dealing with the poverty from which recruits to terrorism can be gathered.
and by fighting a war to put out of commis-
sion some of those religious fundamentalist
motivators who are involved in the war.

My colleagues have also made the point,
and I support them in it, that the war does not
have UN approval. The Security Council’s
work is incomplete. Mr Blix and the inspec-
tors have not finished their job; they still
have a way to go. A whole wad of materiel—
rockets and other war materiel—has been
destroyed so far, and there is no reason to
believe that more would not be if the in-
spectors were able to continue doing their
job. Earlier resolutions and resolution 1441
do not explicitly sanction the conduct of a
war. The fact that the US and Britain have
decided to seek explicit approval does sug-
gest that they, too, recognise and know that.

In this debate, we have also seen two is-
issues introduced, particularly by the govern-
ment. These are two issues that in them-
selves are vitally important issues and de-
serve proper treatment in an honest and
straightforward way, but they have been in-
troduced in this debate more to cloud than to
illuminate the argument. Those issues are
quite weighty. They are the issue of democ-
racy in Iraq and the issue of human rights in
Iraq. The Prime Minister has spoken on this
issue; he referred to the torture of children to
obtain confessions from their parents. Sena-
tor Vanstone, who is in the chamber, has
spoken on the role of women in Iraq and the
actions taken against them that dehumanise
them. Senator Hill has spoken on this as
well.

I have to say this is a late argument in this
debate. That is not to say it is an argument
that should not be introduced, because the
lack of human rights in Iraq is a serious
problem. But Iraq is not alone, and to be se-
lective about human rights is to open your-
sel to the argument that maybe it is a con-
venient ploy rather than a deep conviction to
do something about human rights. The role
of torture in the world would involve us in
taking a similar action against Mugabe in
Zimbabwe, against the SLORC regime in
Burma and against any number of other re-
gimes elsewhere in the world where, unfor-
tunately, torture and dehumanisation are on
the rise, not on the decline. In almost every
Arab country where sharia law holds sway,
the rights of women have been removed and,
to be consistent, we should take action
against them. I do not mean military action,
but action to restore the rights and dignity of
ordinary people. The arguments are put and
the examples are given, but no action or con-
sistency are introduced in this debate about
how we deal with the problem at large. This
selectiveness on Iraq suggests no real con-
viction but a sense of convenient argument to
emotionalise this debate and to justify what
is a slim and fragile argument in support of
making war in these circumstances.

In the case of democracy in Iraq, the truth
is that there is a despotic regime in Baghdad
that recognises no democratic norms, but
there is no democratic government in exile
waiting to come to power, and there are no
democratic structures in place—separation of
powers, freedom of the press or things that
reinforce democratic norms. So we are not
looking at doing things that might suddenly
cause a free flowering of democratic spirit.
We are doing what this government has said:
we are about disarming Saddam Hussein.
That is what this war is supposed to be
about. I want to speak about the best way of
succeeding at that goal in a moment but, in
this example, what delivers insincerity on the
part of the government has been their late
and sudden conversion to the issue of human
rights and the issue of democratic norms in
Iraq.

This government has said—and the
Leader of the Government in the Senate,
Senator Hill, has repeated it in question
time—we are not involved in Iraq for the
purposes of regime change. If we are not
involved for the purposes of regime change,
we are not going to do anything about the
torture, we are not going to do anything
about the deprivation of human rights and we
are not going to do anything about the resto-
rating or the introduction of democratic
forms and democratic liberties. According to
the Prime Minister and according to the
Minister for Defence, the Leader of the Gov-
ernment in this chamber, we are involved in
this in order to disarm Saddam. I do not be-
lieve that that is what the Australian gov-
ernment really believes, but I do believe that is what the Australian government has said.

Once again, we are in this situation of disingenuous wordsmithing by the government, which is trying to be careful about what it commits to while giving an impression that it is on about something entirely different. I believe the human rights argument is being abused by the government as a prop rather than as a commitment to a genuine fulfilment of decency and human standards. The flaw in the government’s own argument is that it is not about regime change. If it believed what it said, it would be.

Before I come to the main point of what I want to say today, my colleagues have made the point that the UN processes do still offer a route to achieve the purpose of disarming Saddam Hussein of weapons of mass destruction, and, it might be said, even the prospect of regime change in Baghdad. If you look at the articulated positions of the parties on the Security Council, they are generally not that far apart. More patience, more diplomacy and more determination can bring them together. The weapons inspectors have to do their job. All of the participants on the Security Council condemn the Saddam Hussein regime; all of them want him disarmed. The issue is not about that; it is about the best way of achieving it. The alternatives are to act through the United Nations to preserve an international system of United Nations authority in the world or to take unilateral action, unsanctioned by the UN, which jeopardises the continuance of the United Nations system.

Australia has a vested interest in preserving a rule of law internationally in which the United Nations has an authoritative role. We are a muddling power. We are not a major power. We are not a minor power. For our voice to be heard, we require an international rules based organisation, like the United Nations. This enables us to participate in global issues properly and our voice to be heard authoritatively. If you destroy or undermine such a system, you destroy or undermine the ability of this nation to have an authoritative say in world affairs and you lock us into a situation where we are obliged to be part of and a follower in any particular sort of coalition.

I am committed to the Australia-US alliance, but I am committed to having an independent role within that alliance, and for Australia to be able to speak for itself and not necessarily having to obey orders from a superpower in that relationship. That is the only dignified way for a nation like Australia to behave. That is what should be provided for here, and that means maintenance of the UN system and an improvement of what is admittedly an imperfect structure. Nothing is delivered fully-fledged and perfect in its origin, but we must continue with that structure and work to improve it, make it effective and ensure that it does deliver on its goals. They are not empty words. They are serious commitments; they are serious and important commitments for this nation. If we do not do that, we are cut adrift and we are part of an alliance which, in a world ungoverned or unable to express itself through an international peak body like the United Nations, is left to confrontation and argument between the superpowers with Australia having a minor ‘little Sir Echo’ role.

This point is the key issue in this debate and it now needs to be focused on. The whole purpose of this exercise is to disarm Saddam Hussein of weapons of mass destruction—that is the key purpose of it. The problem that has now led us to the international stand-off and lack of support for what the US, Australia and Britain are doing is the policy of pre-emption. The policy of pre-emption as enunciated by the United States is part of the reason why there is now a breakdown in global support to bring the pressure on Saddam Hussein to disarm in the way in which we all want him to do.

The ‘axis of evil’ speech—I say these words in a considered way—accelerated the acquisition of nuclear weapons by rogue states. It did not deter them. If you want evidence of that proposition, look at North Korea. North Korea now is closer to a nuclear capability than it ever was. It has bailed out of the Nuclear Non-Proliferation Treaty. It has activated its research reactor. It is closer to acquiring nuclear weapons. The threat of pre-emption spurs rogue states to acquire
nuclear weapons so that they can acquire the status of mutually assured destruction. Once they acquire that status, they can negate pre-emption. That point has to be thought about and focused on. If you threaten a rogue state with nuclear devastation by pre-emptive military strike, you accelerate their program to get to a MAD status so that they can countermand the threat that you make against them. That is an important question here. This is what has happened in each of the states identified as axis of evil states. The doctrine of pre-emption accelerates the proliferation of weapons of mass destruction; it does not curb them. The doctrine of pre-emption makes nuclear war more likely, not less likely. It does it because the rogues will hasten their acquisition of WMDs, particularly nuclear capability, to get to MAD status as quickly as possible to negate the threat.

The axis of evil speech accelerated North Korea’s nuclear weapons program. It got them out of the NPT and it reopened their research reactor. Pre-emption targets the rogues leading them to scramble for nuclear parity. However, it also has another damaging effect. It causes neighbouring countries of rogue states or designated enemies of rogue states to reluctantly face the prospect of themselves acquiring nuclear weapons. For example, North Korea’s nuclear capability forces South Korea and Japan to think whether they should now acquire a defensive nuclear capability to defend themselves from what looks increasingly likely to be a nuclear capable rogue state in North Korea.

You do not have to think very widely about this because the living example is the India-Pakistan issue. India acquired nuclear weapons and Pakistan acquired them to make parity. We have had examples in the past when it was believed that Brazil was pursuing a nuclear capability which forced Argentina to also pursue a nuclear capability. Fortunately both those countries have now renounced the nuclear capability route.

The existence of rogue states accelerating their capability programs for nuclear weapons forces peaceful and friendly states, but states that are designated enemies of rogue states, to face that option too. The result is a proliferation in the world of weapons of mass destruction, not a curbing and reduction of them. That is an important issue here that the doctrine of pre-emption pushes. That doctrine is therefore counterproductive to the goal of global nuclear disarmament and it does not create the context in which an alliance approach to Iraq can be identified in terms of at least some moral certainty.

The issue here is that nuclear weapons states that intend to hold on to their nuclear weapons are saying to rogue states, ‘You renounce your nuclear weapons capability, we will not renounce ours.’ We know that that doctrine does not work. We know that because the Canberra commission, which reported in 1996 and which was led by eminent experts from around the world, said—and this is fundamentally important—that, if we are going to curb nuclear proliferation or the proliferation of weapons of mass destruction, the superpowers have to have a program of reducing their reliance on nuclear capability to create the global context to stop the spread of nuclear weapons elsewhere. Don’t ramp it up; reduce it—that was the key finding of that commission.

It is a disgrace on the part of this government that it has done nothing about it. It is also a disgrace on the part of this government that it has done nothing about a Labor initiative in 1985, the Australia Group, which still exists and is still there to be picked up and run with. That was a group of 33 countries with the aim of cutting out biological and chemical warfare. That robust and strong group made real progress, but this government has done nothing about it and now it comes to us on this particular issue. The point is that, unless you create the context, diplomacy cannot succeed. (Time expired)

Debate (on motion by Senator Ian Campbell) adjourned.

BUSINESS

Rearrangement

Senator IAN CAMPBELL (Western Australia—Manager of Government Business in the Senate) (12.10 p.m.)—by leave—I move:

That—
(a) at the conclusion of government business order of the day no. 5 (Agricultural and Veterinary Chemicals Legislation Amendment Bill 2002), the order of the day relating to Iraq be called on and considered till not later than 2 pm today; and

(b) immediately after motions to take note of answers, the routine of business for the remainder of the day shall be as follows:

(i) the order of the day relating to Iraq,
(ii) any proposal pursuant to standing order 75,
(iii) government responses to parliamentary committee reports,
(iv) tabling of documents,
(v) committee memberships,
(vi) general business notice of motion no. 405,
(vii) not later than 6 pm, consideration of government documents under general business, and
(viii) not later than 7 pm, consideration of committee reports, government responses and Auditor-General’s reports; and

(c) if debate on the order of the day relating to Iraq concludes before 2 pm, the questions on the motion and the amendments shall be put immediately after motions to take note of answers at paragraph (b)(i).

Question agreed to.

IRAQ

Debate resumed.

Senator MARK BISHOP (Western Australia) (12.12 p.m.)—I thought long and hard before choosing to participate in this debate. Being so far down the list of speakers, I doubt that I can shed any new light on the merits of the case for or against the war in Iraq and there is little point in being repetitive for the sake of being repetitive. Hence my reason for contributing to this debate revolves around the analysis of principle that social democrats like those on this side bring to bear on issues such as this and examining those perspectives which help us to understand the circumstances in which we now find ourselves.

Social democrats join and participate in Labor parties for various reasons. They are aware of and accept the primacy of the mixed economy, the utility of markets, the efficient use of resources and the need to create and distribute—and indeed redistribute—wealth. They are persuaded to contain and limit the excesses of the democratic capitalist system and they are never persuaded to the forceful and illegitimate overthrow of properly constituted authority. Social democratic roots go back hundreds of years to the development of parliamentary democracy in Britain and to the development of modern social theories deriving from various European experiences. Social democrats are interested in efficiency but prefer to see productivity gain directed not to the self or to the individual but to considerations of common good and equity which sustain harmony within and between social groups, cities and indeed nations.

In the last 50 years, social democrats of the current generation have struggled with topical philosophical debates on many issues that have arisen since the end of World War II in particular. From that struggle developed a structure of analysis and reflection which provoked massive change and the achievement of many goals in a short period of time, particularly in the 10 years after World War II when the modern internationalist system was first created.

As part of the analysis, foreign policy has been paramount as the world opened up and the relative isolation and remoteness of many countries disappeared forever. Within that has been our relationship with the United States and the authority and leadership that the United States has given to the world, funded to the value of hundreds of billions of dollars courtesy of the American taxpayer. While it would seem we are experiencing a flood of support for the United Nations—and that is both remarkable and encouraging, perhaps convenient also—we are also seeing sharp criticism of the United States, with doubts about the costs and benefits of our relationship.

The analysis of US foreign policy cannot but lead social democrats like us on this side to the conclusion that to a large degree US hegemony has been benign, worth while, practical, useful, generally selfless and al-
most always beneficial to the world community. Now, for the first time since 1941, Australian social democrats are required to consider the utility of long-term relationships between old friends and in particular the nature of the ongoing relationship with the United States. In that context we are damned if we support the relationship and damned if we do not. It is a terrible quandary because we know that US motivation and US action have resulted in the creation of worldwide markets, just as they have for the British before, and in the growth of freedom as guaranteed by the democratic process, the development of rules based trade and the accepted resolution of sometimes intractable issues within the United Nations fora.

Now we find our philosophy and attitude sorely tested by the actions of old world administrations like France, by a different conservative administration in the US, by a fascist administration in Iraq and by backward terrorists in parts of the world who seek to destroy what they hate and refuse to understand. That disturbance to our framework, that questioning of our analysis, is reflected in our community as we enter into this debate on the Howard government’s commitment of our youth to a conflict at the other end of the world.

Looking more broadly at the community, which I believe largely subscribes to a social democratic view, we have a confusion of thought between those on the one extreme who are opposed to war per se in any and all circumstances and those on the other who support the use of immediate force as the cleanest and most practical solution. In between are those views of, I suspect, a significant majority whose basic instincts are idealistic and nonviolent but who are concerned at the elements of truth, where they can be found. They are concerned about the real threat posed to our national safety and security by changing circumstances in the world. They know the world is changing in a post Cold War environment from the balance of power once existing between large alliances East and West to a world of uncertainty and changing alliances, of weaker multilateral commitment and one sole remaining power of influence, the United States.

At the same time they are distrustful of decision makers. They remember the rhetoric of Vietnam, the frustrated trust and pointlessloss of hundreds of thousands of lives on all sides, with no outcome to match the rhetoric. Here, sadly, they think they are hearing it all over again. The domino theory has been transferred from the Viet Cong and communists to terrorists and their supporters. The images of September 11 and Bali are still fresh in their minds so they half believe the connection between terrorism and Iraq’s weapons of mass destruction. They are bombarded by the public relations machine of the government and the Prime Minister asserting the risks of the terrorist link and therefore the justification of military action. But they see little hard evidence. They find the sudden shift in values of the White House a threat to their own understanding of established values and the ready acceptance of that shift as a sell-out of our independence. Yet they know in their hearts, as we all do, that the world would be a much better place without Saddam Hussein.

They also see and hear major conflicts by commentators, experts, academics and politicians—all persons normally given some respect—all of whom are trying to shape public opinion. Confusion and chaos is the result in their minds. They also see and hear dissention between the major nations of the world which, in the short time since the Cold War, have acted with some unanimity for the first time in modern history. There was a successful outcome in Yugoslavia, where there was a similar problem—ironically, without the United Nations. Yet the ideal UN solution was forthcoming in Afghanistan, so they quite reasonably ask: why not in Iraq as well? They also see the growth of international markets and the world economy, European unification, growing multilateralism and international interdependence.

But none of it exists on this occasion. It seems to me that there has been a major reversion to national self-interest and hence the accusations of narrow economic interest, whether it be trade, reconstruction contracts or oil. This is not to mention what they suspect are phoney pretexts for action and a mass of rhetoric which they are simply un-
able to test. They are then naturally and rightly suspicious. Put simply, there is a lack of trust. I believe that people clearly want a concerted international consensus of the kind they have experienced in the last decade and, more importantly, of the kind promised by the ideals of the United Nations. It is not perfect but, to paraphrase Churchill, it is better than any other alternative.

That too is the position of the Australian Labor Party. Indeed, that has long been our national interest, without question. Yet we also know that, despite our ideals, it is unrealistic to expect the United Nations to resolve all these issues, particularly where any one member of the Security Council has a vested interest. This is not a criticism of the UN, nor does it detract from our ideals and motives for a more effective UN. It simply is the real world. That is certainly the case here, except that the processes of the last 12 years, while unproductive in terms of the outcomes set, have succeeded in neutralising the threat of Iraq but not in removing it. It is equally realistic to accept that the unsatisfactory process, frustrating as it may be on this occasion with Iraq, is better than no process and is certainly better than war and the associated massive loss of life. That is why we on this side have arrived at the position we have. It is not an entirely satisfactory outcome, but it also remains a challenge to those on the Security Council to realise the ideals of the UN and to put aside their vested interests and take decisive action. Until and unless we do, we will continue to be faced with this awful dilemma of inaction and procrastination on the part of some European nations in particular, frustrating those who are committed to a more harmonious world community and who realistically know that from time to time a show of force from the international community is the only language that miscreants understand.

This brings me back to the role of the United States, with whom we in Australia have had a longstanding, mature relationship originating from this side of politics in World War II, when the ties of the Old World were cut through sheer necessity. In coming to grips with this crisis on Iraq, it is very important, as I have mentioned before in this place, that we do not lose sight of the strengths of that relationship. It is not one of sycophancy, which is what the Prime Minister has apparently turned it into; it is one of mutual respect between two new nations with common origins and bonds, similar histories and common ideals and values. We are both peoples of the New World. We are firm friends and allies—the American people know and understand that—yet we ought to be mature enough to recognise the differences and to be able to live with them. For us, it is simply not good enough to resort to the anti-American sentiment that has been quite common in the press in recent times.

It is a very complex issue and it is one which goes to the very heart of international affairs over the last 50 years. Just as we ought to worry about the failure of support for the United Nations, so too should we be concerned at our failure to understand the motives of the United States. Put bluntly, the current figures in the White House are not representative of the broader American ethos which has permeated their foreign relations over 200 years. We are entitled to be critical of this administration because their behaviour is atypical of the approach taken by the United States over the last half-century in particular. Their behaviour is a complete contradiction, because, as we know, the UN has its origins in the international stance taken by the US people, as was the case with the League of Nations. The UN in fact has depended on US commitment, support and funding for its entire existence.

Equally, we ought to condemn particular European countries for their self-interest and lack of commitment, because it has been their behaviour more than any other over the last 100 years which has caused others like the US and Australia to form such a body, with peace between nations as its No. 1 objective. It needs to be realised what a parlous position this puts us in, because there is the real threat that the major powers, including the US on this rare occasion, have failed to support the one body created by the international community to fix these problems. This will provide security and comfort to terrorists and others who work best in an environment of division and anarchy. That failure,
including by our own Prime Minister, deserves to be condemned in the strongest possible terms.

At the same time, however, we must not allow the aberrant behaviour of the current White House to colour our view of the importance of the US internationally as the only substantial peacekeeper. Combined with their long history of internationalism, with only a few years of isolationism, this has resulted in a de facto role of international policeman, which is an awesome responsibility, at considerable cost and risk. To be realistic, we must ask ourselves, ‘What are the alternatives?’ How else are we to ensure that the deviants of Iraq and North Korea or the likes of Milosevic or Osama bin Laden are kept in check? How are we to keep traditional enemies like Pakistan and India from engaging in warfare? Who can be the effective broker between China and Taiwan? Who will mediate the peace between enemies of thousands of years in Japan, China and Korea? Who do all Middle Eastern nations seek out to mediate between Israel and Palestine? We are again seeing that, no matter how hard we try, the UN simply keeps failing the big tests. Is it any wonder that the patience of the US has snapped? I also draw the attention of those who continually pillory the US for its foreign policy and its role as world policeman to the alternative. I ask them to reflect on the fate of the League of Nations, where the people of the United States, so sick of the bickering and futility of their international engagement, withdrew into themselves in a period which saw the growth of the world’s greatest monsters—Hitler, Stalin, Mussolini and Hirohito.

In closing, I will make also some comments on the nature of Australia’s foreign policy and refer with complete support to speeches made by my colleague the member for Griffith on this matter on a number of occasions. The commitment to war in Iraq by the Howard government is a complete sell-out of everything we have achieved in the last 50 years in shaping our own destiny in the world. We have sacrificed our independence and the maturity of our longstanding relationship with the US. We have completely lost our reputation of tolerance and respect for differences of race and religion and we have turned the clock back to a time of an isolated Australia, riding on the coat-tails of the mighty, willing to do their bidding without question. That is why we support the amendment to the government’s motion moved by Senator Faulkner, which supports a return to the multilateralism of the United Nations which we in the Labor Party initiated so long ago. We do not resile in any way from the objective of disarming Iraq, but we want it done through the United Nations with the full support of the Security Council and its members. Let there be no doubt about my position on this: Saddam Hussein must be removed, the Iraqi people should be given their freedom and the Gulf needs a resolution to the senseless ongoing conflict.

The question is whether the government’s action should be supported at this time. The unequivocal answer is: not now. In the final analysis, France and its quiescent supporters in China and Russia would not have been able to withhold consent for another three, six or nine months. Sooner or later, the elites in those countries would have come to understand that their desire to confront and frustrate the US to retain their minor colonial empire would be seen for the myopic self-interest that shapes their current attitude that it is. They are indeed emperors without clothes. The European public are not fools. Given time, they would have accommodated themselves to the world community to resolve the situation, as they did in the last decade at their own back door in Kosovo. This is the mistake that the Prime Minister has made—the government committed too early.

Senator Ian Campbell—You’ve got your head up your own back door!

The ACTING DEPUTY PRESIDENT—Order! I direct Senator Campbell to withdraw that last statement. It is unparliamentary and he knows it.

Senator Ian Campbell—I withdraw.

Senator MARK BISHOP—Likewise, for President Bush, the mission was allowed to determine the outcome. In the final analysis it did not matter if the invasion was in 2003
or 2004. The critical point was the need for overwhelming support for forced disarmament. In my mind, the vision and the goal are correct; the current means are precipitate and destructive. Governments—particularly this government—must learn to take the public into their trust. Sometimes caution and a slower pace pay off in the longer term. Specifically, the five-paragraph amendment moved by Senator Faulkner accurately reflects the position of the Australian Labor Party. His amendment is entirely proper and appropriate at this time. It warrants the support of the Senate. It warrants that support as it is a principled and consistent response to a dire situation, and it is one that no social democrat would have any hesitation in supporting. Accordingly, I support the amendment moved by Senator Faulkner on behalf of the Australian Labor Party.

Senator TCHEN (Victoria) (12.32 p.m.)—I rise to participate in this debate on what has been called, by a great misnomer, a war on Iraq. It has been called that for some time, but it now appears to be official. Clearly, this matter has been of great importance to all Australians; therefore it is all the more important that we understand that to call this a war is a misnomer. It only serves to distract our ability to make an acute judgment on what we should and should not do, given the emotive connotations the word ‘war’ can and does evoke.

Let us understand that we are not—the United States is not; Britain is not—about to wage war for territorial, material or religious gain from Iraq, unlike Saddam Hussein, who emphatically has tried to do all of this. What the coalition of the willing is setting out to do is to ensure the disarmament of the rogue menace that is Saddam Hussein. In the process we shall also send a clear message to other Saddams and would-be Saddams around the world that constructing chemical, biological or nuclear weapons of mass destruction is simply unacceptable. Senator Cook earlier in his speech claimed that the government senators speaking during this debate have avoided the real issue of justifying any war on Saddam and, instead, have been merely attacking the opposition. Apart from my reservation about using the word ‘war’, I do not know what debate Senator Cook has been listening to. If he could not hear any justification to disarm Saddam, it can only be that he did not wish to hear. I shall try to do that for him, but first let me pause for a moment to make some observations about what the opposition senators have been doing.

It should be noted, not least by Senator Cook, that many of his colleagues have actually opted to have their speeches incorporated, presumably because they would be too embarrassed to read them out, since there is no shortage of time for them to speak. Senator Cook himself was sufficiently confident to speak, as have been Senator Forshaw, Senator Ray and Senator Mark Bishop. Unfortunately for them, all they achieved was a demonstration of the wisdom of those Labor senators who opted not to speak. Let me refer to what Senator Forshaw had to say. At one point he was referring to calls by government senators for the Labor Party to come clean on exactly where they stand on Saddam Hussein and exactly where they stand on Australia’s moral position in terms of human rights abuses in Iraq. Senator Forshaw said that those arguments and criticisms were beneath contempt. That is a fair description if that is the way he wants to go but, if you describe something as beneath contempt, you have to demonstrate that the comments you criticise were not justified. Senator Forshaw just passed by that and went straight on to talk about other things. It seems to me that this is just a simple let off for him. He has no arguments to counter the charges, so he called them beneath contempt. That is a very common trick.

Senator Forshaw also raised the issue that if Saddam Hussein, with his weapons of mass destruction, is to be disarmed by force—presuming there are other ways of disarming people—then what next? Is North Korea going to be next? I think any sensible person would come to the conclusion that, should North Korea spend the next 12 years defying the United Nations, then yes, maybe North Korea should be next, or whoever else decides to construct weapons of mass destruction and defy the United Nations for 12 years. Maybe they should be next. I also
point out to Senator Forshaw that, actually, North Korea did have a war against a United Nations led force and, in fact, the United Nations led forces—South Korean forces and United States forces—are today stationed on North Korean soil, north of the 38th parallel.

Senator Forshaw also said he does not believe—and a number of other Labor senators have said this—that military action should never occur, but he does not go on to say when he believes military action should be justified—

Senator Mark Bishop—Except at the appropriate time.

Senator TCHEN—But when is an appropriate time? They never say. An appropriate time is when the Labor Party decides it is an appropriate time. Maybe an appropriate time is when the United Nations decides it is an appropriate time, but when is the United Nations going to decide? We are talking about the United Nations now. Senator Forshaw also made the grand remark that the United Nations is far from perfect—but it is all we have got. Well, I am sorry, Senator Forshaw and Senator Bishop: the United Nations is far from perfect—that is true—however the United Nations is not all we have got. What kept the world at peace since the end of the Second World War was not the United Nations; it was the unwarlike intention of the United States throughout this period, I think Senator Bishop would agree with me on that. The world has kept at peace since 1946—until today—because the United States has not been an aggressive country. And it is not an aggressive country because any action we take against Saddam Hussein—as I said earlier—is to ensure his disarmament. It is not for territorial gain, not material gain and not for religious domination.

Senator Forshaw criticised the government for making a decision. It is obvious that the United States cannot keep its military forces at readiness in the Gulf for long. It is ready now; it must go. Therefore, we are going because the military necessity is to go now. However, he also said that the solution to dealing with Saddam Hussein is to keep the forces in being so that weapons inspectors can continue to carry out their work. Can we keep a credible force in being for long? One moment Senator Forshaw said, ‘That should not be a limitation,’ and the next moment he said, ‘That’s something we can do all the time.’

Senator Jacinta Collins—that was Bishop.

Senator TCHEN—No. I am talking about Senator Forshaw’s contribution earlier. I do not think Senator Bishop would make that mistake.

Senator Jacinta Collins—you were looking at Senator Bishop.

Senator TCHEN—Senator Forshaw—not Senator Bishop, although he came to the same conclusion—said, ‘We can wait a bit longer.’ But for how much longer—a week, a month, three months? As long as it takes for President Chirac to make up his mind that he can get the best out of it. As soon as President Chirac can send his bombers into Iraq to blow up a couple more boats?

I also listened with great interest to Senator Ray’s contribution. One thing that really struck me when Senator Ray got up to speak was that he said quite clearly that too many of his Labor colleagues have failed to recognise the brutality of the Saddam regime. This is a remarkable statement. I have great admiration for Senator Ray in this place. It is an observation that takes a courageous man to make today in the Labor Party, and he has made that observation. He also highlighted the importance of Australia’s alliance with the United States, as Senator Bishop has done more recently. These are courageous statements by the Labor Party to make in this climate, and I admire them for that.

However, having swallowed that political elephant, they then choke on a gnat—that the Prime Minister has made a decision to go with the United States, whose alliance they agreed is so important. The Labor Party just cannot accept that. Suppose the Labor Party happened to be in government—what would you do? Would you wait for the United Nations to make a decision? Would you wait for Jacques Chirac to make a decision? No, they do not say that. This epitomises the difficulty that so many of the Labor Party members in this place—
Honourable senators interjecting—

The ACTING DEPUTY PRESIDENT (Senator Bolkus)—Could I suggest to all senators that Senator Tchen may be assisted by them not conducting conversations across the chamber. Senator Tchen, you may be assisted by going through me rather than direct across the chamber.

Senator TCHEN—I am sorry, I was referring to comments I heard earlier; I was not conducting a conversation. My apologies, but I was referring to earlier speakers. Senator Bishop’s earlier statement was more—how should I put it—partisan in support of the United States than many of the statements made by my colleagues on this side. He then carried out a very remarkable somersault, saying: ‘Yes, I admire the United States so much. However, this United States administration is atypical—it’s not like any other administration before it.’ That is rubbish. United States political history is full of examples of presidents coming and going, and national policies remain in the same direction. That is something which is fairly obvious to anyone who wishes to look into United States history.

Having taken you on this digression, looking at what some of the more hearable Labor senators have said, let me come back to the promise I made earlier to Senator Cook that I will try to satisfy him about why Saddam Hussein should be disarmed. It is a matter of record that Saddam Hussein has weapons of mass destruction.

Debate interrupted.

AGRICULTURAL AND VETERINARY CHEMICALS LEGISLATION AMENDMENT BILL 2002

Second Reading

Debate resumed from 6 March, on motion by Senator Ian Campbell:

That this bill be now read a second time.

Senator HOGG (Queensland) (12.45 p.m.)—When I spoke on the Agricultural and Veterinary Chemicals Legislation Amendment Bill 2002 a fortnight ago, I referred to the difficulties a Mr Millar was having in respect of the operation of this legislation in terms of his small business on the Sunshine Coast in Queensland. I drew to the attention of the chamber in that debate the particular difficulties he had experienced in the audit process. Given that there is a need to expedite these bills today, I am not going to take terribly much longer, except to say that there was a PricewaterhouseCoopers survey, an issues paper in 1998 and a report on 13 January 1999. That report basically recommended changes in fee structures and changes in the categories, particularly the low-risk category that would have interested Mr Millar and operators similar to Mr Millar.

Mr Millar’s perspective was that the recommendations were ignored. That in part is true, but one hopes that the problems and the difficulties that Mr Millar and similar operators have experienced over a long period of time will be addressed as a result of this particular piece of legislation that is before this chamber today. It seems to Mr Millar—and to me, from my discussions with him—that, at the end of the day, what he is seeking and what other operators similar to Mr Millar are seeking is just for commonsense to come into play. Mr Millar has expressed to me that he and other operators are not against regulation, so the issue of regulation is not in question. What they are opposed to is the overregulation, particularly of their one person operated small businesses, that has existed under the legislation since 1994. Mr Millar now hopes that, with this legislation, any of the difficulties that have confronted his business—not only those from the red tape point of view but also those which have imposed excessive financial burdens upon his business—will be removed.

To save taking this into the committee stage, I have a question I will raise now in my speech on the second reading debate which I would seek a response to from the parliamentary secretary, if he would be pleased to do so. The question is: what benefits will flow from the current legislative amendments to small manufacturers of agricultural and veterinary chemicals from being able to access the low regulatory scheme? I am sure that the parliamentary secretary will provide an answer that will give some hope to Mr Millar and similar operators. I believe the sooner the legislation is up and running,
the sooner people such as Mr Millar will be able to get about their business and make a success of their life.

**Senator O’BRIEN (Tasmania) (12.48 p.m.)—**The Agricultural and Veterinary Chemicals Legislation Amendment Bill 2002 introduces reforms to the National Registration Scheme for Agricultural and Veterinary Chemicals. These reforms will streamline and improve the operation of the scheme, which was created by Labor in 1991. The key reform in this bill is the introduction of a new low regulatory regime for certain agricultural and veterinary chemicals. This amendment constitutes a response to a recommendation of the national competition policy review of agricultural and veterinary legislation.

The bill will also expand the deemed permits mechanism to ensure that stockpiles of chemicals that lose registration can be utilised safely. This utilisation, including disposal, must be consistent with the instructions contained in the deemed permit issued by the National Registration Authority. The bill’s labelling changes will require agricultural and veterinary chemical labels to contain instructions for use and introduce greater consistency in the use of language relating to these instructions.

Administrative changes include an enhancement of the National Registration Authority’s capacity to vary conditions of approval, registration and labelling; a new capacity for the National Registration Authority to seek public comment as part of any reconsideration process; and increased penalty provisions. The bill is designed to improve the efficiency and effectiveness of the National Registration Scheme by reducing the administrative burden on businesses. It is intended, however, to continue to protect public health, environmental safety and our trade credentials.

I want to briefly address the importance of farm chemicals to Australian agriculture. Farm chemicals assist Australian farmers, graziers and orchardists to produce quality products for domestic and international markets. While farmers quite sensibly seek to minimise the use of chemicals in production, they make an important contribution to the productive capacity of our land. Dependent on this system are no less important matters than the prosperity of Australia’s rural industries, the maintenance of our export markets and the health of rural workers, animals and the environment.

There are three components to an adequate agricultural and veterinary chemical control regime: registration, control and residue monitoring. While this bill concerns the registration of chemicals, it is important to acknowledge that, if one component of the regime fails, the whole program fails. The proper assessment, registration and regulation of agricultural and veterinary chemicals does, of course, provide an important safeguard for the health and safety of Australian consumers and the natural environment. In this regard, I am pleased to note the outcome of the 20th Total Diet Survey released on 28 February 2003. The survey found very low levels of chemical residues and contaminants in our food. In so doing, it reaffirmed the fact that Australia’s food supply is safe and clean.

You will not find any acknowledgment of this in the second reading speech by the minister, but the matter of the assessment, registration and regulation of agricultural chemicals is one that Labor primary industries ministers addressed seriously. Labor worked cooperatively with the states on a range of agricultural issues. One of the outcomes of that cooperation was the creation of an effective national chemical registration scheme.

In the context of the antagonistic speech by the Minister for Agriculture, Fisheries and Forestry at the opening of the Outlook 2003 conference two weeks ago, it is worth pausing and reflecting on the good that can be done when the Commonwealth recognises it has national responsibilities and acts accordingly. It is obvious to almost everyone in the country, except Mr Truss, that ongoing brawls with the states are a waste of time and energy. The previous Labor government could not have built the National Registration Scheme between 1992 and 1995 without cooperation from the states. Labor remains a supporter of the scheme we established. Accordingly, I am pleased to indicate our support for the changes proposed in the bill,
changes that are designed to improve its efficiency and effectiveness.

I do, however, have one final matter to address. A few weeks ago the National Registration Authority’s web site started advising visitors that a decision had been made to change the name of the authority to the Australian Pesticides and Veterinary Medicines Authority. The site says the new name better reflects the function of the authority and will help engender continuing confidence in the regulatory system. Senator Troeth also issued a media release making the same point. However, because the legislation that controls the operation of the authority refers to the NRA, the name change will literally be in name only. That is, the new name will be used in public communication but not in formal documents or processes. The NRA advises legislative amendment will be sought later this year to formally effect the name change. Given the subject of the amendment bill before us, including the broad scope of its changes, I ask the parliamentary secretary to advise the Senate why the legislative name change was not implemented concurrently with the public name change. Is the Minister for Agriculture, Fisheries and Forestry incompetent or just inefficient?

Senator BOSWELL (Queensland—Leader of the National Party of Australia in the Senate and Parliamentary Secretary to the Minister for Transport and Regional Services) (12.54 p.m.)—I have sought advice. In response to Senator Hogg’s question, while I believe that it is inappropriate for me to discuss the details of the individual circumstances relating to any registration or application, I can say, without intending to prejudice the NRA’s future deliberations on the matter, that it is the intention of the signatories to the National Registration Scheme to include chemical products such as those made by Mr Millar in the low regulatory scheme where a suitable standard, including those aspects relating to quality control, can be developed by the NRA. I think that answers Senator Hogg’s question, and he will no doubt give that message to Mr Millar. In response to Senator O’Brien’s last question, I have an answer here. It says that the name of the bill is irrelevant. The decision by signatories to the NRA’s scheme is to change the name at a later time.

Senator Mark Bishop—So is he incompetent or inefficient?

Senator BOSWELL—He is neither incompetent nor inefficient; he is a great minister. I keep telling Senator O’Brien that. I think most of the people in rural Australia would acknowledge that Minister Warren Truss does an excellent job. But, as a part of Senator O’Brien’s job, he has to lead the attack for the Labor Party. I do not think many people are convinced by his weekly attacks on Warren Truss.

Question agreed to.

Bill read a second time.

Third Reading

Bill passed through its remaining stages without amendment or debate.

IRAQ

Debate resumed.

Senator TCHEN (Victoria) (12.57 p.m.)—Before the debate was interrupted I was speaking of Saddam Hussein’s massive stock of weapons of mass destruction that are not accounted for. The United Nations chief weapons inspector, Hans Blix, in every one of his reports to the United Nations Security Council on his inspections in Iraq to date, has been damning in his conclusion. I should perhaps say his lack of conclusion because, in every case, he has referred to the difficulties he has had with the Iraqi government. What we are debating here is whether military force is the only way to disarm Iraq or whether further discussion is the better way. Perhaps if we could bring Saddam Hussein to this chamber he might learn how being talked to for long periods, particularly by our colleagues the Greens senators, would disarm him far more effectively than any military force. People who argue otherwise, that military force is not necessary, are simply muddying the waters. In fact, any action against Saddam Hussein is a genuine attempt to protect the citizens of Iraq, of the region and of the world from the weapons and the ambitions of Saddam Hussein.

Saddam Hussein is a tyrant who has shown that he will not disarm and that he
will not be dissuaded from using his weapons against other people. He has defied 23 of the 27 United Nations obligations imposed on his country under the 17 resolutions of the Security Council passed since 1991. Enough is enough: the devilish and murderous regime of Saddam Hussein and his Ba'ath Socialist Party have been left alone for far too long. The threat they pose needs to be addressed immediately. Iraq’s harmful weapon capability needs to be eliminated so that Saddam Hussein no longer poses a global threat, a threat to his neighbours or a threat to his own people, so that he can be brought to account.

Australia cannot stand by and allow the pure evil of the kind that Saddam Hussein’s regime represents to flourish. I put it to you, Mr Acting Deputy President, that this great nation should share the responsibility of combating international problems such as this. We cannot idly stand by and pretend that Iraq’s stockpiled weapons of mass destruction are not our problem. We cannot idly stand by and pretend that the massive human rights abuses that occur in Iraq are not our problem. It is my view that Australia is in a position to ultimately assist the people of Iraq and the world by helping to disarm Saddam Hussein’s regime.

Notwithstanding the obvious reservations nursed by the likes of Senator Ray and Senator Bishop, the Labor Party seem to be very confused about where they should stand and particularly about the issue of what this war will cost in terms of human life. They should look at this issue dispassionately and realise that the human cost of war will be far less than the human cost of another 35 years of allowing Iraq to remain under the rule of Saddam Hussein. Let me deal with this aspect in greater depth. To borrow from one of the most undervalued American presidents in recent years, Ronald Reagan, in 1983 said:

But if history teaches anything, it teaches that simple-minded appeasement or wishful thinking about our adversaries is folly. It means the betrayal of our past, the squandering of our freedom.

President Reagan was right on this issue, as he has been right on other issues. He recognised that the only way to stop rogue states—Libya in his time, but Iraq in our time—is through clear and decisive action. Less than an hour ago, Senator Ray got up in this chamber and referred to the United States’ decisive action against Libya at the time of President Reagan. Since then, Libya has not been engaged in any terrorist activities. This is a worthy reminder.

The only hope for a peaceful 21st century is for us to act now, before this situation in Iraq escalates further and Saddam Hussein has the opportunity to put to use his weaponry and before he murders more of his own people. In 1939, Neville Chamberlain came back from Munich promising ‘peace in our time’. He made the mistake of trusting a megalomaniacal dictator, of taking the easier option to avoid war in the very short term but at the expense of a long and expensive war later on.

In 2003 we are faced with a similar dilemma. Despite Saddam Hussein’s repeated untrustworthiness, despite Saddam Hussein’s continuing lying and deceitfulness, some people still argue that he is genuinely disarming. Saddam Hussein is deceiving not disarming. We know that he had 6,500 chemical bombs, including 550 shells filled with mustard gas, and 360 tonnes of bulk chemical warfare agents, including 1½ tonnes of deadly nerve agent VX unaccounted for. Iraq has admitted manufacturing 8,500 litres of anthrax. How much proof does the opposition need that Iraq has weapons of mass destruction?

We know Saddam Hussein will not hesitate to use these weapons against us, because he did not waver in using them against his own people or against the Iranians. Saddam Hussein killed at least 20,000 Iranians with his mustard gas and nerve gas and used chemical weapons against at least 40 villages and settlements in Iraq. The problem with appeasing this murderous dictator, the problem with giving Iraq yet more time—as if 12 years is not enough—is that every moment that he is left unchecked is another moment closer to his realisation of even more destructive intentions. (Time expired)

Senator JACINTA COLLINS (Victoria) (1.06 p.m.)—Rather than repeat many of the
very well reasoned debates that have been presented by a number of my colleagues today, I seek to supplement their remarks on one principal issue—that is, the government’s recent attraction to the humanitarian concerns faced by the Iraqi people. I do, however, wish to endorse those remarks made by my colleagues who have detailed that the case for Australia to be involved in a US-led war against Iraq has not been made. It has not yet been proven that this is the right thing to do or that it is in our national interests. The alternatives to war—the fundamental question—have not yet been exhausted.

Like Senator Bishop, in these very difficult deliberations I do not deny that there is an argument to support the US regardless. There is also an argument to support our government regardless. But to do so requires two fundamental things: it requires confidence and faith, and the Howard government inspires neither. Senator Bishop dealt in quite some detail, and very well, with the issue of the US alliance and on how the US government has managed this situation to date, so I will not digress further down that path. But I do want to add one point before I go to the humanitarian aspects, and that is with respect to our troops. Much of the media in recent times has highlighted that our troops understand the problems caused by the limited confidence they can have in the integrity of the Howard government, and they have been looking forward to this debate.

Australian troops wanted a debate, they wanted the issues canvassed. They did not want us, as the Howard government has attempted to do, to simply fall in with the argument that we must be bipartisan. They want these issues fleshed out. I have faith that many of our troops will not simply fall for this further deception of the Prime Minister when he seeks to describe this debate as undermining bipartisan support for our troops. Bipartisan support for our troops exists. The Australian people, the Labor Party and, I think, all politicians involved in this debate understand that our troops deserve our support. This is a government decision; this is not a decision of our troops.

I want to concentrate on how the government has recently sought justification by detailing the mass violations of human rights by the Iraqi dictator. Despite Senator Tchen’s comments—I have not read Senator Ray’s comments yet and did not hear all of his speech at the time, but I am sure Senator Ray would also agree—this is a new theme for the Howard government. My own response to some of the contributions, both yesterday in question time and in this debate, is to find the hypocrisy both astounding and obscene. Some of these points I will highlight. But let us go back to what the Prime Minister has finally come to acknowledge. In his justification for war, the Prime Minister quoted a resolution of the United Nations Commission on Human Rights which condemns:

... the systematic, widespread and extremely grave violations of human rights and of international humanitarian law by the Government of Iraq, resulting in an all-pervasive repression and oppression sustained by broad-based discrimination and widespread terror.

The Prime Minister went on to say:

The regime’s hallmarks are summary and arbitrary executions, the use of rape as a political tool, enforced disappearances, arbitrary arrest and detention, widespread and systematic torture and maintaining of decrees prescribing cruel and inhumane punishment as the penalty for offences. These points demonstrate that the short-term future for many, if not most, Iraqi civilians is neither secure nor peaceful, regardless of whether Iraq is subject to military action or not.

What the Prime Minister did not prove, contrary to what was said by the previous speaker, Senator Tchen, is that, in 35 years time, military action taken now will have generated less pain than is currently occurring.

Over the last day or so, to my astonishment, many of the government senators have started referring to Human Rights Watch. It was only within about the last month or so that I reported on a report of Human Rights Watch on quite a different issue. This is where the hypocrisy is astounding. These are the same politicians who, when considering the status of refugees, have laughed in the very face of the reports of Human Rights Watch. In fact, I was forwarded complaints sent to Senator Brandis about his behaviour
in this chamber when I referred to a Human Rights Watch report in relation to the return of SIEV5 in a matter of public interest debate.

Given that we have indulged members of the government, allow me to quote from some different reports of Human Rights Watch relating to this government. A report on the treatment of refugees onboard SIEV7, many of whom were Iraqi, reads as follows:

As with SIEV5, the family groups from SIEV7, some 90 people in all, were transferred on Saturday, 28 October 2001 onto the naval ship HMAS Arunta for return to Indonesia. Meanwhile, the remaining single male asylum seekers remained on board the fishing vessel as the Arunta escorted it back to Indonesian waters. As with those who were disembarked from HMAS Warramunga, the families were handled with disproportionate force when disembarked. A Hazara widow with a baby explained to Human Rights Watch that she witnessed another woman who resisted being beaten until she fainted. This woman was then thrown “like a dead body” down to the speedboat. I was afraid that because the two boats were rocking on the waves my baby would fall into the gap between them. When I was thrown down by my arms at first I could not find my baby and panicked ...” One woman who was epileptic had also passed out and was thrown back on the fishing boat while still unconscious.

The Human Rights Watch report also puts that interception of refugees that commences as rescues at sea should always lead to prompt access to a state’s territory for the purpose of consideration of their claims and that the treatment of all persons should accord with human rights standards and maritime law, with particular measures to care for women and children. However, whilst in the chamber on Tuesday, Minister Ruddock claimed: ‘We have not turned anybody away who required protection.’ This is simply not true. It is more Howard government deception, and I will run through some more in the time that I have.

Through Operation Relex, the Prime Minister had decreed that all refugee boats would be returned to the place from which they had come. The Prime Minister sought to return these people, many of whom were Iraqi, to Indonesia. Significantly, the Prime Minister could not guarantee the protection of the Iraqi people, because Indonesia is not a signatory to the UN convention on refugees. But, further to that—and this is what I had raised in the matter of public interest debate—some of these returns themselves were quite perilous. We understand that three Iraqi men disappeared and were never been seen again as a result of the conditions requiring their return to the Indonesian coast.

But I digress; let me go back to the point. If the Prime Minister was really committed to the human rights of the Iraqi people then he would not have made the decision to push back those fleeing the oppressive Iraqi regime. The captain of the Norwegian Tampa, Arne Rinnan, would have been a hero rather than a people smuggler for his rescue of those Iraqi people who would otherwise most likely have died at sea. The government would have more appropriately accommodated these Iraqi people, who risked their lives on leaky, overcrowded boats in pursuit of a free, safe and democratic future with open arms. But no—we found the Pacific solution, which is hardly humanitarian.

The government, by its own admission, seeks to deter and deny at any cost, and the cost has been evident. On the fateful voyage that became known as SIEVX, 353 people, including many Iraqi women and children, drowned. This government has sought to deny the legitimate claims of Iraqi refugees but is now using those very claims in its attempt to justify war. It is hypocrisy of the highest order to now suggest that the violation of human rights in Iraq is grounds for warfare but not refugee status. The Prime Minister and his government have not provided the parliament, Australians or the people of Iraq with any reason to have confidence in their judgment or integrity.

It appears, as was the case in the lead-up to the 2001 federal election, that our Prime Minister has tried to deceive us about the commitment of our troops in terms of the predeployment. As was well described by Senator Bishop earlier, our Prime Minister has also confused aggression with leadership. He is a supporting a new US doctrine of pre-emption which is now in conflict with the classic American conservative interna-
ticalism of Colin Powell. A recently published book by David Marr and Marian Wilkinson, *Dark Victory*, highlights how the Howard government has compromised, to the very core, Australian public administration and defence institutions. So, Senator Tchen, I do not think it is the Labor Party you should be describing as ‘confused’ or ‘conflicted’.

Let me go to the point of how our public and defence institutions have been compromised. The press release for this book runs through a little bit of history. It describes:

- how Peter Reith gagged the military,
- how the military was used to feed information to ministers on the campaign trail,
- how the military helped the government keep the public from seeing the human cost of the blockade of boat people, but also
  - the battles that raged between gung ho civilian bureaucrats and the military over the preservation of life during the blockade of the people smuggling boats.

If we cannot have confidence in how this government will deal with issues related to the preservation of life in peacetime during the Operation Relex incidents, how can we have confidence in how the government will manage these situations now?

We hear stories in this book about how Mr Ruddock made ‘strange inquiries about pirates at a secret Jakarta meeting to review the campaign against boat people’. We hear of:

Max Moore-Wilton’s ruthless scheme to leave asylum seekers without food, water or rescue on Ashmore Reef as a lesson to people smugglers,

We hear:

- how Australia put at risk 438 lives on the *Palapa* by leaving their disabled boat to weather a violent storm,
- how John Howard knew there were seriously ill people on the *Tampa* while ridiculing the Norwegians for making that claim,
- how Canberra kept trying to force the *Tampa* to sail unconcerned that no other country would allow the asylum seekers ashore.

And yet Phillip Ruddock rolls into the chamber yesterday with his claim that we have looked after the Iraqi people. He says:... we have not turned anybody away who required protection.

Having people sitting on the deck of the *Tampa* when no other country would receive them disproves that claim.

On Tuesday, at the Press Club, David Marr went further, describing Prime Minister Howard as follows:

John Howard has an unequalled ability to decently—apparently decently—deceive. He very, very rarely lies. He does, now and again, but his ability to deceive is extraordinary. When you look at the words he actually says, he is not lying. When you look at the impression they convey, that is not the truth.

David Marr says that this ability is what makes the Prime Minister the remarkable, formidable politician he is today. Let us hope for our democracy and for our future that his time is now running out. Let us hope that the Australian people also have little confidence in ‘little honest John’. The Prime Minister leaves the Australian people, including the men and women of the Australian Defence Force, with little confidence that he is capable of leading them to peace. His government has undermined the traditions and culture of an independent Australian Defence Force. The government’s poor administration seems bound to let down our first-rate troops when supply and organisation will be critical—at war.

Let me conclude by reflecting on leadership. Leadership finds the common ground and unites people. Leadership stands up for those who cannot stand up for themselves. Leadership is not about raw aggression. And Prime Minister Howard is not a leader.

Senator IAN MACDONALD (Queensland—Minister for Fisheries, Forestry and Conservation) (1.21 p.m.)—I enter into the debate on the motion moved by the Leader of the Government in the Senate, Senator Robert Hill, on the commitment to a coalition in the Gulf. But, before I start on the provisions of the motion, I want to say how
lucky we are as Australians to have, at a difficult time like this, a leader of the calibre of the Prime Minister, John Howard. Even those who do not agree with his approach to various issues do acknowledge that John Howard is a real leader—a genuine, compassionate person who understands what Australians believe and what their approach to life is and who understands their approach to many of the things that Australians hold so very dear.

In the time that John Howard has been Prime Minister, we have seen a remarkable transference in this country of compassion and understanding of what Australians really want and how they want to approach their daily lives. He has been a significant world figure since he has been Prime Minister. His standing in the world has certainly been to the credit of Australia as our standing has likewise increased in world affairs. Whilst I am on the issue, I also pay tribute to the Minister for Defence, Leader of the Government in the Senate, Senator Robert Hill. Again, in these very difficult times, who better to be in charge of Australia’s defence forces than someone with the ability, understanding, compassion and skills of Senator Hill. As a nation we are indeed fortunate that in these difficult times we have people like John Howard and Robert Hill in charge of these difficult circumstances.

I want to look at the motion in some detail but as someone who comes from Townsville, an area which has a very significant Army and Air Force garrison—there are many servicemen there and many service families—I want to start at paragraph 5 of the government’s motion and express my unequivocal support for Australian servicemen and servicewomen and other personnel serving in the international coalition. I indicate my full confidence in them, as I know all Australians would want to indicate their full confidence in them, and certainly hope that they will return safely to their homes. My prayers and thoughts are with all of those people, and particularly those from North Queensland and the Townsville region, who are at present involved in some way in the war on Iraq.

It is important that when our troops return to Australia we show them the support that their courage and loyalty require. We must never again allow ourselves to repeat the blight on Australian history when, for left wing political reasons, back in the 1970s we shunned the troops returning from Vietnam. The scars of that approach, which were deliberately encouraged and disseminated by the left wing government of the day, are still with many of our veterans even today. We must make sure that that never again happens in Australia’s history. Whether or not you agree with the work they are doing, you will know that they are following orders and they deserve the support of 100 per cent of Australians.

Turning to the motion, how could anyone argue with paragraph 1 of the motion, which condemns Iraq’s refusal for more than 12 years to abide by more than 17 resolutions of the UN Security Council regarding the threat it poses to international peace and security? I cannot understand why anyone on the other side—the Greens, the Democrats and the Labor Party—would be opposing that particular part of this motion. In paragraph 2 we recognise Iraq’s continued possession and pursuit of weapons of mass destruction that present a real and unacceptable threat to international peace and security. We note that Iraq’s behaviour weakens the global prohibitions on the spread of weapons of mass destruction, with the potential to threaten world security and world peace, which of course very much involves Australia. If rogue states acquire those weapons, there is a greater threat to world peace and therefore a greater threat to Australia.

I cannot understand why the Labor Party and the Democrats oppose paragraph 3, where we abhor Iraq’s continued support for international terrorism and the institutionalised, widespread and grave abuse of human rights of the Iraqi people over many years. As has been related in this debate so often, Saddam Hussein has been an absolute dictator in power for almost a quarter of a century. Under his dictatorship, Iraq is a country in despair. The Iraqi people are suffering unimaginable atrocities. Many of these have been related by my colleagues, such as sys-
tematic rape and the decapitation of women and the displaying of their heads on the walls and doors of their houses as an ongoing activity of threat and bullying by the sons of the dictator.

This condemned leader has led military action as a constant threat to his neighbours. Without provocation he has invaded Iran and Kuwait. The Iraqi regime has sent missiles into Iran, Saudi Arabia, Israel, Bahrain and Qatar and has used chemical weapons against Iraq and against its own defenceless Kurdish people. These weapons of mass destruction and these biological and chemical weapons in the hands of people like that are something the world has to stop because we know that, when they are in his hands and he can give them to others, the peace of the world can never be secured. International terrorism looks forward to the continuation of regimes like that of Saddam Hussein and the ability to source those weapons that can cause such destruction around the world.

Amnesty International report on their web site that they have received many reports of torture and have interviewed hundreds of torture victims. They describe electric shocks to various parts of the body and marks of severe beatings. The former United Nations rapporteur for human rights in Iraq has spoken of the brutality of the regime. Our Prime Minister mentioned this in his recent address. Mr van der Stoel said:

... the evidence I have in my possession shows that human rights violations in Iraq have been so consistent, have been on such a massive scale, and have been so serious, that there are very few examples of similar repression since the Second World War.

That is about as comprehensive and damning a critique of the scale of horror of the regime as anyone could find. It has been mentioned that the regime will cause the eyes of children to be gouged out to force a confession from the children’s parents. This is a regime that will burn people’s limbs in order to force a confession or compliance. In 2000 the regime decreed that the crime of criticising it would be punished by amputation of the tongue. These are just unimaginable tortures that we as Australians cannot even begin to comprehend, but they are happening and are happening at the direction of Saddam Hussein.

Since his regime came to power, he has attacked his neighbours and ruthlessly oppressed ethnic and religious groups in Iraq, and more than one million people have died in internal conflicts and wars. Since the Gulf War, the people of Iraq have not only endured a cruel and despotic regime but also suffered economic deprivation, hunger and sickness. The regime has driven out many Iraqi people and that has, in turn, contributed to the global flow of refugees—many of whom are subject to cruelty and exploitation by people smugglers.

Saddam Hussein is a man that has to be stopped. I would not in any circumstances accuse the ALP of supporting Saddam Hussein, but I cannot understand why they are opposing the sorts of actions that would get rid of this man and would cease those human rights abuses. We have heard various Labor speakers agree that he is a tyrant and a despot and is cruel, but when this government, in line with many other nations around the world, takes action to stop him, where are the Labor Party and the Democrats? I can understand why the Greens are not there, but I cannot understand why the Labor Party and the Democrats are opposing the action taken in some small way to address these problems.

This brings me to paragraph 4 of the motion. I accept that some qualified experts may have a different view to mine on the legality. The best legal brains available to the Australian government have indicated quite clearly that the action Australia is taking has the full legitimacy of international law. Our legal advice has been provided by the Office of International Law in the Attorney-General’s Department and by senior legal advisers in the Department of Foreign Affairs and Trade. UN resolutions 678, 687 and 1441 clearly provide ‘authority for the use of force against Iraq for the purposes of disarming Iraq of weapons of mass destruction and restoring international peace and security in the region’.

In the amendments moved by the Labor Party and the Democrats I see that reference is made to the need to have UN support, and
they indicate some concern that no recent resolution has been passed by the United Nations. I would like to point out, as the magazine the *Economist* does, that the action by the United States is not unilateral. It is supported by—amongst others—Britain, Spain, Italy, Australia, Japan, Kuwait and 10 countries from central and eastern Europe. By contrast, much seems to be made of the Security Council, which I should point out consists of 15 countries, amongst whom three—Britain, France and Russia—hold permanent veto-wielding seats. At no stretch of the imagination can it be seen that the Security Council is a proxy world parliament. Some seem to place great emphasis on the lack of yet another resolution—not that one is needed—and the reason for that seems to escape me.

Paragraph 7 of the motion moved by Senator Hill indicates support and sympathy for the Iraqi people during the military action to disarm Iraq of its weapons of mass destruction and the reconstruction period that will follow. We know that there will be difficult times ahead for some Iraqi citizens, and this motion acknowledges that. We also note in paragraph 8 of the motion that the government is committed to helping the Iraqi people, including through humanitarian assistance, to build a new Iraq at peace with itself and its neighbours, when the conflict is over. It surprises me that the Labor Party and the Democrats could find any valid grounds for opposing the motion before us today.

I will briefly move on to another topic. I am glad Senator O’Brien is here because I want to refer to some comments that he made on the adjournment the night before last when he, quite falsely, alleged that there was a linkage between our commitment to a war in Iraq and negotiations for a free trade agreement with the United States. That is a despicable and unsupportable allegation by Senator O’Brien. As Senator O’Brien well knows, the negotiations for the free trade agreement started well before the September 11 incident. They started well before the October 12 Bali catastrophe. They started well before the actions in Afghanistan. And they certainly started well before any consideration of intervention in Iraq.

Senator O’Brien in his speech the other night referred to a question that he asked Senator Hill on 6 March regarding the free trade agreement. Again, with some disappointment, I have to say that Senator O’Brien misrepresented in his speech the response that Senator Hill gave. Senator Hill then assured Australians—as I do now, and as Mr Truss and the Prime Minister have also done—that Australian farmers and Australians generally can be assured that Australia will not in any way bargain away our quarantine standards, our risk assessment procedures or our biosecurity for the sake of trade gains or, indeed, for any sake whatsoever. Australia does maintain its science based approach to quarantine risk assessment, which recognises that Australia is unique in its pest- and disease-free status. I know Senator O’Brien knows that and that is why I am disappointed that he might say something to the contrary, for whatever benefit he might hope to get by so saying. I want to emphasise that we will continue to take an objective and scientific approach to these sorts of issues.

Senator O’Brien went on to say that he recently told the Senate that he had been advised that the government is placing pressure on Biosecurity Australia to release a draft import risk assessment for uncooked chicken meat, to fit in with trade negotiations with the United States. He then extrapolated the logic to say that, because no-one rushed down to the chamber to correct him, that had to be true. Senator O’Brien, I hate to disappoint you, I hate to disillusion you, but the reason that nobody ran down to the chamber was that very few people would have been listening to you, because there is not much we can ever get from you that is useful. Certainly, some of the things you say, nobody would bother about and nobody would bother to come down and correct. Do not take the fact that you say something and nobody rushes in—

**The ACTING DEPUTY PRESIDENT (Senator Chapman)**—Order! Senator Macdonald, you must address your remarks to the chair.

**Senator IAN MACDONALD**—Mr Acting Deputy President, Senator O’Brien should not be under the misapprehension
that, because he is not corrected instantly, that somehow makes his statements true. If that were the case, good heavens, some of the approaches that would be true are simply figments of Senator O'Brien's imagination! Senator O'Brien seems to think that the WTO Doha Round has faded into the background, but I can assure Senator O'Brien that Mr Vaile has signalled that he is determined to continue with that as best we can, using every avenue at our disposal.

A rather curious part of Senator O'Brien's speech on the adjournment was that it seemed he was saying, 'We shouldn't be entering into a war with Iraq; we shouldn't be following our principles; we shouldn't be addressing human rights issues; we shouldn't be trying to get rid of weapons of mass destruction—chemical and biological weapons—because we might lose our access to key markets in the Middle East or face prohibitive costs of accessing markets in the short term.' It seemed that Senator O'Brien was saying: 'Throw away your principles and throw away the human rights violations. If you can make a bit of money out of it, then that sort of justifies it.' I know that is not typical of Senator O'Brien and I wonder why he continues to say those sorts of things in his speeches.

I think the motion put by the government does encompass Australia's approach. I would find it very strange if there were any senator who could not support it. I find it very strange that there have been so many speakers from the Labor Party and the Democrats who have opposed this motion, but I simply ask them to reconsider and to approach what is a very reasonable and a very Australian motion on this issue.

Senator VANSTONE (South Australia—Minister for Family and Community Services and Minister Assisting the Prime Minister for the Status of Women) (1.41 p.m.)—I wish to contribute to the debate on this motion by, in the first instance, referring honourable senators to an article in the Australian on 13 March written by Greg Sheridan. It is a very interesting article, with the headline 'UN power play cannot affect war's morality'. The subtitle under that says 'How can war be right only if Guinea, Angola, Syria and Cameroon are cajoled to vote in its favour?' I think that is relevant because there are many who say, 'We agree that no-one likes war, but couldn't we just wait for another UN resolution?' as if having another UN resolution would make enforcing earlier UN resolutions moral but, if you did not have a subsequent resolution, it would be immoral. That simply cannot be the case. The morality of a course of conduct comes from the course of conduct and its place in the community, not from what one group or another says.

The article is very interesting because Mr Sheridan outlines—in the right order, I think, although they probably come equally—three good reasons for committing Australian troops to enforce earlier UN resolutions in Iraq. The first one—and, as Mr Sheridan indicates, the most important—is that 'Saddam Hussein possesses, and is seeking more, weapons of mass destruction.' Mr Sheridan goes on to say a bit more about that and the information that is readily publicly available on the fact that Iraq under Saddam Hussein's regime does have these weapons and does want more of them.

That should concern a world that wants peace. It should concern a world that wants peace that this man and his regime have consistently ignored UN resolutions. And still we have people who say, 'Have another go. Leave him be.' If the UN is to have the strength as a peacemaker that people I know would want it to have, then it should have, in my view, passed the subsequent resolution—not to give any legality to enforcing the earlier ones but to bring a broader group of people on board who are prepared to say: 'Enough. For too long you have ignored the resolutions of the UN demanding that you disarm. For too long you have lied. Too many times you have come back and said, "Yes, sorry, now we'll do it." We have run out of time and patience with your lying and your cheating and we have run out of patience to leave a state such as yours in possession of these weapons.' That is the first reason Mr Sheridan offers.

The second reason he offers is the danger of Saddam Hussein giving any of these weapons to terrorists. To the best of my
knowledge—not that I would have this knowledge anyway—there is no direct, causal connection between Hussein and the attacks on the US on September 11 or the attacks in Bali. But no-one I have spoken to and no-one I have read about denies that Iraq is a haven for terrorists and has clear links with terrorists. So we have got to the point where there is agreement that there are weapons of mass destruction and there is agreement that Saddam Hussein’s regime is involved with terrorists. And that leads to the second reason: the risk that these weapons will be passed on and distributed around the globe with the potential to harm people way beyond the borders of Iraq. Mr Sheridan cites the fact that Iraq pays a bounty to encourage Palestinian suicide bombers. This gives you an indication of the sort of regime we are seeking to disarm. These are the sorts of lengths that it will go to to have a particular view put. The third reason that Mr Sheridan offers is the humanitarian reason. Saddam Hussein is directly responsible for the deaths of one million, some people say up to two million, people. You have to ask yourself: how long can the rest of the world turn away and say, ‘Gee, I’m sorry’, our debating forum has not been able to come to an agreement on enforcing our earlier resolutions that this man disarm?

They are the three reasons that Australia has done the right thing in committing its troops: firstly, he is in possession of weapons of mass destruction—there is no serious disagreement about that; secondly, his regime does have close links with terrorists and there is a serious risk that if left be these weapons will be passed on; and, thirdly, the regime is one of the least humanitarian regimes that I have read about. It goes without saying that those are the reasons that the UN has passed resolutions demanding that he disarm. Time and time again, he has thumbed his nose at the rest of the world and ignored those resolutions.

I would also like to draw attention to another article in the *Australian* written about a month earlier by Paul Kelly, the editor-at-large. That article is entitled ‘Craven trudge to a moral morass’ and subtitled ‘Dishonest peace marchers ignore Iraq to salve their own conscience’. This article makes interesting reading. It highlights contributions from, for example, Harvard University human rights scholar Michael Ignatieff, who points out that there are ‘no peaceful diplomatic remedies when we are dealing with a Hitler, a Stalin, a Saddam or a Pol Pot’. I quote that particular sentence from the article because it reinforces my view that this man has been given chance after chance after chance to disarm, and chance after chance after chance to do the right thing, but has consistently rejected those opportunities. Equally, the UN rapporteur on human rights in Iraq, Max van der Stoel, who has been quoted in this place before, has said: Iraq is dominated by an apparatus of terror that has touched most families.

Another US specialist estimates that 1.3 million people serve in the security, police and military with another two to four million being informants out of a population of 23 million. For example, that would be like having some 4½ million people in Australia dobbing each other in during their day-to-day lives.

I want to make another point in relation to this. We all know that sending your own troops to any conflict is a very serious decision, firstly, because you might lose some of them, and, secondly, because others may lose their lives. That is a horrific prospect for a government to face: that a decision they have made could cause the loss of life for others. In the end, you come down to a decision like that very carefully and in a very considered way. What you basically consider is what happens if this decision is not made. There is a lot of focus in the media, and understandable focus amongst the community, on the consequences of going to war. But equally, as I believe Mr Kelly or Mr Sheridan encourages us to do, we must ask ourselves: what are the consequences of not doing so? It is not a case of, ‘We will go to war and bad things will happen or we will not go to war and it will all be okay.’ That is not the choice we have. We go to war and of course, regrettably, bad things happen. But the question is: will worse things happen if we do not? That is what weighed on my mind, and the evidence of years and years of
Iraq’s ignoring of the UN, to convince me that we have made the right decision.

I also want to focus on Mr Crean’s position, now that we apparently know what it is—because I understand that this afternoon he has come to a final conclusion. This leads to some reflection on what qualities are required to be a leader either of a government or of an opposition. A leader of the opposition holds him or herself out as the alternative leader of Australia. There are two situations, which I want to refer to later, that indicate that Mr Crean is not up to the task. He is not up to the task because he cannot make up his mind. He cannot weather the storms and the ups and downs of public opinion. He wants to lead from behind, always putting his finger to the wind and asking: ‘What does the community think of this? And when I have finally figured out what the community thinks then I will decide what to do.’ That is very clear.

I use two examples. Firstly, around the time of the last election there was a boat off the north-west coast of Australia which had a significant number of potential illegal immigrants on board. The action this government took was, I believe, endorsed strongly by the community. The criticism that came from our colleagues opposite was that we were simply populists—that we were doing the popular thing and what the community wanted. Fortunately, even though Labor were not sure whether they agreed or not, they supported our position in the end because they saw it as being popular. We welcome that support, but I do not welcome the basis of it—simply because it was popular. That is never why we have taken the position we have with illegal immigrants.

Mr Howard is not known as a leader who simply does what is popular. You have no better example of that than the situation we are debating today. Making a decision to commit troops to military action overseas is clearly not popular in the electorate. So you have two occasions when a tough decision has had to be made—the latter one far tougher than the former one, I agree—and on both of them Mr Howard has done and argued the case for what he believes to be right. On each occasion Labor have shillyshallyed, been all over the shop, waited until they could see where the opinion polls were and finally settled down to camp there just for that night. Taking a leadership position requires courage and commitment. With respect, that is not what I believe Simon Crean has. He has made—

Senator Mackay—They are bombing Iraq at the moment—did you know that?

Senator VANSTONE—Senator, you have had your opportunity. If you wish to continue to interrupt, you can do so, but you will be judged accordingly. In this debate, people have tried to let others have their say. The opposition leader does agree that Saddam Hussein has weapons of mass destruction. He said, for example:

What was disturbing was the regime saying that they didn’t have any weapons of mass destruction. Well, I don’t believe that. We know they have weapons of mass destruction.

So he agrees that they have weapons of mass destruction. That was in November last year. In January this year, Mr Crean said:

What still hasn’t been answered by Iraq is what it did to the weapons of mass destruction which were identified in the late 90s. Now, we know that they’re there. We know that Iraq ignored the decisions of the UN.

Again in January this year, he said:

I do believe that he has, still, weapons of mass destruction, because there’s no evidence to demonstrate that he got rid of that which he had, that pile of things that was established that he had back in 1999.

So there is no disagreement, presumably, between the major parties on this issue: Iraq is in possession of weapons of mass destruction. In a joint statement in April last year, Messrs Crean, Rudd and Evans said:

Specifically UNMOVIC should be given a reasonable but finite period within which to enforce its mandate in Iraq on monitoring, verification and destruction of any remaining WMD or WMD-related materials or delivery systems.

So in April last year the opposition was of the view that there were weapons of mass destruction and that time was running out. Mr Rudd also said:

Well, what we have said is that it must be reasonable and finite ... our meaning is I’ve got to say,
sooner rather than later. It can’t simply be allowed
to drag on and on and on.
The interviewer asked him:
So, a time frame?
Mr Rudd replied:
Well, our policy doesn’t articulate one in terms of
days ... 
It is important to repeat that. Mr Rudd, when
asked in September last year, said, ‘Well, our
policy does not articulate one in terms of
days,’ giving the impression that time was
running out—not days but you could infer
weeks or months—‘but we say sooner rather
than later. We cannot just let it drag on.’
There is agreement that Saddam is in breach
of UN resolutions requiring him to disarm.
In an interview on the ABC with Mr Crean
in January this year, the question was put:
Now can I ask you this, do you agree that 1441
calls on Iraq to fully cooperate and comply , and if
it doesn’t then it’s in material breach? Now do
you agree with that or not?
Mr Crean said:
Yes I do, and in terms of 1441 that material
breach has been there since December, since the
first report.
So no-one is arguing they are not in material
breach. Indeed, Iraq has been in material
breach of earlier UN resolutions since 1998.
So, from their own mouths, we can see
that the Labor Party do agree that weapons
of mass destruction are there. They do agree
that a time frame should have been set which
was sooner rather than later. They do agree
that UN resolutions have consistently been
ignored. But, when it comes to the government,
their leader is unable to make a decision.
That is the difference between the govern-
ment and the opposition. In this case, the
government has made a decision that is not
popular. But on each occasion that we have
made difficult decisions it has not been with
an eye to popularity but to what is right. And
that is the difference.

The ACTING DEPUTY PRESIDENT
(Senator Chapman)—Pursuant to order, the
relevant questions on this debate will be put
immediately after motions to take note of
answers.
Debate interrupted.

QUESTIONS WITHOUT NOTICE
Iraq
Senator CARR (2.00 p.m.)—My ques-
tion is to the Minister for Defence, Senator
Hill. Can the minister confirm that overnight
the UN Secretary-General, Kofi Annan, said
that today was ‘a sad day for the United Na-
tions’? Can the minister also confirm that
Hans Blix has said that it was ‘not reason-
able to close the door to inspections after 3½
months’ and that the use of force to disarm
Iraq was ‘a disaster’? Given these state-
ments, why was the government so eager to
agree to the US request to join its attack on
Iraq, responding within hours of receiving a
phone call from George Bush? Don’t the
comments from Hans Blix and Kofi Annan
make it clear that we had not reached the end
of the inspection process and that there re-
mained the chance that war could have been
avoided?
Senator HILL—I agree that it is a sad
day for the UN because it is a demonstration
of failure by the UN—a failure by the Secu-
rity Council to meet its responsibility in pro-
viding international security on a collabora-
tive basis. It is the Security Council’s re-
sponsibility to enforce the resolutions that it
has passed over 12 years—some 18 separate
resolutions—but it has failed to do just that.
As a result of that failure, certain nations that
feel under threat have had no alternative but
to take action, pursuant to resolutions, to
disarm Saddam Hussein. So, yes, I do not
think it is a good day for the United Nations.
It sends a message to the Security Council
and, in particular, the permanent five of the
Security Council that they must look care-
fully at their international responsibility and
make efforts in the future to ensure that the
process and responsibility of the Security
Council is properly met.
In relation to the second point of the
question—that inspections have now been
going on for just a few months and why were
they not given more time—that fails to rec-
ognise that this process has been in train for
over 12 years. Inspectors were, in effect,
thrown out some four years ago. Inspectors
were only finally admitted because of the
projection of force by the United States,
Britain and Australia. There is no willingness
on the part of Saddam Hussein to meet the obligations of the Security Council at all. While there has been no willingness by him to meet those obligations he was never going to give confidence to the international community that his weapons program would be abandoned and that the weapons that he has—the weapons of mass destruction and chemical and biological weapons—would be destroyed. The point is that we have come to this because of a recognition, after 12 years of effort to achieve a peaceful resolution, that it will not work and that there is no alternative—if one wishes to disarm Saddam Hussein in accordance with what has been accepted as necessary by the international community—but to do it forcibly. It is regretful, yes, but there is no alternative if the objective of disarmament of his weapons of mass destruction is to be achieved.

Senator CARR—Mr President, I ask a supplementary question. It is quite clear that the UN Secretary-General and Hans Blix clearly thought that there was an alternative. How does the Howard government respond to Kofi Annan’s statement that the war ‘could only make things worse—perhaps much worse’ for the people of Iraq and that everything must now be done ‘to mitigate that imminent disaster, which could easily lead to epidemics and starvation’? Precisely what will Australia be doing to alleviate the terrible consequences of this war?

Senator HILL—As I said yesterday, there is always a cost of war. That is why war is certainly not the preferable option. War is a last resort. We recognise that there will be suffering arising out of war, but we put that to the background of the suffering over the last 25 years of the innocent Iraqi people—men, women and children—who have lost their lives or have suffered in so many ways. We put it to the background of what is likely to happen to them in the future, because this is a dictator that has form. What Senator Carr does not seem to recognise is that the whole world—with perhaps the exception of Senator Carr—recognises that this is a brutal dictator who abuses his own people and abuses his neighbours. If his behaviour towards his own people is accepted, are we going to permit that brutality to continue indefinitely? After 12 years of trying to peacefully disarm him there comes a time—(Time expired)

Iraq

Senator SANDY MACDONALD (2.05 p.m.)—My question is to the Minister for Defence, Senator Hill. Will you inform the Senate of the rapidly increasing international support for the coalition of the willing to enforce the existing 17 UN Security Council resolutions to disarm Iraq of its weapons of mass destruction?

Senator HILL—I thank Senator Sandy Macdonald for his question. It is a good question and it follows well after Senator Carr’s question, because, whilst I said that the international community as a whole—through 18 resolutions of the Security Council—demands the disarmament of Iraq, more countries are now coming on board not only to recognise that diplomatic efforts have failed and that Iraq must be forcibly disarmed but also to be part of that forcible disarmament—part of the so-called coalition of the willing.

Senator Sherry—What about Spain?

Senator HILL—I was about to mention Spain, so thank you, Senator Sherry, for that help. Over 40 countries are now part of the coalition of the willing.

Senator Sherry interjecting—

Senator Carr—What about the Italians!

Senator HILL—Okay; we will get there.

The PRESIDENT—Order! Senator Carr and Senator Sherry, you know that you are out of order by shouting across the chamber. Please pay some respect to the minister answering the question.

Senator HILL—What I was saying is that now more than 40 nations will participate in or support the coalition to disarm Iraq. Among those who have publicly stated their support are Japan, South Korea, Italy, the Netherlands, Poland, Spain, the Czech Republic, the Philippines and Denmark. It is said by some on the other side that they are not part of the operation and that all they are doing is providing base or overflight rights. Poland will contribute 200 soldiers, including special forces, chemical, logistical units.
Poland’s President said in announcing this that Poland ‘knew very well what the consequences of neglect and indifference to a military could be,’ Senator Carr. Denmark will contribute a submarine, a frigate, doctors and army liaison staff. The Netherlands has already committed Patriot missiles in defence of Turkey and is sending a frigate and a submarine to the theatre. Spain has said that it will send a hospital ship, a refuelling ship and a frigate. Spain would also allow Spanish military bases to be used and to provide CBW experts. The Korean cabinet will ask the National Assembly to approve a plan to send an engineering battalion of 500 to 600 soldiers. And so it goes on.

In relation to our own region, we hear from the Labor Party that our region is opposed to this action. I remind the Labor Party: Japan’s Prime Minister said on 18 March that President Bush had no other choice but to make the decision to issue an ultimatum to Iraq as the UN Security Council had not been able to agree on a common stance. He said that, given past resolutions, another one was not necessary to authorise the use of force.

Singapore’s foreign minister on 14 March said that if military action occurred it would be because of Iraq’s failure to comply with UN Security Council resolutions. Singapore, like us, had favoured a second resolution but failure to achieve a consensus on one could not be taken as an excuse for inaction. The Philippines foreign minister said on 16 March that the forcible disarming of Saddam was mandated by UN Security Council resolution 1441 and that the Philippines would be part of the coalition of the willing. And so I could go on. More and more nations are now coming on board, recognising that diplomacy is failing but nevertheless accepting the only response now to disarm Saddam Hussein of his weapons of mass destruction to meet the demand of the whole international community was to do it forcibly.

Veterans: Gulf War

Senator MARK BISHOP (2.10 p.m.)—My question is to Senator Hill, in his capacity as Minister representing the Minister for Veterans’ Affairs. Does the minister recall that on 13 February this year the Minister for Veterans’ Affairs outlined to the parliament a chronology with respect to the Gulf War health study? Does the minister recall that at that time she indicated that the report would be released as soon as possible. Minister, is it correct that more than 20 per cent of veterans of the 1991 Gulf War are on some form of disability payment as a consequence of their service in that conflict? Minister, with Australian defence forces poised to enter, or having entered, a similar conflict with similar or greater dangers, why won’t the government release the results of that report?

Senator HILL—The advice of the relevant minister on this matter is that she has been examining the report in depth. On balance, its findings are positive. For example, the mortality and cancer rate for Gulf War veterans is below that of the general community. In addition, no unique pattern of symptoms that could represent a Gulf War syndrome could be identified. She says that, on the other hand, the report does conclude that Gulf War veterans have a higher incidence of psychiatric disease than a comparison group of military personnel who did not go to the Gulf. She congratulates the team from Monash University, led by Professor Malcolm Sim, on its efforts, and thanks the Gulf War veterans community for their participation in the study. Not surprisingly, she emphasises that, because of the importance of the report, the government wants to give it careful consideration. When that careful consideration is completed, the report will be released. In the meantime, she reminds the Senate that Gulf War veterans are eligible for full benefits from the Department of Veterans’ Affairs, such as health care and disability and service pensions.

Senator MARK BISHOP—Mr President, I ask a supplementary question. The minister is aware that the draft version as reported just now indicates that many Gulf War veterans are at increased risk of developing anxiety and post-traumatic stress disorders and are more prone to substance abuse than others. What initiatives in the light of that report are in place to proactively address these issues for our defence forces currently deployed in the Gulf?
Senator HILL—The ADF has very capable medical staff that obviously learnt from the experiences of previous conflicts and take that into account in not only the medical precautions that are given, such as anthrax injections, but also counselling. I think we can assume and be confident that—

Senator Chris Evans—No we can’t assume.

Senator HILL—To not assume it is offensive to the medical staff of the ADF. That is their job—to ensure that the forces are best prepared for the conflict in which they are asked to participate. I, for one, have confidence in the ADF health staff, even if Senator Evans does not. The answer is that those who have participated in the past are entitled to good health care, and the minister mentioned that in her report, and those who are serving now are entitled to learn from the experiences. (Time expired)

Iraq

Senator MASON (2.14 p.m.)—My question is to the Minister for Family and Community Services and the Minister Assisting the Prime Minister for the Status of Women, Senator Vanstone. Will the minister outline to the Senate examples of the repression of Iraqi women by Saddam Hussein?

Senator VANSTONE—I thank Senator Mason for his question.

Senator Vanstone—Thank you, Mr President. It is somewhat surprising, on a day that is a very serious day, that members of the opposition would seek to interject and howl down an answer that has not even begun, in an apparent display of disinterest in the difficulties suffered by women in Iraq under the Saddam Hussein regime. Opposing action to rid this regime of weapons of mass destruction will result in the continuation of this type of treatment of Iraqi women. This is a regime that uses rape and torture as a means of silencing the population. Torture techniques include branding; electric shocks administered to the genitals and other areas; beatings; the pulling out of fingernails; burning with hot irons and blow torches; suspension from rotating ceiling fans; dripping acid on the skin; rape, as I have indicated; the breaking of limbs; denial of food and water; extended solitary confinement in dark and extremely small compartments; and threats to rape or otherwise harm family members and relatives. Evidence of such torture was apparent when security forces returned the mutilated bodies of torture victims to their families.

Senator Carr—Why do you keep sending people back there? Why do you send them back?

Senator VANSTONE—I wish to stop at that point and acknowledge the interjection of Senator Carr: ‘Why do you keep sending people back there?’—an interjection he also made yesterday. I will acknowledge it today, and I will come back to that point. Reports persist that families were charged for the cost of the execution of family members. While it is hard to find exact figures, reporting on the human rights situation in Iraq is punishable by death; up to 2,000 women have been beheaded, including 80 gynaecologists and midwives. It has been reported that some of the beheading of women was carried out with knives in the presence of one of Saddam Hussein’s sons. The heads were then displayed for several days afterwards. Authorities reportedly introduced tongue amputation as a punishment for persons who criticised Saddam Hussein or his family. The British Labour government has reported instances of children—children, Mr President—being forced to witness the torture of their parents and of children themselves being tortured by having their feet crushed. Reports exist of a mother who was tortured to death, due to the activities of her children who had defected. Family members left in Iraq are used to intimidate opposition figures outside the country. Family members of people who defect or agitate against the regime are subject to sexual abuse and rape. The security forces allegedly raped women who were captured during the Anfal campaign and during the occupation of Kuwait. Under Saddam Hussein, the women of Iraq and their families have suffered appalling degra-
Action to disarm this man is vital for the international community for its safety and for the women and children of Iraq.

Now let me come to the interjection: ‘Why do you keep sending people back there?’ I have advice from the minister for immigration, Mr Ruddock, and he rightly points out that it is important to state at the outset that not one Iraqi has been returned to Iraq by way of government action.

Opposition senators interjecting—

Senator VANSTONE—You may not like that—

The PRESIDENT—Order! Senator Vanstone!

Senator Bolkus—She’s distorting the bloody truth.

The PRESIDENT—Senator Bolkus, you will withdraw—

Senator Bolkus—They want to send them back.

The PRESIDENT—Senator Bolkus, you will come to order and withdraw that unparliamentary remark.

Senator Bolkus—Mr President, I withdraw—

The PRESIDENT—Will you withdraw that unparliamentary remark unequivocally?

Senator Bolkus—If you give me a second—

The PRESIDENT—Withdraw!

Senator Bolkus—I will withdraw the remark but I make the point that the government is trying to send them back.

The PRESIDENT—I would ask senators to come to order. The disgraceful display today does nothing to impress the young guests in the chamber. I would ask you to think about the display you are putting on here today. It is not very parliamentary at all.

Senator VANSTONE—Since the end of the Gulf War, Iraqis have represented a significant portion of the humanitarian program. There is a significant Iraqi community in Australia of about 25,000, increasing from approximately 14,000 in 1996. (Time expired)

Senator MASON—Mr President, I ask a supplementary question. Is the minister aware of other instances of the abuse of the human rights of Iraqi women?

Senator VANSTONE—I refer to the answer that I gave in this place yesterday, which cited not words that I put together but words that came out of the mouths of Iraqi women, calling on other nations to recognise their plight, calling on other nations to say, ‘Don’t worry about a war—we’ve been in one for years and we want you to help get us out of it’. So I think it is clear. It is not surprising to me, albeit it is regrettable, that members opposite have chosen to not wish to have this list of human rights abuses detailed in this place. They are offended by the details in this place, because it makes them feel bad about their own inaction.

Iraq

Senator HOGG (2.21 p.m.)—My question is to Senator Hill, the Minister for Defence. Is the minister aware that the US has confirmed that all US defence personnel sent to the Gulf have been vaccinated against smallpox? Have all ADF personnel been vaccinated against smallpox? Is the minister also aware that the US has confirmed that it has botulinum toxin vaccine in the region in the event of an attack using this biological agent? Does Australia have sufficient supplies of botulinum toxin vaccine in the region to protect ADF personnel?

Senator HILL—The ADF has been at great pains to protect its forces from possible chemical and biological threat. We addressed the issue of a chemical threat yesterday. In relation to a biological threat, obviously, there has been a lot of publicity on the anthrax issue, which is a demonstration of the determination of the ADF to ensure that those who are in areas of operations where that is a threat are properly protected against that threat.

Senator Faulkner—What about smallpox?

Senator HILL—I have said in the past that it is not our practice to go through each of the biological agents that may be a threat and to detail the form of protection that has been provided. It is the case that we are
aware of the threat of smallpox. Proper medical advice has been taken on that particular issue and precautions have been taken to secure our forces against that threat.

**Senator Hogg**—Mr President, I ask a supplementary question. Can the minister now confirm how many chemical and biological protective suits have been issued to each of the Australians deployed to the Gulf? Have they been issued with multiple suits like the US forces? Have our troops been issued with the same lightweight suits issued to US troops?

**Senator Hill**—I should have that information by now. I will see whether I can get it by the end of question time.

**Iraq**

**Senator Bartlett** (2.23 p.m.)—My question is to the Minister for Defence. Australia has recently announced that it has stopped using depleted uranium in our weapons, but the United States and United Kingdom have not. Australian military personnel at estimates this year gave evidence that the threat of exposure to depleted uranium came from tanks and other vehicles that had been destroyed by depleted uranium munitions and, where there had been fire, it resulted in a breakdown of the material into a dust or powder form. Is the minister aware of the marked increase in cancers in parts of Iraq since the use of depleted uranium in the 1991 Gulf War? Can the minister outline the risks from depleted uranium in airborne particles to both Australian troops and to the Iraqi population—41 per cent of which are below the age of 14?

**Senator Brown**—Mr President, I could not hear Senator Bartlett clearly and I am sitting only two seats away. I ask you to reduce the number of interjections across the floor so that we can hear the senator.

**The President**—It is very difficult when you do not have the cooperation of senators, but I will do my best. Senator Bartlett, I did hear your question and I think the minister did as well.

**Senator Hill**—I have answered that question before in this place. I have also answered it in great detail in response to a question on notice.

**Senator Allison**—Try again.

**Senator Hill**—I could simply refer you to the question I answered on notice, and you could look at the very detailed medical advice that says that the use of these arms- ments is not a threat to the forces involved. Nevertheless, it is not the most desirable material to be used where there is another alternative. From an ADF perspective, with the munitions we use, there are other alternatives and those alternatives are used. We, therefore, do not use depleted uranium. But the fear that the Australian Democrats wish to pump up on this issue, according to the medical advice that I have read, is not well founded.

**Senator Bartlett**—I thank the minister for that answer and ask a supplementary question. Is there any information relevant to this issue in the 1991 Gulf War veterans health report which the government has had now for over two months but is still refusing to release? Can the minister also advise whether or not the government will be responding to the Senate’s resolution of 6 March asking the government to advise in writing by last Monday what plans the government has to contribute to the recovery of injured children and to improve the circumstances of other children affected by the war? When will that response be forthcoming?

**Senator Hill**—I will refer the first part of the supplementary question to Minister Vale. In relation to the second part, I said yesterday that Australia will be part of a large international community that will build upon the success of the war to ensure a better future for the Iraqi people. That will be in relation to not only the health issues that might arise out of the war but the health issues that have arisen from the oppressive regime of Saddam Hussein. We are interested in a better future for the Iraqi people even though our principal objective in this conflict is to enforce UN Security Council resolutions that he be disarmed of his weapons of mass destruction.

**Trade: Free Trade Agreement**

**Senator O’Brien** (2.27 p.m.)—My question is to Senator Hill, in his capacity as Senator representing the Prime Minister and
the Minister for Trade. Can the minister confirm that, in the week in which we are participating in an invasion of Iraq as part of the coalition of the willing, Australia is host to 40 US officials negotiating ground rules for an Australia-US free trade agreement? Was Australia’s ambassador to the US, Michael Thawley, correct when he told the Cattlemen’s Union that Australia’s participation in the coalition of the willing is ‘the reason the free trade agreement would proceed’? Does this mean the likely outcomes of joining the US in Iraq are a weakened domestic quarantine regime, the end of single desk export marketing, more American content on Australian television and higher pharmaceutical prices for Australian families?

Senator HILL—There is no connection between international efforts to disarm Saddam Hussein of his weapons of mass destruction and a free trade agreement that we would wish to have with the United States. The first is obviously to address a particular threat, one which has been longstanding—some 12 years of efforts have been made diplomatically to successfully answer that threat. The second is because both Australia and the United States can see economic advantages if it is possible to negotiate an agreement which reduces barriers and enables growth in the economic pie and, therefore, better outcomes for both countries.

Senator O’BRIEN—I ask a supplementary question, Mr President. In addition to our quarantine regime and single desk marketing, is the Foreign Investment Review Board on the table during these negotiations? Will our participation in Iraq lead to unchecked US investment in Australia? Wouldn’t this be a lose-lose situation? Just what is preventing the Prime Minister skipping the preliminaries and joining us up as the 51st state of the union?

Senator HILL—I am sorry that the Labor Party does not recognise, along with the 40 other nations around the world, that it is important to disarm Saddam Hussein of his weapons of mass destruction. I am also sorry that the Labor Party does not recognise that there are economic benefits in reducing trade barriers between Australia and one of its principal trading partners. I would have thought even the Labor Party would have recognised that. I would have thought even Senator Cook would have recognised that. But apparently not. Every effort that this government makes, either towards improving national security or to improving economic growth or whatever, is knocked by the Labor Party. When did the Labor Party last make a constructive contribution to politics in this country? All we hear from the Labor Party is ‘No, no, no.’ One of the reasons the Labor Party is doing so poorly in this country is that it is so negative. (Time expired)

Trade: Automotive Industry

Senator HARRIS (2.31 p.m.)—My question is to Senator Ellison, representing the Attorney-General. What policies or guidelines have you or your department undertaken to oversee Operation Copra, a joint Queensland-Commonwealth operation in the investigation of fraudulent sales of imported vehicles in Queensland? Which minister signed the proper authorisation for the joint operation? On what dates were these authorisations signed? What is the extent of cooperation between each official member of Operation Copra?

Senator ELLISON—I am aware of an Operation Cobra in Queensland, not Copra. I will check that. I will take those other aspects of the question on notice and get back to the Senate. I do not have the detail to hand in relation to an Operation Copra. I am aware of an Operation Cobra but that concerned the importation of narcotics.

Senator HARRIS—I am aware of an Operation Cobra in Queensland, not Copra. I will check that. I will take those other aspects of the question on notice and get back to the Senate. I do not have the detail to hand in relation to an Operation Copra. I am aware of an Operation Cobra but that concerned the importation of narcotics.

Senator ELLISON—For Senator Ellison’s clarification, there are two distinct operations with very similar names. Mr President, I have a supplementary question for the minister. Are there any government agencies or departments involved with Operation Copra who have been officially listed as being part of Operation Copra but have attended meetings and/or exchanged information? Are any other states besides Queensland undertaking similar joint operations and, if so, which states?

Senator ELLISON—Again, I will take that on notice and make inquiries with the Australian Crime Commission, the Australian Federal Police and the Australian Cus-
toms Service to ensure that we cover all aspects, and I will get back to the Senate.

**Iraq**

**Senator LUNDY** (2.33 p.m.)—My question is to Senator Hill, the Minister for Defence. My question follows on from that asked by Senator Bartlett earlier in question time and the assurance the minister has now twice given that Australian forces do not use depleted uranium ammunition. Is the minister aware of a media briefing by the US Army at the Pentagon on 14 March this year at which it said that it does use depleted uranium ammunition in its Abram tanks? Given that the US has deployed hundreds of Abram tanks to the Gulf, can the minister still assure the Senate that Australian troops will neither use nor be exposed to depleted uranium ammunition that is being used by our allies?

**Senator HILL**—I have said that they will not be using such munitions because they are not in our infantry. In relation to exposure, they will be working with United States forces—that is true—but the best medical advice I have read, which I have referred to in previous answers, including in detail in answers to questions on notice, is that there is no health threat to Australian forces associated with that involvement.

**Senator LUNDY**—I ask a supplementary question, Mr President. Can the minister confirm that the Javelin anti-armour bunker-buster weapons, which were used by the SAS in Afghanistan and which he announced last December would be acquired from the United States, do not use depleted uranium ammunition? Do the Phalanx missile defence weapons systems on our ships use the depleted uranium rounds issued for this weapon?

**Senator HILL**—My understanding is that they do not, which is consistent with the answer that I have given. But as the honourable senator has referred to specific weapons, I will get technical advice and confirm my understanding.

**Health: General Practitioners**

**Senator BARNETT** (2.35 p.m.)—My question is to the Minister for Health and Ageing, Senator Kay Patterson. Will the minister update the Senate on measures taken to increase the number of doctors in public hospitals? Is the minister aware of any alternative policies?

**Senator PATTERSON**—I thank Senator Barnett for the question. The medical workforce is pivotal to Australia’s health care system and the government has put in place significant measures to improve access to quality and safe medical care. Work force issues are always difficult because of the very long lead times that are needed to train a doctor—five or six years in medical school, if it is an undergraduate course, with a two-year internship, and then three years specialty training, if they are going to be a general practitioner. The states indicated to me that there were concerns about the internships in hospitals, that there was pressure on young interns and that they needed additional doctors.

Having been Parliamentary Secretary to the Minister for Immigration and Multicultural and Indigenous Affairs, I was aware that there were young students from overseas undertaking their medical courses in Australia and, in conjunction with Minister Ruddock, we enabled overseas students who have completed medicine in Australia to have the opportunity to become interns in our public hospitals. As a result of that, we now have 93 additional interns working in public hospitals in New South Wales, South Australia, Tasmania and Western Australia. I made it clear at the time that Australian resident graduates must be given priority in the allocation of internships. This is only a short-term solution which has delivered 93 interns to the public hospital system. It will improve quality and safety and reduce the stress on young interns in hospitals. It will be re-assessed on an annual basis to ensure that overseas students are offered positions in times of medical work force shortages. The internships will offer students training in our high quality tertiary hospitals and, at the same time, will add to the pool of young doctors working in these hospitals.

Public hospitals are funded by both the state and the Commonwealth. They are state run public hospitals in which young interns work. The states manage the public hospital system and they determine the total amount
of funding to be made available for them. It is about time that the states lived up to their responsibilities and put these young interns into these hospitals. New South Wales and the ACT have not even delivered the minimum level of public hospital services they committed to provide under the current agreements and they have provided no explanation despite having been written to.

The Commonwealth will have provided around $31.7 billion for state run public hospitals over the life of the current health care agreements. This represents a real increase of 28 per cent. That is over and above inflation and a real increase over the life of the current agreements. It is a massive commitment compared to the growth over previous Medicare agreements. In this financial year alone, the states and territories are currently estimated to receive Commonwealth funding of over $7 billion equating to payments of over $135 million every week. However, in contrast, when you look at the Australian Institute of Health and Welfare reports and that is the only way we can find out what the states are spending and, as Senator Vanstone has found out, it is very hard to find your way through the state reports and some of them are worse than others in terms of what they are spending in what areas— in the first three years of the Australian health care agreements, and that is all the data we can get, the states’ funding for public hospitals has barely kept pace with inflation. There has been almost no real growth while over the life of the agreements we have demonstrated 28 per cent real growth.

Time and time again the New South Wales government has failed to provide the adequate services required in its hospitals. The public hospital patients of New South Wales are being cheated out of beds, elective surgery procedures and a number of other services by their government. Mr Knowles and Mr Carr have closed hundreds of hospital beds; they have overseen increases in elective surgery waiting times of more than double the national average; and they have ensured that their public hospitals have treated fewer public patients than before. Mr Knowles and Mr Carr have consistently failed their public hospital patients. The states manage their public hospital systems and determine the total amount of funding to be made for it. (Time expired)

Iraq

Senator ROBERT RAY (2.39 p.m.)—I direct my question to Senator Hill as the Minister representing the Prime Minister. Does the minister recall the Prime Minister last week describing Iraq as:

... a regime that will gouge out the eyes of a child to force a confession from the child’s parents.

This is a regime that will burn a person’s limbs in order to force a confession or compliance.

This is a regime that in 2000 decreed the crime of criticising it would be punished by the amputation of tongues.

In light of this view of Iraq as held by the Prime Minister and the abuses outlined today by Senator Vanstone, can the minister explain to the Senate why Australia maintains trade with this regime worth $840 million a year?

Senator HILL—It is a bit like the previous question that was asked. Australia seeks to achieve a range of different objectives. It seeks to achieve economic advantage for the benefit of the Australian people and thus it trades with a number of regimes around the world, or it trades against the background of a number of regimes around the world, that are in many ways undesirable. In some instances, of course, it believes that trade sanctions—domestically applied trade sanctions—can help influence better behaviour. Obviously in this instance there is not a view that if Australia imposed a penalty upon itself by refusing to sell wheat that would have had any effect upon Saddam Hussein at all. At the same time, Australia also seeks to achieve—

Senator Chris Evans interjecting—

Senator HILL—I am pleased that you understand it. It seeks to achieve the objective of disarming Saddam Hussein of his weapons of mass destruction and it has sought to do that for 12 years through a number of different ways, largely developed by the United Nations, in the hope that that series of actions might be effective. Thus Australia has contributed for the best part of 12 years to the sanctions regime in relation
to his oil because it was believed that that might apply sufficient influence on him to cause a change in his behaviour. Unfortunately we now know that that did not work. The point is that in relation to the sale of wheat, we never thought that that would work and that is why we have not insisted that Australian people take a penalty where obviously a benefit is not going to flow from it.

Senator ROBERT RAY—Mr President, I ask a supplementary question. Has the government ever made any statement on how you equate economic self-interest with human rights? Are we willing to sacrifice the lives of soldiers but not our own economic self-interest?

Senator HILL—That is obviously not the case at all. We have accepted circumstances of economic sanctions in the past. We did it in relation to Burma because we thought it might work but it actually did not work there either. Previous governments have done it in relation to South Africa. The view is that it would not influence a change of behaviour by Saddam Hussein and, if it is not going to work, why would you penalise the Australian people?

Iraq

Senator BROWN (2.43 p.m.)—My question is also addressed to the Minister for Defence. Within an hour of the first cruise missiles having hit Baghdad and in the hope that they have hit Saddam Hussein rather than innocent civilians in Baghdad, what measures has the government taken to ensure that world conventions to protect civilians will not be breached by the United States in this war? I ask in particular about cluster bombs. Why did the government, including you, Minister, vote this morning for the use of cluster bombs in this war against the tenets of the Geneva convention on war?

Senator HILL—Cluster bombs as such are not outlawed. Australia does not use them and we have a policy position not to use them. Some other nations do use them. That is not an issue of Australian policy. I think I have answered another question on notice on this from the Australian Democrats, or it is in the process of flowing through the system, where we have set out what we say are the shortcomings of cluster bombings in terms of the risks associated with them. That is why we do not believe they are a suitable weapon. That is the position of the Australian government, and we adhere to that position.

Senator BROWN—Mr President, I ask a supplementary question. Following on from that question to the minister who voted with the government for the use of cluster bombs in breach of the Geneva convention this morning—Senator Nettle’s amendment—I ask whether the minister is aware that today lawyers for 41 affiliated organisations including church, humanitarian, civil liberties and union organisations have written to the Prime Minister to say that they will be watching events in Iraq with a view to ensuring that there will be action in the world criminal court, including if necessary against the Prime Minister or others who may be involved—once removed even—in breaches of international law during this conflict, which we are unnecessarily and illegally involved in because of this Prime Minister?

Senator HILL—We did not vote for the use of cluster bombs. We did not vote to seek to impose our will on others. I would have thought that Senator Brown would have applauded the Australian government in this instance for the fact that it does not use cluster bombs and, furthermore, has prohibited the use of them under its rules of engagement. I invite Senator Brown to say in this instance that the Australian government has got it right and we applaud them.

The PRESIDENT—Order! I would remind Senator Hill that answers should be addressed through the chair.

Iraq

Senator LUDWIG (2.46 p.m.)—My question without notice is to Senator Hill, the Minister for Defence. Is the minister aware that the US have issued autoinjector kits to their troops in the Gulf, which provide some protection against a range of nerve agents including VX and sarin? Have all Australian troops been issued with similar devices? Have personnel in the Incident Response Regiment been issued with similar devices?
Have Australian troops been trained in the use of these kits? If no such kits have been issued, why not?

Senator HILL—I do not know what kits as such have been issued to the United States troops and, in relation to the precautions that have been taken by Australian forces, what I have said in the past, and what I have said in this question time, is that we do not provide details of that. We made an exception in relation to anthrax because of the public allegations that we were going to send Australian forces to the Gulf without that precaution. We made an exception to reassure the public and the Defence Force that we would not send them without anthrax. But the general principle that we apply is not to provide public information on the precautions that we take to safeguard our forces against biological or chemical weapons.

Senator LUDWIG—Mr President, I ask a supplementary question. Is the minister aware then that the US forces widely issue a number of detectors capable of detecting chemical attack? Do all Australian units have such detectors to ensure they have adequate warning of any chemical or biological attack, particularly those that will be entering Iraq? Shouldn’t you today, Minister, make an exception in this case?

Senator HILL—We do provide detectors, that is true—the best equipment that is available. Before these troops were deployed to the Gulf we ensured that they were as well protected as possible against the threat of chemical and biological warfare. That is what this is all about. It is because Saddam Hussein has chemical and biological weapons and is a ruthless dictator that he is a threat. That is the threat that we are seeking to remove. Obviously, consistent with that, we would wish to protect our forces against those threats while they were doing the task of removing the weapons from him in order that he might not threaten others.

Forestry: Regional Forest Agreements

Senator PAYNE (2.49 p.m.)—My question is to the Minister for Fisheries, Forestry and Conservation, Senator Ian Macdonald. Will the minister outline to the Senate the Commonwealth government’s approach to any recent policy announcements that will breach the regional forest agreement? Will the minister detail how these announcements will impact on jobs in my state of New South Wales, in regional areas in particular?

Senator IAN MACDONALD—The Labor Party may not be interested in jobs in New South Wales but I know Senator Payne, as a New South Wales senator, is very well aware of the jobs that are provided by the timber industry in New South Wales. Senator Payne may not know that a promise by the Labor leader in New South Wales last week means that 1,400 workers in New South Wales will lose their jobs. That is as a result of a deal which Mr Carr did with the Greens.

The promise made by the Labor leader will trade those 1,400 workers’ jobs for some second preferences from a party whose major policy is to provide mind-blowing hard drugs free of charge to young people in our community. Those Greens preferences, induced by this promise of free drugs, will be going to the Labor Party in exchange for 1,400 workers’ jobs. That ‘drugs for votes’ policy can only be condemned. I do condemn the Labor Party in New South Wales for trading those drug induced votes for 1,400 workers’ jobs. Another aspect of this breach by Mr Carr of this regional forest agreement is that it shows that the word of the New South Wales Premier cannot be trusted—

Senator Forshaw interjecting—

The PRESIDENT—Order! Senator Forshaw!

Honourable senators interjecting—

The PRESIDENT—Senator Kemp! Senator Ferguson! Come to order!

Senator IAN MACDONALD—Obviously the New South Wales Right of the Labor Party and those who are dependent upon CFMEU votes will not be very happy about what I am saying now. You see, Mr President, this jobs for votes policy is not—

Senator Carr—Get your abuse right.

Senator IAN MACDONALD—I am sorry, is it the Left that gets supported? Who cares? I am afraid I do not understand and do not care about it.
The PRESIDENT—Order! Senator Macdonald, I know that there are a lot of interjections coming across the chamber, but I would ask you if you would address your remarks through the chair. Senators on my left, come to order.

Senator IAN MACDONALD—What this shows is that the word of the New South Wales Premier cannot be trusted. Less than three years ago, he signed a solemn agreement with the Prime Minister of Australia to support the regional forest agreements. I might say the Labor Party in this place also supported those agreements. The Premier in New South Wales has now ripped that agreement up and shows that his word simply cannot be trusted. I would have thought that the Labor Party would be concerned. I know that Mr Kim Yeadon, the forestry minister, is very much opposed to this policy. He wrote to Premier Carr and told him that and, as a result, he has been excluded from all these deals. Rather, Mr Refshauge has taken on the policy of getting the national parks up and getting the second preferences from the Greens.

The other disturbing factor about this is that the New South Wales government is allegedly costing its policies. What we have seen is that this announcement alone will cost $238 million in compensation, which has not been factored into the New South Wales Labor Party’s costings of their election policy. So again it shows that you cannot accept or understand or abide by the word of the Labor leader in New South Wales. It is a shame that a Premier of a sovereign state cannot be believed. One would think the Labor Party would be interested in the 1,400 workers’ jobs. Quite obviously, they are not.

(Time expired)

Iraq

Senator BOLKUS (2.54 p.m.)—My question is to Senator Hill, the Minister representing the Prime Minister and the Minister for Foreign Affairs. In light of the damning indictment provided by ONA analyst Andrew Wilkie of this government’s justification for joining in the US rush to war in Iraq, will the government now declassify and publicly release ONA advice to the government regarding the need to undertake the massive strikes that we are seeing on the population of Iraq? If the government refuses to do so in this instance, when it has released such material in the past, are we and the population of Australia not entitled to assume that this ONA advice contradicts the government’s justification for blindly following the Bush administration into this pre-emptive war?

Senator HILL—The Prime Minister has answered this question publicly, and he said that it was not his intention to declassify ONA information of this type. In relation to the mission, I simply remind Senator Bolkus that the international community as a whole has demanded the disarmament of Saddam Hussein of his weapons of mass destruction for over 12 years. For 12 years there has been an effort to peacefully disarm him and, after the failure of the diplomatic process, which is obviously a matter of regret to us all, there is no other alternative but to forcibly disarm him. Many countries, in fact over 40 countries, have already become part of the coalition of the willing to achieve that goal in the interests of the whole international community.

Senator BOLKUS—Mr President, I ask a supplementary question. I ask the minister once again to focus on the question and not to give the Senate empty rhetoric. I ask the minister: does the Howard government only release ONA advice when it believes that doing so is in the government’s political interests, as in the ‘children overboard’ affair? Again I ask: aren’t we entitled to assume that this ONA advice does not suit the government’s political interests in this case and therefore remains hidden from the public? Minister, isn’t this the long-term damage the Howard government has wrought on the intelligence machinery of this country through such cynical misuse of intelligence product, as it did in the lead-up to the last election campaign?

Senator HILL—I am sorry that Senator Bolkus does not seem to have understood my answer, which is that this is not just information given to the Australian government by its advisers; it is consistent with information given to so many governments by their advisers. The whole of the international
community recognises that Saddam Hussein has these weapons of mass destruction and many countries now accept that there is no alternative but to forcibly disarm him. Therefore, it logically follows that the advice that they are receiving is consistent with the advice that Australia is receiving.

**Information Technology**

Senator Tierney (2.57 p.m.)—My question is to the Minister for Communications, Information Technology and the Arts, Senator Alston. What action is the Howard government taking to demonstrate internationally that Australia is a highly innovative nation with world-class credentials in areas like information technology and biotechnology? What are the benefits of these actions in terms of overseas investment? Is the minister aware of any alternative policies in this area?

Senator Alston—The current government, unlike the current opposition, has an outward looking approach which makes it plain that Australia has a great deal to offer and that a lot more needs to be done to ensure that people regard us as a desirable investment location.

Senator Lundy—When are we going to see the framework for the future report?

Senator Alston—I will come to you in a moment. Of course, what that means is that we established—

*Opposition senators interjecting—*

The President—Order! If Senators on my left would come to order, I might be able to hear the point of order from the opposition leader.

Senator Faulkner—Mr President, I rise on a point of order. It is not a major point, but if a member of the opposition had said that they would be called to order, I think you should call Minister Alston to order.

The President—Minister, I would ask you not to respond to interjections across the chamber and to address your remarks through the chair.

Senator Alston—The fact of the matter is that the opposition does not answer questions, so the opposition, by definition, is not in a position to say, ‘I’ll deal with that point later on.’

*Opposition senators interjecting—*

Senator Alston—I said, ‘I will come to you later.’

Senator Faulkner—Mr President, I ask that you rule the minister’s statement out of order on the basis that he was not addressing it through the chair. We have had earlier this week ministers—

*Government senators interjecting—*

Senator Faulkner—Well, this is another point of order; a different and substantive point of order. To address any senator across the chamber like that is disorderly. On that basis, Mr President, Senator Alston should have been asked to address his comments through the chair. It is not a major point; just ask you to be consistent.

Senator Alston—I am prepared to accommodate Senator Faulkner by saying that I will come to Senator Lundy later.

The President—Are you speaking to the point of order, Senator Alston?

Senator Alston—On that point of order, if Senator Faulkner’s point of order is that the remark should have been addressed through the chair—and I did not think that was his original objection—

Senator Faulkner—I made two objections, you see.

Senator Alston—I see. Dealing with the most recent objection, I am perfectly happy to say through you, Mr President, that I will come to Senator Lundy later.

The President—I am pleased that we are all happy with that. In the future I would ask both questioners and answerers to address their remarks through the chair. It does make things a lot easier.

Senator Alston—As I was saying, we have taken a number of steps to ensure that Australia is seen as a desirable investment location. Establishing Invest Australia as far back as 1997, for example, was very much designed to ensure that we had the right systems in place to attract investment here. Setting up a strategic projects coordinator was similarly designed to address some of the needs to have particular government re-
responses to major projects. Of course, it becomes much more difficult in a time of global international downturn. Last year we identified some of the priority areas that we thought were very important, and they included ICT, nanotechnology and biotechnology. Only the other day the Prime Minister announced the appointment of four new senior investment commissioners, and the new brand of Technology Australia was recently launched at Seifert in Hanover, providing a world opportunity to bring together some of Australia’s smartest technologies.

All these things address the need to appreciate that we are playing in a global environment and that we want to trade with as many people as possible. Despite the global economic downturn, IBM announced last October that it would create 300 new jobs for software developers in Ballarat. An R&D investment facility to be established by Alcatel Communications Solutions Centre has recently been announced. Computer Associates Security have opened an R&D centre in Melbourne, and Semantech are opening a 24-hour, seven days a week security operations centre. So there is a lot happening despite those international difficulties. The real problem is that our outward looking approach is not mirrored by the opposition. We understand the need to attract multinational investment; Labor does not. Senator Lundy has said recently that Labor would advocate the adoption of open software to free departments from being captured by multinational IT monoliths. I do not know what she means by ‘monoliths’. She uses terms like wanting to see ‘SMEs as the default position’, which presumably means that they are a last resort. I presume she means first resort. What it all amounts to is that the Labor Party hates multinationals. They do not see the virtue of jobs in this country; they do not see the virtue of new technology transfers. They are simply playing the old ideological Cold War game, which no doubt plays well in the branches, but does not actually reflect very well on Australia’s reputation. (Time expired)

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

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**QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS**

**Iraq**

**Senator Hill** (South Australia—Minister for Defence) (3.04 p.m.)—I have further information in relation to a number of questions that were asked of me. One was from Senator Evans in relation to laser designators on our FA18s. I will seek to have further information incorporated in Hansard. I am pleased to say it confirms what I said in the Senate yesterday.

The document read as follows—

Do all of the FA18s deployed to the Gulf have the necessary laser designators to guide paveway bombs? If not, doesn’t this mean that some of our aircraft are unable to use precision laser-guided bombs? Wouldn’t the use of so-called ‘dumb’ bombs inherently increase the risk of damage to non-military targets? Also, will our aircraft be armed only with Australian munitions, or will we also be using US munitions, including their JDAM precision bombs?

All our F/A-18 aircraft deployed to the Middle East are fully equipped for the roles they will undertake. This includes the necessary laser designators for precision guided weapons of the Paveway family.

The aircraft equipment that enables the delivery of precision Laser Guided Bombs is considered to be mission critical. Therefore, if this equipment was unserviceable the aircraft would not be used for the delivery of precision munitions.

The F/A-18 can deliver Australian and US Laser Guided Bombs and their weapons will be drawn from US sources and paid for by Australia under a Foreign Military Sales contract. Any task that can be completed using dumb bombs will have passed the targeting analysis phase that includes estimation of weapons effects and accuracy, weaponeering, and collateral damage assessment. Dumb bombs will only be used against appropriately selected targets in accordance with Australian Rules of Engagement and Laws of Armed Conflict.

The US are also using JDAM (Joint Direct Attack Munitions) which uses a geographic homing system. Our F/A-18 Hornet aircraft cannot use these weapons as the weapon requires aircraft navigation information and our aircraft are not configured to pass this information.

**Senator Hill**—I have further information for Senator Lundy, which is that no ammunition containing depleted uranium has
been used by the ADF since mid-1990. The Javelin does not use depleted uranium. That is also consistent with my answer. That is two out of two. The third one was the question that was asked by Senator Hogg in relation to NBC suits. The advice I have been given is that all ADF personnel currently deployed to the Middle East area of operations have been adequately issued with the required NBC equipment. The exact numbers cannot be advised due to operational reasons. The ADF does not use any of the US NBC suits, or the older suit called the battledress overgarment. The US is in the process of changing from a different type of suit for each service to a common suit for all services. The ADF uses a common suit for all personnel and our suit is used widely throughout the world, most notably by the British forces. In rigorous testing 12 months ago in Australia, the current NBC suit used by the ADF was found to meet all documented specifications. In its ability to address seam leakage connection requirements and protection et cetera, this suit meets the ADF’s requirements. Each Australian suit can be used continually for up to 30 days, dependent upon the degree of exposure.

QUESTIONS WITHOUT NOTICE: TAKE NOTE OF ANSWERS

Iraq

Senator MARK BISHOP (Western Australia) (3.07 p.m.)—I move:

That the Senate take note of the answers given by the Minister for Defence (Senator Hill) to questions without notice asked today relating to military action against Iraq.

In particular, I want to refer to the issue raised in the third question about the non-release to date of the Gulf War health study. This health survey was prompted by concerns about the health of those members of the Australian Defence Force who returned to Australia from the Gulf after that war in 1991.

A common descriptor has come to be applied to a lot of the ailments, illnesses, problems or mysteries that seem to apply across this particular community. That descriptor is ‘Gulf War syndrome’. A lot of research has been done in this area, particularly of late in the United States, where there are some hundreds of thousands of soldiers who were involved in warlike activity. There are now tens of thousands of persons in that country suffering from what is known as the Gulf War syndrome. The causes identified by various research projects and US congressional hearings are, variously, oil fire smoke, the use of depleted uranium in particular weapons, botulinum, nerve gas inhalation, particular types of vaccinations, particularly pyridostigmine bromide, and some vaccines being applied in an experimental sense.

Our deployment in the Gulf was in the order of 2,000 people back in those days, of whom 1,800 were in the Navy, but in excess of 200 were on land and involved in various activities. A lot of the land based vets who have returned to Australia suffer similar types of symptoms and are very concerned as to the state of their health, as their families are. What they say—and it is not seriously disputed by anyone—is that they have been given no hard information as to the vaccines and medical preparations that they were given at that time. They honestly believe that their service is a significant contributory factor to their current illness and, hence, the decision of the government of the day some three years ago to create the study.

As I said, the study was commenced over three years ago. It was to be delivered more than 12 months ago. It was delivered to the minister, we are told, some two or three months ago. Since that time it has not been released. It remains in the minister’s office and it has been referred to the office of the Prime Minister for consideration, for spin doctoring, for review—I do not know. We are not told what is in the report and neither are the veterans who attended the Gulf War in 1991 or their families, who jointly suffer from the afflictions those men currently suffer. So where is it? Why is this report being covered up? Why is it not being disclosed? Why is it being kept secret?

The information given to us by Minister Vale in the House is minimal. She says that we do not know because she has not released the report. Minister Hill today gave a little bit more information on the public record than that which had previously been made available. Still, the point is that they claim
that the physical conditions suffered by the men who attended the Gulf War are no different statistically to those in a similar sized cohort from non-military personnel around Australia. There is a higher incidence of psychological disturbance. There is a higher incidence of post traumatic stress disorder being observed. But, for reasons unknown, the government refuses to release that report.

This causes ongoing concern and great consternation. One asks a series of questions: have all 200 persons who served in the Gulf been surveyed? Were they included? Why were those involved in Operation Blazer not included in the study? What are the illnesses suffered? Why are there so many claims for compensation? Why are there hundreds of claims of disability from men and women who, by and large, served on ships on patrol in the Gulf? Why is there a huge number of people making claims of total and permanent incapacity and other disabilities? What is it about this Gulf service that has caused this abnormally high level of compensation claims? What vaccinations were given? How good are the records? Do the records exist at all? Were the vaccines given to these people approved? Were they done on an experimental basis? (Time expired)

Senator LIGHTFOOT (Western Australia) (3.12 p.m.)—I rise to take note of the question initiated by Senator Bishop and to which he has just spoken. I do not have the answers to the questions Senator Bishop has posed, but I do know that the Prime Minister and the staff of other senior ministers are examining the report to which Senator Bishop has alluded. Some answers have been released with respect to that. I am pleased to say that, on some definitive study of that report, while there are some negatives—we know that already—the findings are, on balance, positive. I give an example: the mortality and cancer rate for the Gulf War veterans is below that of the general community. In addition, no unique patterns of symptoms that could represent a so-called Gulf War syndrome could be identified in the study so far undertaken of the report. On the other hand, some of the negatives with respect to that are that the report does conclude that Gulf War veterans have a higher incidence of psychiatric disease than a comparison group of military personnel who did not attend the war in the Gulf.

The people who deserve some congratulations with respect to these studies are a team at Monash University led by Professor Malcolm Sim, who determined that result. As well as that university and professor, the Australian Gulf War veteran community also participated in that study. I think, given the importance of the report, the government should continue to give it further careful consideration. My advice is that when this consideration is complete the study will be released. I do not think that I need to remind colleagues in the chamber today that the government—and I think this goes for the other side too—care for our Gulf War veterans and for all veterans. For example, Gulf War veterans—and this goes for all veterans, but the Gulf War veterans are the subject of this motion to take note—are eligible for full benefits from the Department of Veterans’ Affairs and in respect of health care and disability and service pensions as well.

I finish by drawing a parallel with the Vietnam veterans who came home in the mid-seventies and who fought in a terrible war. It was a terrible war, a different war, a sustained war, and many of our young people—501 young men—did not come home in the same condition that they left. The disgraceful treatment of those veterans in the mid-seventies was quite appalling. I know: I have a lot to do with the RSL. I am a member of the RSL myself. I trust and I pray that that never ever happens again in our history. When our young men and women come home from the skirmishes that we are currently undertaking—like the war that has commenced in Iraq—and when they come home in the future from other duties that they have been sent to on behalf of the people of Australia, I hope that we treat them differently from those who came home from Vietnam and are still suffering. In my personal view, there is nothing that could be described as ‘too much’ or something that is overadequate with respect to our veterans, and that of course goes to our Vietnam veterans who are middle aged and older today. I trust that, when our veterans come home
from this war in the Middle East, they will be given a hero’s welcome—as rightly they should—unlike those Vietnam veterans of the mid-seventies were.

**Senator O’BRIEN (Tasmania)** (3.17 p.m.)—In speaking on the motion to take note, I want to address Senator Hill’s answer to the question that I asked in question time today, because, in considering why today we are at war with Iraq and why we are part of a process which I suspect will involve dramatic loss of life, one should understand why we are there. It is pretty clear from the answer that Senator Hill was very keen not to address a substantial point of my question, and that was: why was the Australian Ambassador in Washington, Mr Michael Thawley, telling people such as the National Cattlemen’s Beef Association that Australia’s support for the US military in Iraq was the reason that the FTA negotiations would proceed with or without the objections of US cattlemen? It is not surprising that he did not want to answer that. In Tuesday’s Age, Tim Colebatch said:

> Naturally, ministers and officials on both sides publicly deny any link. But he goes on to say:
> 
> ... let the record be straight. US farm groups were told by officials from both countries that the free trade negotiations, in effect, were in return for Australia’s soldiers fighting in Iraq.

That is, we have our armed forces in another part of the world, participating in an action against Iraq—let us ignore the justification for the moment—and that is leverage for this country to negotiate with the United States on trade. It is almost making our troops mercenaries in the interests of trade negotiations. I really hesitate to say that, but it is a very shabby thing for this government to do: to be bargaining for a trade agreement on the basis of our participation in a war. It is not surprising that Senator Hill does not want to address himself to the substance of my question, because it is clear that it is the truth that this government has for many months been committed to the wishes of the United States in relation to action against Iraq on the basis of some nod and wink from the Bush administration that the US-Australia free trade agreement negotiations would proceed.

But, as I said earlier in this place, those negotiations will proceed probably long after the conflict in Iraq has concluded. In fact, Mr Colebatch said in his article on Tuesday that in terms of agriculture the detailed negotiations will not begin until July—and that is the earliest they can begin:

> ... because US law requires its trade advisory body, the International Trade Commission, to report on the potential impact on agricultural liberalisation before talks begin.

The government has made play of the fact that, on the one hand, many matters are on the table but that it will try to negotiate the best outcome for Australia’s interest and that certain matters—in simple terms, matters such as our quarantine regime—are not up for negotiation. But, frankly, if you want an outcome there is more than one way to skin a cat. What I have detailed in earlier contributions is the way that this government can compromise our quarantine arrangements by concertinaing the process, by denying the scientific community in this country—who are engaged by our industries to protect our interests—the opportunity to properly put their case. That is the way that our interests can be suborned for the sake of an outcome on a free trade agreement.

The fact of the matter, as the ACIL report has made clear, is that agriculture—and indeed Australia—will probably not be a net beneficiary from the US-Australia free trade agreement discussions. If that is a substantial basis for the commitments that this government has given to the US administration for our presence in Iraq then it is a pretty poor price to pay and it is against this country’s interests. That is one of the reasons this opposition is saying that we should not be involved in this war.

**Senator JOHNSTON (Western Australia)** (3.22 p.m.)—May I commence my response on the motion to take note by saying to honourable senators opposite that I am gratified by the expressions of support for our service men and women that I have heard in the debate and that were inherent in some of the questions that have been asked, both in the principal debate and in question time. It is very gratifying that, through all of the politics of this matter, the opposition can
make clear statements of support for our service men and women in the field. But I must also say that the message that is being sent by the opposition is mixed and confused, and runs the risk of being confused, because of the substantive policy position that the ALP has adopted with respect to the action currently being undertaken in Iraq. At the Press Club luncheon today, the Leader of the Opposition was asked a number of questions about his support for the troops. Whilst maintaining that support, unfortunately he ran into difficulty because he was asked the question: does he support the mission of the individual service men and women in place in Iraq? He was also asked if he wanted to see them be successful in their tasks. He would not answer those questions, and that sends a very confused and mixed message to our service men and women.

It is difficult for the opposition. It is incongruous in many respects for the opposition to say they support our service men and women and then not be categorical about their mission and whether they wish them success. The problem lies, as I have said before in this place, with the division within the ALP on issues of national security. As I mentioned in my speech this morning, the purple ribbons of peace, which were worn predominantly by Labor senators in this place on Tuesday, were very significant by virtue of the fact that a number of senators opposite did not wear them. In broad terms, those senators who did not wear them spoke in very interesting and double-edged terms in the debate we have undertaken with respect to this very vexed question of Iraq—and it is a complex question. The fact is that there is a great deal of underlying division and a very confused mixed message coming from the Labor Party on this question of national security. On the one hand they want to acknowledge that Saddam Hussein and Iraq must be disarmed and, on the other, they want to say that we are hostage to the French right of veto in the UN before we can do it. That is a very confused, mixed, illogical, difficult position for the Labor Party to maintain.

One of the learned senators opposite said that he found it offensive that France is one of the five permanent members of the Security Council. That is a slight window into the difficulty of the position that the Labor Party occupies on this. I come back to the point that it is all very well to send a superficial message of support to our service men and women, but you have to back it up with a proper, logical, sound, rational position. The difficulty that Labor confront is that they do not do that. They also want to say that they want to be part of the alliance, yet they have to acknowledge that we are dependent upon our US alliance. You cannot have it both ways. When the ANZUS alliance treaty has been activated on the war on terror, when it is clear that Saddam Hussein must be disarmed after 17 resolutions, you cannot dodge it and yet say to the United States: ‘We still want to be your friend.’ You have to shoulder some of the burden at some time, and this is one of those times.

Senator McGauran—They are fair-weather friends.

Senator JOHNSTON—You cannot be fair-weather friends. You cannot be a user. You cannot have all the benefit with no responsibility. You have to participate. And the most important thing is to do the right thing. (Time expired)

Senator COOK (Western Australia) (3.27 p.m.)—I want to comment on some of the remarks made by Senator Johnston because, unlike him, I was actually at the Press Club today and heard the speech by the Leader of the Opposition, the Hon. Simon Crean. It is true that some journalists, who had been primed by the Prime Minister’s department to ask the questions that the Prime Minister now wants to try to wedge the Labor Party with, did ask those questions. Senator Johnston accurately set out what those questions were. What he got wrong was that the spin doctors in the Prime Minister’s office, who had primed him to say what he has said, persuaded him that there were no answers given to those questions. I was an eye and ear witness to what happened. I was an eye and ear witness to what happened, and the questions were answered. The answer to the question of what Labor would do was that Labor would bring back the troops. That is what we would do, and there is no doubt
about that. Labor would not expose Australian soldiers to the situation in the Gulf.

Fifteen minutes before question time today, the first shots were fired in anger at Iraq, heralding the opening of hostilities. Just over an hour and a half ago, Gulf War II commenced. Australian troops, men and women, are participating in this armed conflict alongside of British and US troops. I want to comment on some of the answers given by the Minister for Defence, the Leader of the Government in the Senate, Senator Hill, in question time about this. This is the first time in the history of this country when there has not been bipartisan support when war has been declared. Labor does not support this war—that is very clear—but Labor does support our fighting men and women. Our beef is not with them; our beef is with their political masters—this government, this Prime Minister and this defence minister—who have put them in harm’s way. That is who we oppose, not our fighting men and women. And we will not be wedged—no matter how prettified the speech is—in derogating from that point. We will support our armed forces now and when they return, but we want them back as quickly as possible. If we were in government, they would not even be there, and that is the best support that we can give them.

This conflict occurs without United Nations sanctions. Resolution 1441 explicitly does not authorise the participation of armed forces in the Gulf, nor do the earlier resolutions of the United Nations. The United Nations weapons inspectors have not completed their task—Hans Blix and his colleagues have not finished. Progress has been made in destroying weapons of mass destruction because of the efforts made through the UN and the inspectorate. The effect of this unilateral action is to make Australia a terrorist target or to raise the prominence of Australia for being such a target beyond what it was previously as, unquestionably, some of those who will make an alliance with Iraq will target members of the coalition of the willing, and that will include Australia. This government has periodically over the last week denied that our internal security has been damaged by virtue of our participation in this episode.

We got to this position despite global and Australian support for disarming Saddam Hussein through the processes of the United Nations, which have not been completed. Unanimity exists in the Security Council of the United Nations that Saddam Hussein must be disarmed. The process by which that is done is the point of difference. The point of difference is that we support a UN system that might have been slower than some would want but was, nonetheless, proving effective in achieving that goal, without jumping straight into war. We are in this position not because of a failure of diplomacy but because of a failure of approach. The doctrine of pre-emption that is governing US actions is a doctrine which precipitates nuclear weapons being proliferated around the globe, particularly by terrorist states, and which increases, not decreases, the possibility of conflict through weapons of mass destruction. This government is negligent in not pursuing the outcomes of the Canberra Commission and the Australian group within the UN aimed at reducing nuclear proliferation—(Time expired)

Question agreed to.

IRAQ

Debate resumed.

The DEPUTY PRESIDENT—Pursuant to order, I will now put the questions on the Iraq motion and the amendments thereto. The first question is that the amendment moved by the Leader of the Australian Democrats, Senator Bartlett, to the amendment moved by the Leader of the Opposition in the Senate, Senator Faulkner, be agreed to.

Senator BARTLETT (Queensland—Leader of the Australian Democrats) (3.33 p.m.)—I seek leave to amend my amendment.

Leave granted.

Senator BARTLETT—I move:

Paragraph (g), omit ‘condemns and’ and ‘imminent’.

Obviously and unfortunately the attack is no longer ‘imminent’.
The DEPUTY PRESIDENT—The question is that the amended amendment moved by Senator Bartlett be agreed to.

Senator Harradine—Obviously, as with other honourable senators, I am studying what the effect of what that might be. You may go ahead with the amendment if you like.

The DEPUTY PRESIDENT—I have to put the amendment, Senator Harradine. The debate has now closed. It is time for resolving the amendments and the motions.

Senator HARRADINE (Tasmania) (3.34 p.m.)—by leave—It is difficult for me to know what the opposition might do with this. As far as I am concerned, I was going to vote for the opposition’s amendment unamended. If this Democrat amendment is to be adopted—on the flick, as it were—then I am left in a very difficult situation. In other words, what I had intended to vote for—namely, the opposition’s amendment—will no longer be in existence because this amendment by the Democrats will be added. One of the things that this amendment does, which the opposition amendment did not do, is to call for the Australian troops to be withdrawn and returned home immediately. That causes me a great deal of concern. Once the decision has been made, are we going to cause our young men and women further angst because the parliament or the Senate has passed a resolution saying, ‘You should not be there’? Of course we know that is the case, but I do not want to do anything which will cause more problems for our service men and women than they already have.

Senator Cook—That is directed to the government.

Senator HARRADINE—That is how we can see it, but that is not how it may be perceived by a number of service personnel when reflecting on this matter. It is hard enough for them—I do not want to make it any harder. But I make it very clear that I have long since come to the conclusion that there is no evidence which justifies the engagement in Australia’s case. All other means have not been completely tested. I want to make it very clear—and I do not know what is going to happen—that, irrespective of what happens, it puts me in a very difficult and awkward position. I thank the Senate for the opportunity to explain my view on the matter.

Senator BROWN (Tasmania) (3.38 p.m.)—by leave—I had foreshadowed an amendment by the Greens but it is almost exactly the same as the sentiment in paragraph (h) of Senator Bartlett’s amendment, calling for the Australian troops to be withdrawn and returned home immediately. If that is accepted by the Senate, I will not be moving my amendment.

Senator BARTLETT (Queensland—Leader of the Australian Democrats) (3.39 p.m.)—by leave—I do not want to delay the Senate but I am certainly always keen to get the widest possible support for motions.

The DEPUTY PRESIDENT—Senator Bartlett, time for the debate has lapsed.

Senator BARTLETT—I seek leave to slightly amend my amendment again by taking out the word ‘immediately’, if that satisfies Senator Harradine’s concern.

Leave granted.

Senator BARTLETT—I move:

Paragraph (h), omit “immediately”

The DEPUTY PRESIDENT—The question is that the amended amendment moved by Senator Bartlett be agreed to.

Question agreed to.

Senator BROWN (Tasmania) (3.40 p.m.)—Because of that amendment, I therefore move the following amendment to Senator Faulkner’s amendment:

At the end of the amendment, add:

(j) calls on the Government to immediately return Australia’s 2000 Defence Force personnel home.

The DEPUTY PRESIDENT—The question is that the amendment moved by Senator Brown be agreed to.

Question agreed to.

The DEPUTY PRESIDENT—The question is that the amendment moved by Senator Faulkner, as amended, be agreed to.

The Senate divided. [3.46 p.m.]
The President—Senator the Hon. Paul Calvert

Ayes……….. 37
Noes……….. 32
Majority……… 5

AYES
Allison, L.F. Bartlett, A.J.J.
Bolkus, N. Brown, B.J.
Buckland, G. Campbell, G.
Carr, K.J. Cherry, J.C.
Collins, J.M.A. Cook, P.F.S.
Crossin, P.M. Denman, K.J.
Evans, C.V. Faulkner, J.P.
Forshaw, M.G. Greig, B.
Harradine, B. Hogg, J.J.
Hutchins, S.P. Kirk, L.
Lees, M.H. Ludwig, J.W.
Lundy, K.A. Mackay, S.M. *
Marshall, G. McLucas, J.E.
Moore, C. Murray, A.J.M.
Nettle, K. O’Brien, K.W.K.
Ray, R.F. Ridgeway, A.D.
Sherry, N.J. Stephens, U.
Stott Despoja, N. Webber, R.
Wong, P.

NOES
Abetz, E. Barnett, G.
Boswell, R.L.D. Brandis, G.H.
Calvert, P.H. Campbell, I.G.
Chapman, H.G.P. Colbeck, R.
Coonan, H.L. Eggleston, A.
Ellison, C.M. Ferguson, A.B.
Ferris, J.M. Heffernan, W.
Hill, R.M. Humphries, G.
Johnston, D. Kemp, C.R.
Lightfoot, P.R. Macdonald, I.
Macdonald, J.A.L. Mason, B.J.
McGauran, J.J.J. Minchin, N.H.
Patterson, K.C. Payne, M.A.
Santoro, S. Scullion, N.G.
Tchen, T. Tierney, J.W.
Vanstone, A.E. Watson, J.O.W.

PAIRS
Conroy, S.M. Alston, R.K.R.
Bishop, T.M. Knowles, S.C.

* denotes teller

Question agreed to.

The President—The question now is that the motion, as amended, be agreed to.

The Senate divided. [3.51 p.m.]

COMMITTEES
Reports: Government Responses

Senator IAN CAMPBELL (Western Australia—Manager of Government Busi-
ness in the Senate) (3.54 p.m.)—I present two government responses to committee reports as listed on today’s Order of Business. In accordance with the usual practice, I seek leave to incorporate the documents in Hansard.

Leave granted.

The documents read as follows—

The Proposed Importation of Fresh Apple Fruit from New Zealand

Government Response to the Recommendations of the Senate Rural and Regional Affairs and Transport Legislative Committee’s interim report—March 2003

Recommendation 1

The Committee recommends that Biosecurity Australia, as part of its current review into the future conduct of the IRA process, develop procedures to allow a decision to adopt a routine IRA to be appealed to the Administrative Appeals Tribunal.

The revision of the import risk analysis (IRA) process has overtaken this recommendation. The revised process proposes to make no distinction between routine and non-routine, but to follow a single approach, with all IRAs using an IRA team. The Executive Manager of Biosecurity Australia will determine IRA team membership after consulting stakeholders. Membership will be expertise based, and may be appealed. It will also be governed by whether Biosecurity Australia has the required technical expertise and the extent outside expertise may be required. A deputy secretary within the Department of Agriculture, Fisheries and Forestry—Australia (AFFA) will consider appeals relating to panel membership. The Government’s legal advice on the recommendation that such matters be appealable to the Administrative Appeals Tribunal (AAT), indicates that for decisions to be appealable to the AAT they must have a statutory base. The conduct of IRAs is not at present part of a statutory process, and the Government considers that a change to make it so is not warranted.

Recommendation 2

The Committee recommends that Biosecurity Australia, as part of its current review into the future conduct of the IRA process, develop procedures to allow for consideration of the likely consequences of the incursion of a particular pest when deciding whether to use a routine or non-routine IRA.

The revision of the IRA process has also overtaken this recommendation. It proposes that Biosecurity Australia will determine when deciding whether an IRA is necessary whether the likely consequences differ significantly from those previously assessed. Biosecurity Australia advised stakeholders in late 2001 that a working draft of the Guidelines for Import Risk Analysis had been completed. These guidelines draw together AFFA’s corporate experience in conducting IRAs, and input from risk analysts in State agriculture departments, the private sector and overseas government agencies. The guidelines describe a structured approach to the methodology used in IRAs, for use by an IRA team and contain a detailed description of consequence assessment. This is to ensure that the IRA addresses the likely consequences of incursions appropriately.

The guidelines are based on the relevant international standards for IRAs (the Office International des Epizooties (OIE) International Animal Health Code and Aquatic Code, and International Plant Protection Convention (IPPC) International Standards for Phytosanitary Measures (ISPM) Pest Risk Analysis for Quarantine Pests), and provide terms and methods that can be applied consistently to meet Australia’s obligations under the World Trade Organization (WTO) Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement). The document will be of interest and value to stakeholders reviewing new Biosecurity Australia IRAs, and has been placed on the AFFA internet site. Copies are also available (in paper or electronic form) from AFFA at bde@affa.gov.au, telephone 02 6272 4914 and fax 02 6272 4568.

Recommendation 3

The Committee recommends that Biosecurity Australia, as part of its current review into the future conduct of the IRA process, develop and publish widely guidelines on the purpose and the method of consultation in the IRA process.

The Biosecurity Australia Import Risk Analysis Handbook is due to be finalised in early 2003, following the review of the IRA process. It will
include details relating to the purpose and method of consultation for IRAs.

**Recommendation 4**

The Committee recommends that Biosecurity Australia, as part of its current review into the future conduct of the IRA process, establish a Risk Assessment Committee to allow for the direct involvement of domestic stakeholders during the conduct of IRAs.

The Government recognises the need for an enhanced consultation process to improve stakeholders’ ability to raise relevant concerns. While this recommendation is not specifically accepted, the Government intends to strengthen public involvement and consultative procedures in the IRA process, and this will be reflected in the Import Risk Analysis Handbook. Stronger public involvement does not need to impose further bureaucratic layers in the IRA process. An additional committee for each IRA would make the consulting and reporting mechanisms more complex and the process even longer. Some may also see it as compromising the independence of the analysis.

The new process will give all stakeholders more scope to contribute to the technical aspects of each IRA, either directly or through scientific experts. Areas of particular relevance in this context are those which may influence disease spread, likely consequences and subsequent risk management. This would include providing and examining information on industry structure, distribution networks and common industry practices.

**Recommendation 5**

The Committee recommends that Biosecurity Australia, as part of its current review into the future conduct of the IRA process, clarify with Environment Australia the definition of pathogens which pose a significant risk of harm to the natural environment. Such pathogens must be referred to the Minister for the Environment for advice under the terms of the Quarantine Amendment Act 1999.

AFFA’s Biosecurity Australia and Environment Australia (EA) concluded a memorandum of understanding (MOU) on import risk analyses on 11 October 2002.

Biosecurity Australia is also developing guidelines in consultation with EA that will help AFFA officers with environmental aspects of import risk analyses.

The concept of ‘referring a pathogen’ is problematic and is not required under current legislation. Under the Quarantine Act 1908, decisions which may result in a significant risk of harm to the environment must be referred. In addition, Environment Australia will be formally consulted on the scope, technical issues for consideration, timetable and composition of the team to conduct an IRA, to ensure that environmental considerations are appropriately taken into account. This will be formalised through revised arrangements established under the MOU and draft guidelines mentioned above.

**Recommendation 6**

The Committee recommends that Biosecurity Australia incorporate a full quantitative risk evaluation in the final IRA on the possible importation of New Zealand apples, in preference to the current unsatisfactory qualitative risk evaluation used in the draft IRA.

International consensus is that both quantitative and qualitative approaches to quarantine risk analysis are valid, with the circumstances of the individual analysis determining the appropriate approach in each case. Quarantine risk analyses are commonly qualitative and have traditionally been presented in a narrative form. Analyses presented in such a way have been criticised for a lack of objectivity.

To improve the transparency and objectivity, Biosecurity Australia adopted a structured approach to the qualitative risk analysis of New Zealand apples in the original draft IRA. This methodology was developed by the same process as the IRA guidelines (see recommendation 2).

This approach was also in line with that described in the Australian/New Zealand Standard for Risk Management (AS/NZS 4360:1999), for qualitative analyses. Australia is a leader in risk analysis, and AS/NZS 4360 is the first national standard of its type in the world. AS/NZS 4360 also provides for a semi-quantitative method of risk analysis. This approach uses the rigour of the fully quantitative method where feasible, but deals with data deficits by accepting semi-quantitative assessments as inputs.

The Government acknowledges that an accurate and robust model is essential to produce an accurate risk analysis. The risk analysis panel (RAP) will need to consider how best to deal with this issue in light of the guidance provided in the IRA guidelines, which encompass qualitative, semi-quantitative and quantitative methods. The RAP will also consult AS/NZS 4360.

The Government recognises that the discipline of applying quantitative risk assessment to quarantine is evolving and notes that international risk analysts understand these methodologies better than they did several years ago. However, the use
of quantitative risk assessment in certain situations does not necessarily have a significant advantage over qualitative or semi-quantitative techniques. Quantitative risk assessment requires more resources and is problematic when the data are of poor quality. Therefore, judgements on the efficient and effective use of resources, and the applicability of the various methodologies, need to be made case by case.

In all analyses, the outcomes, whether expressed in words or numbers, guide decision-making in the broader context set by the importing country’s appropriate level of protection (ALOP). It is important to note that in all known cases, WTO members express ALOP in general, qualitative terms. Biosecurity Australia will continue to use quantitative risk assessment methodology when feasible and appropriate. The RAP is investigating options for doing a more quantitative analysis of Erwinia amylovora than for the original draft IRA.

Recommendation 7
The Committee recommends that Biosecurity Australia revise the combined events in the entry, establishment and spread pathways in the final IRA on the possible importation of New Zealand apples. This is to measure more accurately and transparently the unrestricted risk associated with Erwinia amylovora and other pests.

It is vital in developing a thorough risk analysis to identify and fully assess the various combinations of independent events in all pathways through which a potential quarantine pest could enter Australia. The RAP is considering this area in detail.

Recommendation 8
The Committee recommends that Biosecurity Australia develop a quantitative measure of what constitutes a ‘very low’ risk in the final IRA on the possible importation of New Zealand apples, based on a full quantitative risk assessment.

In the draft IRA, Biosecurity Australia provided a qualitative description of ‘very low’ and equates this with Australia’s ALOP.

In all analyses, the outcomes, whether expressed in words or numbers, need to be applied in the context of the importing country’s ALOP. For the NZ apple IRA, a ‘very low’ risk has been described as a band of cells running through the risk assessment matrix. This concept is included in the Guidelines for IRA and the Australian/New Zealand Standard for Risk Management (AS/NZS 4360:1999). Six separate definitions for a ‘very low risk’ context can be derived from this matrix and the associated definitions of likelihood and consequence.

Australia has looked at other ways of expressing its ALOP but as with all other WTO members, recognises that the difficulty of providing a more precise definition that can be applied to all cases. Like other WTO members, Australia relies for an indication of its ALOP on community preferences as expressed in Government policy. Quarantine decision makers obtain additional guidance from current quarantine policies and practices. Because the ALOP is a central tenet of the SPS Agreement, it is important to ensure that any statement is robust and can encompass all situations.

Recommendation 9
The Committee recommends that Biosecurity Australia immediately commission research by the CSIRO, the NZ Horticulture and Food Research Institute or independent authorities into whether export-ready apples from New Zealand can carry viable colonies of Erwinia amylovora in their core, calyx or flesh.

There is evidence that mature apple fruit, even from apparently healthy orchards, can carry viable bacteria. However, there is conjecture about the presence of bacteria on the skin, or in the core, calyx or flesh. The RAP is considering the feasibility of additional research and which, if any, areas of uncertainty can and should be further clarified using the research techniques available.

Recommendation 10
The Committee recommends that Biosecurity Australia incorporate in the final IRA further research into the role of other pests in the possible broadcast of Erwinia amylovora in Australia, notably the apple leaf-curling midge.

The RAP will consider research needs regarding Erwinia amylovora vectors, and incorporate all relevant aspects into the revised draft IRA. Reports in the literature indicate that such research is continuing on apple leaf-curling midge.

Recommendation 11
The Committee recommends that Biosecurity Australia adopt as a better alternative to the protocols outlined in the draft IRA the following measures:

(i) the use of random drop sampling at certified New Zealand packing houses for sampling of New Zealand apple lots earmarked for possible export to Australia

(ii) the DNA testing of apples taken during random drop sampling for the presence of Erwinia amylovora
(iii) the acceptance or rejection of apple lots from New Zealand earmarked for export to the Australian market based on the results of the above DNA testing and other relevant testing.

The RAP will consider these measures, when examining risk mitigation options in the context of the revised draft IRA.

**Recommendation 12**

The Committee recommends that Biosecurity Australia themselves conduct tests with at least two major New Zealand export packing houses on the appropriate apple processing speed and staffing levels required to guarantee that apples destined for possible export to Australia would be completely trash free.

The RAP will consider trash-related issues in more detail.

**Recommendation 13**

The Committee recommends that Biosecurity Australia incorporate in the final IRA advice from the NRA as to the circumstances under which the NRA would permit the spraying of streptomycin or terramycin in Australia in response to an outbreak of Erwinia amylovora. This advice should be based on research by Biosecurity Australia on the number of applications of streptomycin or terramycin which would be required each season to contain an outbreak of Erwinia amylovora in the various apple growing regions of Australia.

The Government recognises the increasing public concern about the health threat of antibiotic-resistant bacteria as a consequence of the selective effect of agricultural use and medical overuse of antibiotics. The Joint Expert Technical Advisory Committee on Antibiotic Resistance (JETACAR) was established in response to these concerns. The Government is systematically implementing its recommendations through the Commonwealth Inter-departmental JETACAR Implementation Group. The Government also recognises the potential impact on the profitability of the pome fruit industry from the direct and indirect costs of using antibiotic sprays. In addition, the use of chemical treatments to control an incursion of Erwinia amylovora into Australia could present risks to the environment. The RAP will consider relevant ecological and environmental impacts of control measures when assessing the likely consequences of any incursion.

The Expert Advisory Group on Antimicrobial Resistance (EAGAR) has recommended that any permits issued for the use of streptomycin should be valid for no longer than three months. The National Health and Medical Research Council recently established EAGAR, in response to the JETACAR report. The National Registration Authority for Agricultural and Veterinary Chemicals (NRA) considers EAGAR’s advice when taking decisions in relation to registration of antimicrobial chemicals.

The NRA advises that it could issue an emergency use permit for streptomycin for period of 3 months in the event of an Erwinia amylovora incursion. The major concern is the potential for the development of resistance, which is likely to become a problem with sustained use. Any period greater than 3 months would need reconsideration by EAGAR. EAGAR has not considered the emergency use of terramycin (oxytetracycline) against Erwinia amylovora, and would need to do so before a permit for this use could be issued. While terramycin (oxytetracycline) is not used as a human therapeutic in Australia, many other members of the tetracycline family are. However, in comparison with streptomycin, horticultural use of terramycin (oxytetracycline) is less likely to lead to the development of resistance problems. Antibiotics to control fire blight are usually only applied to pome fruit crops during flowering, which is a high risk period for infection and long distance dispersal of Erwinia amylovora. A fire blight eradication campaign would depend on a combination of measures, including the use of copper and antibiotic sprays, control of vectors, and hygiene practices (e.g. removal of affected plants). The key role of antibiotic sprays would be as a risk minimisation strategy at flowering. Copper-based compounds can protect against bacterial diseases but can have limited effectiveness because new growth is not protected. Although the phytotoxic effects of copper compounds on growing shoots in spring and early summer are a major production concern, they are less of a concern in an eradication campaign. Copper sprays may therefore be a feasible substitute for antibiotics in some stages of an eradication campaign.

The number of antibiotic sprays that may be required would be determined by the context of an incursion. The RAP will have additional information on this issue to include in the revised draft IRA.

**Recommendation 14**

The Committee recommends the independent scientific review conducted as part of the revised public consultation process announced on 6 March 2000 by the Director of Quarantine, Mr Taylor, should be similar to that used in non-routine IRAs.

AFFA responded to the committee’s recommendation by announcing the establishment of a RAP on 13 August 2001. The panel brings together a
range of expertise, including plant pathology, environmental science and industry practice, and is drawn from various sources, including Biosecurity Australia, CSIRO and State Governments. The RAP was finalised on 10 January 2002, and comprised the following people:

§ Dr Bill Roberts (Chairman), Australia’s Chief Plant Protection Officer

§ Mr Bill Hatton, a fruit producer with expertise in growing, packing and shipping various fruits, and experience in pest and disease incursion planning for the stone fruit industry

§ Mr David Cartwright, a plant pathologist and Manager, Plant Health, Department of Primary Industries and Resources South Australia

§ Dr Kent Williams, Principal Research Scientist, CSIRO Sustainable Ecosystems

§ Mr Mike Kinsella, a horticulturalist and consultant, and a former Chief Quarantine Officer and Director of Quarantine and Inspection Services, Victoria

§ Mr Ian Armour, owner/manager of an apple orcharding business east of Melbourne

§ Dr Brian Stynes, a plant pathologist and General Manager, Plant Biosecurity, Biosecurity Australia.

Establishing a RAP is consistent with the proposed revisions to the IRA process regarding IRA teams.

The RAP intends to consult widely with stakeholders, and has begun its work by considering the matters that were raised in the public submissions responding to the original draft IRA. The RAP has prepared a scientific review paper and has held an initial consultative workshop to address the scientific, operational and technical issues at the heart of the risk analysis.

Recommendation 15
The Committee recommends that Biosecurity Australia contact countries to which Australia exports apples to clarify their position should Australia allow importation of apples from New Zealand. This is to avoid Australian apples being assessed as posing a risk by other countries should Australia accept apples from New Zealand.

WTO members are required to base import measures on international standards or a valid risk assessment. As there are no standards specific to apple pests or diseases at present, import measures must be based on a risk assessment of the pests and diseases that actually occur in the country of potential export. If Australia were to allow entry for New Zealand apples, then requesting countries to which we export apples to clarify their position, is likely to be interpreted as asking if they would act contrary to the SPS agreement.

Such a request could affront some key trading partners, and therefore affect our trading interests. The Government notes that most of the major export destinations for Australian apples and pears either do not have an apple or pear industry (and are therefore not concerned about the disease) or have wide spread fire blight (and therefore cannot justify restrictive import measures). Australia’s remaining trading partners, have so far not indicated any concerns arising from the draft IRA. Japan, as an importer of apples from Tasmania, and a country that does not have fire blight, has been monitoring this issue and has sought answers to a small number of technical questions, unrelated to this recommendation.

Attachment 1
Selected sections from the Draft Import Risk Analysis on the Importation of Apples (Malus x domestica Borkh.) from New Zealand, October 2000

Table 9 Risk estimation matrix

<table>
<thead>
<tr>
<th>Probability of entry, establishment and spread</th>
<th>extreme</th>
<th>very low</th>
<th>low</th>
<th>moderate</th>
<th>high</th>
<th>extreme</th>
</tr>
</thead>
<tbody>
<tr>
<td>extreme</td>
<td>Negligible</td>
<td>very low</td>
<td>low</td>
<td>moderate</td>
<td>high</td>
<td>extreme</td>
</tr>
<tr>
<td>high</td>
<td>Negligible</td>
<td>very low</td>
<td>low</td>
<td>moderate</td>
<td>high</td>
<td>extreme</td>
</tr>
<tr>
<td>moderate</td>
<td>Negligible</td>
<td>negligible</td>
<td>very low</td>
<td>low</td>
<td>moderate</td>
<td>high</td>
</tr>
<tr>
<td>low</td>
<td>Negligible</td>
<td>negligible</td>
<td>negligible</td>
<td>very low</td>
<td>low</td>
<td>moderate</td>
</tr>
<tr>
<td>very low</td>
<td>Negligible</td>
<td>negligible</td>
<td>negligible</td>
<td>negligible</td>
<td>very low</td>
<td>low</td>
</tr>
<tr>
<td>negligible</td>
<td>Negligible</td>
<td>negligible</td>
<td>negligible</td>
<td>negligible</td>
<td>negligible</td>
<td>very low</td>
</tr>
</tbody>
</table>
Consequence of entry, establishment and spread

Table 6 Nomenclature for qualitatively describing likelihoods

<table>
<thead>
<tr>
<th>Likelihood</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Extreme</td>
<td>the event would be virtually certain to occur</td>
</tr>
<tr>
<td>High</td>
<td>the event would be likely to occur</td>
</tr>
<tr>
<td>Moderate</td>
<td>the event would occur with an even probability</td>
</tr>
<tr>
<td>Low</td>
<td>the event would be unlikely to occur</td>
</tr>
<tr>
<td>Very low</td>
<td>the event would be very unlikely to occur</td>
</tr>
<tr>
<td>Negligible</td>
<td>the event would almost certainly not occur</td>
</tr>
</tbody>
</table>

Excerpt from page 46 of the Draft Import Risk Analysis on the Importation of Apples (Malus x domestica Borkh.) from New Zealand, October 2000

Estimation of consequences

The classifications outlined below were used to estimate the combined extent of direct and indirect consequences. These classifications may be interpreted in dollar terms, in terms of particular societal values or social wellbeing, or as a combination of both.

**negligible:** The impact is unlikely to be recognised by directly affected parties.

**very low:** The impact on a given criterion is likely to be minor to directly affected parties. The impact is unlikely to be discernible at any other level.

**low:** The impact is likely to be recognised within an affected geographic region, and significant to directly affected parties. It is not likely that the impact will be recognised at the national level.

**moderate:** The impact is likely to be recognised at a national level, and significant within affected geographic regions. The impact is likely to be highly significant to directly affected parties.

**high:** The impact is likely to be significant at a national level, and highly significant within the affected a geographic regions. This classification implies that the impact would be of national concern. However, the serious effect on economic stability, societal values or social wellbeing would be limited to a given geographic region.

**extreme:** The impact is likely to be highly significant at the national level. This classification implies that the impact would be of significant national concern. Economic stability, societal values or social wellbeing would be seriously affected in more than one geographic region.

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a See attachment 1 for Table 9 of the draft IRA  
b See attachment 1 for Table 6 of the draft IRA  
c See attachment 1 for and excerpt from page 46 of the draft IRA  
e On 22 January 2002, BA was informed that Mike Kinsella had passed away. As a result BA has considered the range and balance of skills among the remaining members. Following consultation with RAP members, BA has decided not to seek a replacement.  
f In the phytosanitary context, a quarantine pest is “a pest of potential economic importance to the area endangered thereby and not yet present there, or present but not widely distributed and being officially controlled.”  
g Page 48, Draft Import Risk Analysis on the Importation of Apples (Malus x domestica Borkh.) from New Zealand, October 2000.  
i Page 46, Draft Import Risk Analysis on the Importation of Apples (Malus x domestica Borkh.) from New Zealand, October 2000.  
j In this IRA, a ‘directly affected party’ is taken to mean the individual, or group of individuals, who experience the introduced pest.
## Senate Select Committee on Superannuation and Financial Services

Third report on inquiry into Prudential Supervision and Consumer Protection for Superannuation, Banking and Financial Services—AUDITING OF SUPERANNUATION FUNDS

<table>
<thead>
<tr>
<th>RECOMMENDATION</th>
<th>GOVERNMENT RESPONSE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Recommendation 1</strong></td>
<td>The Government supports this recommendation. The Superannuation Working Group (SWG) also examined the issues related to the disclosure of information to both the regulator and members of the public. Part 16 of the SIS Act sets out special rules for actuaries and auditors of superannuation entities. It currently provides that the actuary or auditor must tell the trustee and may tell the regulator if he/she is of the opinion that it is likely that a contravention of this Act or the regulations may have occurred, may be occurring, or may occur, in relation to the entity. The Government will pursue legislative amendments so that the regulator must be told of the auditors concerns at the same time that the trustee is notified.</td>
</tr>
<tr>
<td>The Committee recommends that Part 16 of the Superannuation Industry (Supervision) Act 1993 (the SIS Act) be amended to require auditors to report to the regulator any breach of compliance with the Act or suspicion of a fund’s unsatisfactory financial position, at the same time as they report such issues to the trustee.</td>
<td></td>
</tr>
<tr>
<td><strong>Recommendation 2</strong></td>
<td>The Government does not support this recommendation. The issues regarding auditor independence are covered under professional requirements for auditors. Separate auditors for a company and its superannuation fund may be appropriate, however, it would be difficult to implement due to the limited range of auditors in some locations. Further, there seems to be no compelling reason why, if an auditor is independent, that auditor cannot fulfil his or her professional obligations to audit both a company and its superannuation fund in accordance with appropriate legislative requirements. To ensure independence, audit firms may choose to have a different audit partner for the company and the fund.</td>
</tr>
<tr>
<td>The Committee recommends that the SIS Act be amended to require that auditors of superannuation funds be independent and that the auditor of a company is not also the auditor of the superannuation fund.</td>
<td></td>
</tr>
<tr>
<td><strong>Recommendation 3</strong></td>
<td>Noted. In response to the recommendations of the SWG, the Government has announced that it will amend the SIS Act to require superannuation fund trustees to prepare a Risk Management Plan (RMP) for each fund under their trusteeship. An RMP would describe the structures, systems and processes the trustee has in place to address the risks facing the superannuation fund.</td>
</tr>
<tr>
<td>The Committee recommends that APRA prepare a set of guidelines outlining the specific areas which should be addressed in the audit report on assessments of risk management systems and investment strategies for superannuation funds.</td>
<td></td>
</tr>
<tr>
<td><strong>Recommendation 4</strong></td>
<td>The Government does not support this recommendation. Implementation of recommendation 1 will ensure that APRA is notified of any qualifications in an auditor’s report in a timely manner. Further, the SWG examined a number of matters relating to disclosure of audit report qualifications. APRA has a number of tools available to pursue issues that might arise as a result of an audit report qualification. These include requiring the trustee to appoint someone to investigate the financial position of the entity (Part 25 of the SIS Act).</td>
</tr>
<tr>
<td>The Committee recommends that where a qualified audit report has been issued (other that merely on a technical ground such as a late return), there should be a formal requirement for a follow-up audit to be conducted within a specified time.</td>
<td></td>
</tr>
</tbody>
</table>
Recommendation 5
The Committee recommends that the auditor’s report on superannuation fund be sent, as a matter of routine, to all fund members, in order to improve accountability and ensure transparency of the trustee’s actions and communication about the fund’s financial state.

Noted.
The SIS Act currently provides for an audit report to be sent to members on request. In response to the recommendations of the SWG, the Government has announced that trustees will be required to notify members of qualified audit reports. Sending audit reports to members more generally will pose an additional financial burden on superannuation funds. The Government considers the existing access arrangements and revised notification procedures sufficient to ensure that trustees are accountable and that members are able to access adequate information.

Recommendation 6
The Committee recommends that the larger superannuation funds regulated by APRA be required to carry out a prudential review, at a minimum of once every five years.

The Government does not support this recommendation.
The Government considers that reforms to be introduced in the SWG context, existing provisions in the SIS Act, and APRA’s supervision practices are sufficient to ensure appropriate prudential practices. In response to the recommendations of the SWG, the Government has announced that superannuation fund trustees will be required to be licensed. One of the licensing conditions will be a requirement to maintain an RMP. An RMP is a document that sets out the measures an entity will apply to ensure that it is complying with the relevant governing rules. In addition, the SIS Act requires the trustee of a defined benefit fund to ensure an actuarial investigation is undertaken in relation to the fund, and must obtain an actuarial report in respect of that investigation (SISR 9.29 and 9.30). These requirements must be satisfied: on the establishment of the fund or on conversion from an accumulation fund to a DB fund; and in every three-year period after the last investigation.

Recommendation 7
The Committee recommends that APRA consult with the relevant professional and regulatory bodies with a view to developing a requirement for trustees to provide a statement to the auditor prior to the audit of a superannuation entity. The statement would clarify that the accounts were believed to be in good order and to comply with the SIS Act, and would note any areas of weakness or concern in the fund’s financial and management strategies.

Noted.
Under the current arrangements a majority of the medium and large audit firms require such an attestation prior to completion for their annual audits.

Recommendation 8
The Committee recommends that the current move within the accounting and auditing profession to require the formal assessment of competency in auditing superannuation funds as a matter of some urgency.

This is a matter for the industry.
The Government supports proposals designed to improve the quality and skills within the auditing profession.
Senator WATSON (Tasmania) (3.54 p.m.)—by leave—I move:

That the Senate take note of the government response to the report of the Senate Select Committee on Superannuation and Financial Services.

I welcome the government response to the report of the Senate Select Committee on Superannuation and Financial Services titled Prudential supervision and consumer protection for superannuation, banking and financial services—third report: auditing of superannuation funds. The committee’s report highlights a number of issues which were subsequently examined further by a working group which was set up by the government to examine options for the safety of superannuation. The working group, headed by Don Mercer, acknowledged that much of its work was built on the foundations laid at the Senate committee hearings. The government has agreed with or has noted most of the committee’s key recommendations, and implementations of these reforms will go a long way towards improving the role of auditing in protecting the superannuation savings of fund members. However, I note that some significant recommendations, such as those relating to audit independence, follow-up of qualified audit reports and prudential reviews were not supported. In view of the time constraints, I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Senator O'BRIEN (Tasmania) (3.56 p.m.)—by leave—I move:

That the Senate take note of the government response to the report of the Senate Rural and Regional Affairs and Transport Legislation Committee.

I have had a brief opportunity to look at the government response to the report of the Rural and Regional Affairs and Transport Legislation Committee on the proposed importation of fresh apple fruit from New Zealand and there is one glaring matter which I think the Senate ought to take note of today. In relation to the committee’s recommendation 6, the report says on page 3:

The Committee recommends that Biosecurity Australia incorporate a full quantitative risk evaluation in the final IRA on the possible importation of New Zealand apples, in preference to the current unsatisfactory qualitative risk evaluation used in the draft IRA.

The key comment that the government makes in relation to that recommendation is this:

The Government recognises that the discipline of applying quantitative risk assessment to quarantine is evolving and notes that international risk analysts understand these methodologies better than they did several years ago. However, the use of quantitative risk assessment in certain situations does not necessarily have a significant advantage over qualitative or semi-quantitative techniques. Quantitative risk assessment requires more resources and is problematic when the data are of poor quality. Therefore, judgements on the efficient and effective use of resources, and the applicability of the various methodologies, need to be made case by case.

In relation to the important area of import risk assessment, the government is clearly saying that it is not prepared to apply the necessary resources to be able to ascertain the risk profile of the importation of New Zealand apples and also that the data available is poor. It seems to me that, given the importance of the apple industry to parts of regional Australia, the risks involved are such that the government must be prepared—and it appears that it is not—to provide the resources that are necessary to conduct the risk assessment on a quantitative basis and to make sure that the data that is available is collected so that it is not of a poor quality, which seems to be the basis of the government’s objection to this recommendation. If the resources are poor, the government has a responsibility to provide them to Biosecurity Australia and to any other body that is involved in the assessment of risk. If the data that is available is not sufficient, the government has to make the means available to accumulate the appropriate data so that the unanimous recommendation of the Senate committee can be adopted.

It is quite scandalous that the government is prepared to reject this recommendation on this basis. It is saying to regional Australia and those communities involved in the growing of apples, ‘If it is going to cost to provide those resources, and if we haven’t
got the data and we’re not prepared to get it, then you can bear the burden of the risk.’ That seems to me to be a scandalous position that the government and the Minister for Agriculture, Fisheries and Forestry, Mr Truss, are putting to the Australian horticultural community. If this principle applies to the apple industry, the question is: what other areas of horticulture, agriculture or animal production will be the subject of the same diminution of the tests which should be applied to properly assess the risk of imports? I suggest that this is a scandalous position that the government takes. We will be pursuing this to make sure that the grower community is fully aware of the risks that this government is prepared to expose them to. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

IRAQ
TOBACCO SPONSORSHIP
Returns to Order
Senator IAN CAMPBELL (Western Australia—Parliamentary Secretary to the Treasurer) (4.01 p.m.)—by leave—I have statements to make in response to two returns to order. The first statement is on behalf of Senator Hill, the Minister for Defence. The order arises from a motion moved by Senator Allison, which was agreed to by the Senate on 19 March this year. It requested all documents commissioned by the Australian government, its agencies and the United Nations that advise on the legality of involvement in a war in Iraq. During his statement to the Senate on 18 March this year, the minister tabled the relevant legal advice provided to the Australian government by the Attorney-General’s Department and the Department of Foreign Affairs and Trade. The order also requested documents commissioned by the United Nations. Our government does not have authority in relation to any documents belonging to the United Nations. Such a request should be directed instead to the United Nations.

The second statement is on behalf of the Minister for Health and Ageing, Senator Patterson. The order arises from a motion moved by Senator Allison, which was agreed by the Senate on 19 March this year. It requests the tabling of a letter dated 2 December 2002 from the minister to the European Commission on the matter of the European Union’s decision to phase out tobacco sponsorship of Formula One races. I table the document that was requested.

DOCUMENTS
Sport: Swimming Australia
The ACTING DEPUTY PRESIDENT (Senator Brandis)—I present a response from the Northern Territory Minister for Sport and Recreation, Mr Ah Kit, to a resolution of the Senate of 11 December 2002 concerning the protection of unsupervised children.

COMMITTEES
Economics Legislation Committee Report
Senator McGauran (Victoria) (4.04 p.m.)—On behalf of the Chair of the Economics Legislation Committee, Senator Brandis, I present the committee’s report on annual reports tabled by 31 October 2002.

Ordered that the report be printed.

Legal and Constitutional Legislation Committee Report
Senator McGauran (Victoria) (4.04 p.m.)—On behalf of Senator Payne, I present the report of the Legal and Constitutional Legislation Committee on statutory powers and functions of the Australian Law Reform Commission, together with the Hansard record of proceedings and submissions received by the committee.

Ordered that the report be printed.

NOTICES
Presentation
Senator McGauran—by leave— to move on the next day of sitting:

That the recommendation in the report of the Legal and Constitutional Legislation Committee on statutory powers and functions of the Australian Law Reform Commission, that the Senate agree that the reference to the committee not proceed further, be adopted.
BUDGET
Consideration by Legislation Committees

Report

Senator McGauran (Victoria) (4.05 p.m.)—On behalf of the Chair of the Legal and Constitutional Legislation Committee, Senator Payne, I present the committee’s report in respect of the 2002-03 additional estimates, together with the Hansard record of proceedings.

Ordered that the report be printed.

Membership

The ACTING DEPUTY PRESIDENT (Senator Brandis)—The President has received letters from party leaders seeking variations to the membership of certain committees.

Senator IAN CAMPBELL (Western Australia—Parliamentary Secretary to the Treasurer) (4.06 p.m.)—by leave—I move:

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

Community Affairs Legislation Committee—
Appointed—Senator Humphries
Discharged—Senator Barnett

Community Affairs References Committee—
Appointed—Senator Humphries
Discharged—Senator Barnett

Employment, Workplace Relations and Education Legislation Committee—
Appointed—Participating member:
Senator Buckland

Privileges—Standing Committee—
Appointed—Senator Humphries

Senators’ Interests—Standing Committee—
Appointed—Senator Humphries.

Question agreed to.

ASSENT

A message from His Excellency the Governor-General was reported informing the Senate that he had assented to the following laws:

Migration Legislation Amendment (Contributory Parents Migration Scheme) Act 2003 (Act No. 5, 2003)
Migration (Visa Application) Charge Amendment Act 2003 (Act No. 6, 2003)
Snowy Hydro Corporatisation Amendment Act 2003 (Act No. 8, 2003).

SMALL BUSINESS

Senator CONROY (Victoria) (4.07 p.m.)—I move:

That the Senate—
(a) calls on the Government to take action to crack down on late payments by big business and government customers to their small business suppliers; and
(b) notes that:
(i) late payments by big businesses are a major issue for small businesses as they create cash flow problems,
(ii) this comes on top of the cumbersome administrative arrangements of the new tax system, and
(iii) the problems faced by small business are being ignored by the Howard Government.

Senator McGauran—He’s here!

Senator CONROY—Senator McGauran, it is always a pleasure to hear your voice on an issue—

The ACTING DEPUTY PRESIDENT (Senator Brandis)—Order! There should be no conversation across the table.

Senator CONROY—that I know is close to your heart, so I am looking forward to your contribution. Thank you for your support, Mr Acting Deputy President Brandis. I hope that you will be able to slip out of the chair to speak in the debate on this motion because I know you have taken a recent interest in the pressures that small businesses are under, despite Mr Terry McCrann calling you stupid in the papers today; I hope you take him to task.

This motion is about small business, a critical element in Australia’s economy. It is important that we recognise the role that small business plays in our economy and in our society. There are over 1,120,000 small businesses in the non-agricultural private sector in Australia. In 2001, small business turnover was $300 billion or 27 per cent of total turnover by all businesses. Small busi-
nesses provide jobs for millions of Australians as they employ 47 per cent of all persons employed in the nonagricultural private sector work force. That is over 3.3 million people.

When we talk about small businesses we often overlook the role of the individual, and by that I mean the small business owners themselves. Small business owners are unique characters. Often they are people who started with a great idea, a lot of enthusiasm and very little money. During the recent Senate committee inquiry into some of the issues facing small business, we met many people who had dragged themselves into business despite all the pressures and problems they faced, and despite all the red tape—

Senator Patterson interjecting—

Senator CONROY—Despite all the red tape that this government heaps upon them, Senator Patterson, despite all the red tape your government is dropping on them day in day out, they have fought their way through the morass of your red tape, and they have established successful businesses with no thanks to this government. These are people who are prepared to take a risk and hope that it pays off. All they ask is that the government does not get in their way. They are drowning in the amount of red tape. They grow their businesses from nothing but this government just punishes them. They work extraordinary hours and often for very little money, especially in the start-up phase of their business. They do not get enough recognition from this government.

As I said, Mr Acting Deputy President Brandis, you recently took up their case but it cannot have been easy for small business owners around Australia in the last few years. They have had a difficult time largely as a result of the red tape imposed by the Howard government. In February, the Yellow Pages Business Index—Small and Medium Enterprises found that one of the most significant criticisms by small business of the federal government is that there is just too much paperwork due to the GST. That is the famous GST that was going to make life easier for small business and which broke one of this government’s most fundamental promises to small business prior to it coming to power when it said it was going to cut red tape for small business by 50 per cent. All it has done is heap more and more red tape onto small business.

Another study, by the Australian National Organisation of the Unemployed, found that the GST had a detrimental growth effect on 22 per cent of the businesses it reviewed and the smaller the organisation, the more devastating the effects. I would like to welcome Senator Santoro to the debate. I hope you are speaking next because you can speak on behalf of a struggling small business organisation like the Queensland Liberal Party. You will be well qualified to tell us the problems of a struggling small business organisation like the Queensland Liberal Party with those three—

The ACTING DEPUTY PRESIDENT—Order! Senator Conroy—relevance.

Senator CONROY—You are overly sensitive, Mr Acting Deputy President. You are showing your bias, being a member of the Queensland Liberal Party. That struggling small business known as the—

The ACTING DEPUTY PRESIDENT—Order! Do not reflect on the chair, Senator Conroy.

Senator CONROY—I accept your admonishment, Mr Acting Deputy President. However, that struggling small business of the Queensland Liberal Party at the state level, with their three members—

Senator Santoro—Haven’t you got 20 minutes worth of material? Relevance!

Senator CONROY—What is relevant here is that this government has destroyed small business with the amount of red tape that has been absolutely shoved down its throat by your government—the Howard government. That is what is relevant here. As I said, the smaller the organisation—and the Queensland Liberal Party does not get much smaller—the more devastating the effects. The study found that one-third of organisations with 10 employees or fewer believed that the GST was bad for business.

Senator Santoro—When was the study done?

Senator CONROY—Just in the last few months, Senator Santoro; I am sorry you
were a little late to the chamber. Yet in spite of all this damning evidence, the Howard government continues to ignore the concerns of small businesses. You might ask why it is ignoring the concerns of small businesses because, as Senator Brandis said as recently as Sunday, it is the heart and soul of the Liberal Party. You would imagine that it would be listening, but no, it takes them for granted. It all gets back to the Howard government’s philosophy of self-regulation—the law of the jungle. The Howard government believes that it is every man and woman for themselves. It believes that small businesses do not need any protection. It believes that if a small business cannot handle the mountain of paperwork arising from the GST, that is tough. If a small business cannot get their big business suppliers to pay up on time, that is just tough. If a small business cannot get insurance, that is just tough. If a small business is being monstered by a big business, the Trade Practices Act continues to be inadequate—and that is just tough again. Under the Howard government, small businesses are left to fend for themselves.

In contrast, Labor believes there are many ways to lighten the load for small businesses. Labor believes in taking an activist approach. We want to protect small business and promote their growth. One example of Labor’s activist approach is our determination to crack down on late payments by big business and government customers to their small business suppliers. The MTAA has made representations to the Howard government on this issue over many years but has been ignored. During our consultations and in going around the country with the Senate committee and with Senator George Campbell, who is speaking later in the debate, we found that many small businesses are finding that their big business and government customers are taking far too long to pay their bills. This was not an isolated issue. The CPA Australia in a recent survey, Senator Santoro, estimated that 83 per cent of businesses are not paid promptly in over half of the cases, with 10 per cent of small businesses having to wait 60 days for payment by business.

Senator McGauran—Ten per cent; is that all?

Senator CONROY—I look forward to you contribution, Senator McGauran—as always an irrelevant interjection! This amounts to around 120,000 businesses being squeezed by the lax attitude of big business. But Senator McGauran again has revealed the contempt this Howard government has towards small business. ‘Is that all?’ he says. That is exactly what he said. Only 120,000 small businesses struggling because of your government’s inaction, Senator McGauran—is that all! I hope that is adequately recorded by Hansard because we will certainly be supplying it to a lot of the regions you represent, Senator McGauran. If you are having problems

Senator McGauran interjecting—

Senator CONROY—Congratulations, Senator McGauran, you did—

The ACTING DEPUTY PRESIDENT—Order! Senator Conroy and Senator McGauran, do not address each other across the chamber. Address your remarks through the chair.

Senator CONROY—Thank you, Mr Acting Deputy President for drawing Senator McGauran’s attention to the standing orders.

The ACTING DEPUTY PRESIDENT—And yours, Senator Conroy!

Senator CONROY—That is what we will be doing. If you have a struggling small business up in Wangaratta or Benalla and they are struggling because they cannot get their government departments or big business to pay them, we will be showing them the Hansard where Senator McGauran says, ‘So what? Is that all?’ Let’s see how they react, Senator McGauran, because I know you care about those areas. You take a particular interest up there and I am happy to debate any of these issues about small businesses, again, with you on the street corners—any time, anywhere in Wangaratta or Benalla I will be there with you.

When we have raised the problems of late payments with the Howard government in this chamber and asked questions about it of the relevant frontbenchers, they have said that it is ‘esoteric’—120,000 small busi-
nesses are being squeezed by big business and this government reckons it is esoteric. We will be out there pointing out all of these hypocrisies to small businesses across Victoria and Australia—including Queensland, Senator Santoro. The 120,000 small businesses that faced this problem last year can verify that this problem is very real for them. You do yourself a disservice by dismissing it as esoteric.

During our consultations it emerged that body repairers were particularly vulnerable on account of the late payments by insurance companies to them. Are you familiar with this one, Senator McGauran? I would hope so. Also, surveys conducted by the VACC indicate there have been major delays in payments by insurers since the introduction of the GST. This is a major small business organisation well known to Senator McGauran and many others in this chamber. They are saying that is what the big insurance companies have been getting up to. What does this government do? It says that it is an esoteric problem.

This has caused a situation where repairers are required to remit GST prior to the receipt of the payment, including GST from the insurer. That is what is happening. And this government says: ‘It is esoteric,’ or ‘So what?’ or ‘Is that all?’

The result is that there are significant cash flow problems for businesses in the repair trades and in other small businesses. Labor took the initiative and announced that we would mandate a term in qualifying contracts that interest starts accruing on the day after the debt is due—and that is what every senator in this chamber is going to get a chance to vote on. Are you prepared to stand up for small business or are you prepared to back your mates in the insurance industry?

Senator McGauran—that is a strange admission.

Senator CONROY—Hopefully, you will make a relevant contribution to the debate soon, Senator McGauran. Despite this profiteering, the Howard government still refuses to direct the ACCC to monitor bank fees. That is right, Senator McGauran, and all those on the other side of the chamber. What happens every time the Labor Party and the Council of Small Business Organisation raise this issue of bank fees? In fact, what happened when we had a forum in Sydney organised by Sandra Nori, the New South Wales Minister for Small Business? Every other state government minister came, the ABA came, I got an invitation and the Minister for Small Business and Tourism got an invitation. That is Mr Hockey, for those who are not sure. What did Mr Hockey do? He did not front. He did not want to hear from small businesses or from their representa-
tives. He did not want to know about the study which showed this rapacious activity by banks. He did not want to talk about the ACCC monitoring fees and charges.

Small business owners, other customers and shareholders alike are being shafted by the greedy banks, and this government sits on its hands and says nothing. The banking industry is yet another example of where the self-regulation model of this government is a green light to corporate greed. It is another failed attempt at self-regulation, and all the Prime Minister ever says on these issues is, ‘We might get around to doing something soon about the sorts of corporate excesses we are seeing. If they don’t do something about it themselves, we might do something about it.’ That is the message to all small businesses: if you have mates at the big end of town, this government will let them take you to the cleaners.

Insurance is a subject I am sure every senator in this chamber has heard complaints about over the last 18 months to two years. It is a particular bugbear for small business. Not only are premiums rising exponentially but some small businesses cannot even get insurance. Senator Coonan has admitted that small business is being crushed under the weight of insurance premiums, but she refuses to act to lower the burden. Despite the achievements of state and territory Labor governments to implement tort law reform, the Howard government refuses to empower the ACCC to ensure that the benefits of these reforms are passed on to policyholders rather than going straight to the bottom line of insurance companies. Yet again, there has been a call for some action from the government and they say, ‘No, we believe in light-touch regulation. We believe in self-regulation.’ So a bit more profiteering is not dealt with. The fact that many small businesses cannot obtain insurance indicates the incompetence of the Howard government. The fact that the ones who can get insurance are being crushed by the cost shows the indifference of the Howard government to the real problems faced by small business.

Big business is the focus of the Howard government’s agenda and it is not just Labor that is saying that. The February edition— that is February this year, Senator Santoro— of the Yellow Pages Business Index study found that small business’s most significant criticism of the federal government’s policies was that this federal government are only concerned with big business. That is what small business says about this government: ‘All you care about is the big end of town.’

Senator McGauran—Who said that?

Senator CONROY—Small businesses, as reported in the Yellow Pages survey that Senator Santoro will be a decent man and show you a copy of. He has it right there. The study also found small business support for this federal government is at its lowest point in the last 12 months. It is not surprising. It is in black and white. Just ask Senator Santoro for a copy and you might find out what some small businesses think.

The reaction of the Howard government to the recent decision in the Boral case highlights their indifferent attitude to small business. I know that you, Acting Deputy President Brandis, have a great concern about this. The Boral decision means that section 46 of the Trade Practices Act, which prohibits big business from abusing its market power, is of no relevance except in markets that are overwhelmingly dominated by one player. Predatory pricing is one example of conduct that may be potentially caught by section 46. The case brought by the ACCC alleged that Boral had misused its market power by reducing prices on the supply of concrete products to below their avoidable manufacturing cost in order to drive out a new operator. There was no dispute that Boral was pricing below the cost of production. However, by a majority of six to one, the court upheld Boral’s appeal, holding that the company did not have substantial market power because Boral was subject to competitive pressure as one of three companies with a market share of around 20 to 30 per cent, that Boral’s financial strength was not evidence of market power and that Boral did not succeed in eliminating its small rival—that is, there was no corporate dead body.

In the wake of the decision, the ACCC has indicated that it will terminate a number of investigations on foot concerning section 46 and will be hesitant about initiating others.
Understandably, small business has been greatly alarmed, fearing that big business will view the judgment as a green light to crush its competitors. Labor is concerned that the court’s interpretation of the meaning of ‘substantial market power’ means that section 46 would have relevance only in a monopoly or near monopoly market. In our view, section 46 was clearly intended to apply to oligopolistic markets which exist in many sectors of the Australian economy. In a recent interview, ACCC chair Allan Fels called for more parliamentary guidance on what is meant by market power. When will this Howard government stand up for small business? (Time expired)

Senator SANTORO (Queensland) (4.27 p.m.)—We have just heard Senator Conroy, and all that I can say is that he represents small business in this place as much as I represent corrupt union leaders in this place. I think what Senator Conroy has just said is an absolute outrage. I want to go through the major points that Senator Conroy has raised, which are late payments to small business, the welfare of small business under Labor and under the Liberal Party, and the impact of GST on small businesses. All that we have heard is rhetoric—all sound, some light and absolutely no delivery—from Senator Conroy. His speech was as logical and well thought out as his private member’s bill, the Late Payment of Commercial Debts (Interest) Bill 2003. The problem with that is that it is almost an exact copy of the UK bill introduced by the Blair government, which does not work. It simply does not work because small business does not want to use its provisions. In fact, honourable senators may be interested to know that payment times in the UK did not improve in the three years following the introduction of that legislation there. That is what Senator Conroy is offering to small business in his private member’s bill and that is what Senator Conroy, through his exhortations here this afternoon, is offering to small business.

It should be absolutely clear that businesses are not prevented from imposing late payment penalties now if they wish. That is a point that needs to be made and stressed time after time in this place. If Senator Conroy had a clue about the way small business operates, he would understand that many small businesses simply will not do so because of fear of losing clients. It does not matter whether or not you legislate for it, small businesses just will not avail themselves of that provision—they simply will not. And the proof of that is in Britain, under a Labour government—your colour of government, Senator Conroy—where small business has rejected that particular provision and does not want to have anything to do with it.

You maliciously and capriciously criticise this federal government, Senator Conroy. You remind me of the Leader of the Democrats yesterday. I had to remark after his speech that one of the great things in life is to give credit where credit is due. Senator Bartlett got up yesterday, just like you did today, and did not have one good thing to say about the great amount of good that this government has done for small business. You and anybody else listening to this are about to hear what this government has in fact done for small business.

But let us talk about one of the essential components of your motion, Senator Conroy. You have skipped over the fact—and, hopefully, speakers on your side who follow you will be a bit more fulsome—that the federal government has a 30-day payment policy. And, to give credit where credit is due, so do Victoria, New South Wales, South Australia, Western Australia, the Northern Territory and the ACT. Queensland does not, by the way, and I think that that is a shame. Let me give credit not only to my government but also to those Labor governments that have a 30-day payment policy. Payment is made in accordance with the associated order or contract under the rules set out in the financial management manual. Have a look at that, Senator Conroy, and then come back in here and redo your speech.

The most recent Dun and Bradstreet survey—I hope you are listening as you are walking out, Senator Conroy—showed a turnaround in the average trade payment days: down to 56 days from 66 days in the previous survey, the lowest in three years. I need to have somebody on the other side contradict me on that figure. I need them to
quote some other survey like Dun and Bradstreet and tell me that that figure does not in fact exist or is not valid. I need somebody on the other side to contradict that during this debate because that is one of the most essential things that we are debating here today: late payments. I did not hear Senator Conroy talk about this figure, so somebody had better prove to me that I am wrong.

For small business, GST should not be a problem in terms of cash outflow, since the government provides an option to use cash accounting where they extend credit, because GST is accounted for only when payment is received. Why did we not hear Senator Conroy mention that particular very pro small business provision within the GST legislation? Why did we not hear him talk about that? It did not suit his spurious, ideologically driven case. That is the reason why we did not hear it. Honourable senators would or should know that the cash basis is available to business where annual turnover is $1 million or less, where the cash basis is used for income tax purposes, where the Commissioner of Taxation has issued a determination or if the ATO has given approval. They are provisions within the GST legislation that clearly assist small business, but again we did not hear Senator Conroy mention that. Senator Bartlett yesterday: just give credit where credit is due. Maybe this government does not do everything 100 per cent—no government in the history of this country has. A government will always be, and should be, subject to constructive criticism by the opposition. But you just cannot get up in this place and ignore the facts and the figures that I have just quoted. Your argument has no intellectual force or power when you ignore what this government has done.

Senator Conroy quoted from the February 2003 Yellow Pages Business Index—Small and Medium Enterprises. Let me quote some other findings of that survey. I will not go into it at any great length because I want to talk about Labor’s record on small business and about this government’s record, which goes beyond the provisions in the tax law that I have just indicated to the Senate. The February 2003 Yellow Pages survey shows that small and medium enterprise business confidence is rising, though medium sized businesses are more confident than small businesses. But business confidence overall, because of this government’s policies, is rising. The survey also found that regional businesses showed more business confidence than metropolitan businesses—which some people may find surprising in view of the impact of the drought. But it should not be surprising, because this government has done so much to assist small businesses right across Australia, particularly—and obviously—those in rural and regional Australia that have been affected by the drought.

It has certainly done more than all of those state governments run by the Labor Party. You sneer and you laugh when we ask questions of our minister about what Labor Party governments at a state level have done in relation to state based drought assistance—and you know that their performance is atrocious—but small businesses in rural and regional Australia appreciate what this government is doing for them. Industry sector statistics in the Yellow Pages survey showed that the health and community service sector recorded the highest level of business confidence, with a net balance of 70 per cent, with finance and insurance second at 62 per cent. We did not hear Senator Conroy quote those figures, did we? They did not suit his case. You can get statistics and figures to say anything, but I am just quoting factually from the survey figures that I was hoping I would hear to balance the other statistics he was quoting. But I did not hear those.

The survey’s other interesting finding was that state and territory business confidence figures show that Tasmanian small businesses expressed the greatest amount of confidence, which is great for Tasmania. I am sorry that my colleagues from Tasmania are not here so that I could pay a compliment to them about the confidence their representation in this government is providing to small businesses in that state. The economy found favour from SMEs, with positive perceptions rising to 18 per cent net in the January 2003 quarter. This was reflected in expectations for the national economy for the year ahead. I could just keep on quoting from that sur-
vey, because there is just so much good news in that survey for the government—sales up dramatically, profitability for SMEs increased noticeably, up 18 per cent in line with sales. Why did we not hear that from Senator Conroy? Either he did not read the survey or, if he did read it, he was quoting selectively. That is not good form in a debate such as this.

Do we want to talk about what the simplified tax system—the GST system—did for businesses? Do we want to go through some of the key features? For example, there is the use of cash based rather than accrual accounting, which small businesses have been crying out for; and simpler depreciation rules, allowing assets costing less than $1,000 to be written off immediately and allowing other assets, with the exception of buildings, to be pooled and receive accelerated rather than effective life depreciation. That is something that small business was crying out for under the Hawke and Keating governments, and you never delivered—but this government did. Another example is simpler trading stock rules allowing many businesses to use ATO guidelines to estimate stock values rather than having to do a physical stocktake each year.

I heard Senator Conroy talk about the bureaucracy that this government imposes on small business. You talk to a business having to do an annual or six-monthly stocktake—you ask them how much time-consuming, expensive bureaucracy that has eliminated from their very practical operation. Speak to a business about that provision that we made. What about the immediate write-off of all pre-paid business expenditure if the service is provided within another 12 months? Small business told us about that when we were consulting them about the GST legislation. That is what they were telling us and we delivered for them. For example, small business taxpayers can elect to enter the simplified tax system when lodging their tax returns. Most simplified tax system taxpayers will find it easy to calculate their income tax liability, pay less tax through generous depreciation allowances and no longer have to do an annual stocktake. What do honourable senators opposite say to this side of the house about those very practical small business concessions? I want those honourable senators to criticise what I have just outlined on behalf of the government that I represent. But if you do not criticise it, give us credit. And, if you do criticise it, that criticism will certainly be heard by small business.

Why don’t we talk about capital gains tax concessions? All small businesses were very interested in capital gains issues. Let us see what this government has done in terms of capital gains. The government has made the capital gains concessions for small business more generous, and let me tell you why. The 15-year exemption provides a total exemption of a capital gain if the entity has owned a small business asset for at least 15 years with a relevant individual who is 55 or over and retiring. The small business retirement exemption provides an exemption for capital gains up to a lifetime limit of $500,000. The small business 50 per cent active asset reduction provides a 50 per cent reduction of a capital gain. There is no minimal ownership period to qualify. This concession also comes on top of any applicable general 50 per cent capital gains tax discount for individuals, and trust and assets owned for at least 12 months. If both the active asset reduction and the general capital tax discount apply, the capital gain is reduced by 75 per cent in total and then by 50 per cent of the remainder.

The small business rollover provides a deferral of capital gain if the taxpayer requires a replacement asset. This allows the taxpayer to reinvest in the existing or other small business without a capital gains tax liability at the time. The combination of the above small business capital gains tax concessions together with the flexibility of application ensures that the capital gains tax rules apply appropriately to allow small business taxpayers to reinvest in small business to fund their retirement and do other things. That is what we have done in terms of capital gain. The reason why we delivered in that area is that small business asked us to. Small business made representations to us.

I heard Senator Conroy say that he is getting all this advice and feedback from small business. It is just a pity that the practical sensible advice that small business would be
giving him is not reflected in his contribution. The pity of Senator Conroy’s contribution is that, if he is talking to these people and they read his speech, they will not have a clue as to whether he listened to them. Well, they will have a clue: they will know that he has not listened to them.

Of course, I could talk about refundable tax offsets provisions within the legislation, the simplified imputation system and the Australian Taxation Office administration—which has been streamlined, making it so much easier for small businesses to deal with them. But time will not permit, because at some stage during this contribution I need to talk about the abysmal Labor Party record in relation to the small business community. I will go through a few points. There are so many, Mr Acting Deputy President, that I will probably be tempted to ask for an extension of time. It is the Australian Labor Party that refuses to pass the unfair dismissal legislation that would help small business create more jobs for Australia. Go out to every small business that you can get out to in your electorates in your states and ask them: do you support the passing of the Howard government’s unfair dismissal legislation? When you hear their answers—and you claim to listen to small business—come into this place and pass the legislation.

Senator Marshall interjecting—

Senator SANTORO—I hear the honourable senator opposite say that that is not true. I will accompany you and doorknock 100 small businesses in your state, and ask the question in your presence. Let us see what the answer is—and then come back here and do the right thing for that legislation in the way that I do. You have been blocking that unfair dismissal legislation since 1996.

The ALP put forward the complicated ratio method as an option for small business when the government was considering ways of simplifying GST reporting last year. This method would just simply hinder and not help small businesses. You go and ask small businesses about your ratio method and see what they tell you about it. This is a pretty telling point: during 13 years of Labor—hard labour for small business—small business was hit with the worst economic recession since the Great Depression, with record small business interest rates of over 20 per cent, high inflation, massive government borrowing and national debt, and record unemployment. That was your record in terms of small business. Labor favours an industrial relations system which is dominated by deals between big unions, big business and big bureaucracy, and a centralised award system that reflects flexibility. I pulled out some figures on unions and I will talk about these another day, particularly if Senator Conroy wants to talk about the Liberal Party. I could talk about the Labor Party and unions—20 out of the 28 ALP senators are union members, 71 per cent; 18 of them are former union officials, 64 per cent. We can trace—

Senator Carr—Are you a lawyer?

Senator SANTORO—I am not a lawyer. I will come back to that point some other time.

The ACTING DEPUTY PRESIDENT (Senator Brandis)—Senator Carr, cease interjecting!

Senator SANTORO—Another telling point is that Labor never gave small business a voice in their cabinet. You care about small business, don’t you! For 13 years they were never represented in cabinet. It took this government to make sure that small business was represented in cabinet. In fact, in the first five years of the Labor government there was not even a small business minister. That is their record. And they have the hide to shamelessly come in here and argue that they are a friend of small business. I will repeat the invitation: I will doorknock 100 small businesses anywhere in your state, honourable senator, and let us ask them about the Labor Party’s small business policies and, in particular, about unfair dismissal policies.

Kim Beazley summed it up a year or so ago on Melbourne radio 3AK when he said, ‘Labor has never pretended to be a party for small business.’ That was Labor’s former leader’s statement. I could go on. Believe me, I have pages that outline the derelict attitude and performance of this opposition and honourable senators opposite in relation
to small business. If they want to have any credibility in this debate, they have to explain why Beazley was wrong on Melbourne radio 3AK, explain why they did not have a small business minister for six years and explain why small business was never represented in cabinet. They have to answer those questions. You can talk about the politics, the filibuster, whatever you want to talk about, but you have to answer those questions and you have to accept my challenge—100 businesses in your state, and we talk about small business and compare our record with yours. Then we will do a joint report on it. There will be two dissenting reports, but I am happy to take the senator into his electorate and talk to small business about our respective parties’ policies.

I could talk about 1996 when Senator Schacht was attacked for his completely contradictory approach to helping small business. I could quote at length—I have it all here and it will come out in another debate, if you want to debate small business. We can talk about Treasurer Keating being criticised by the Council of Small Business Organisations for using employers as an unpaid but liable extension of the public sector. You want to talk about small business? I will come in here and talk about small business—particularly your record—at any time you want.

The other day I was in the office of the Minister for Small Business and Tourism. I have pages of initiatives that this government has implemented since it came to power in 1996. We could talk about the $60 million Small Business Assistance Program which was established in 2002 to help small business grow and prosper. That is a very practical move—small business answers, provide advisory services on issues relevant to small business such as programs of services provided by the Commonwealth government and advice on regulatory issues in regions where there is a need for such services’. In December 2002, the Prime Minister announced a new program to assist rural small businesses as a consequence of the wide-ranging and severe drought. I can talk about 65 other small business achievements, but those are two recent initiatives by this government. So bring on the debate any other time because I really need more time to talk about facts, practical initiatives, practical advice and assistance this government has given small business, not the political, union, philosophically-driven drivel that we heard from Senator Conroy. The Senate does not deserve to hear that sort of claptrap again from somebody who pretends to be a shadow minister. (Time expired)

Senator WONG (South Australia) (4.47 p.m.)—I suppose if we want to answer questions, as Senator Santoro seems to be asserting, perhaps the question the government could answer is why they continually protect, in a whole range of policy areas, the big end of town and do not look after small business and consumers. That is the real issue. Constantly, the government are looking after the big end of town in superannuation and in a whole range of other areas, but they do not want to protect consumers. They want to protect the banks and the big end of town, but not consumers and not small business. That really is the issue which the government should be discussing.

Senator Santoro—that’s rubbish! You have not been listening.

Senator WONG—Senator Santoro, you have had your shot. You keep going on about pages and pages of stuff you want to talk about, but you have had your 20 minutes. The reality is that this government calls itself the champion of small business but really that is another of your Orwellian tactics, just as you say that a bill that allows people to be dismissed unfairly is called the ‘fair dismissal bill’ and the Prime Minister is trying to gain support for a war that is called a ‘peace mission’. It is the same tactic from the government over and over again—call the tactics something that they are not.

Let us look at what the government are offering small business. What was the great small business initiative that they offered at the 1998 election? It was the GST. The GST was supposed to be the policy that cut red tape for small business. It was supposed to be a wonderful initiative. Small business was going to be freed from the chains of the administrative burdens which had been imposed on them by the wholesale sales tax and other taxes that were previously in place.
What did they get? The government got a huge backlash from their constituency. Why? You would have to have been on Mars not to have heard some of the complaints from the small business sector about the administrative nightmare that was imposed on them by the GST, and they know that. They know that that is true. Even in the short time I have been in the Senate, I have already had constituents and small business owners from a range of communities come and tell me what their workload has been as a result of the GST—the additional hours of work they have had to do, the additional workload and the additional administrative requirements as a result of the government’s GST. It has been a nightmare for small business.

Senator Santoro says that we should give credit where credit is due and recognise that there have been some improvements to the tax collection job that you have been asking of small business. That is true: the government did improve it a bit. Why? Because small business were up in arms about it. The government knew it was a political problem for them. They knew that small business were complaining—rightly so—outraged by the additional work that the government were requiring of them as a result of the implementation of the new tax system. That is the reality. The government fixed up, only around the edges, some of the GST and BAS requirements because they had to, because small business were up in arms about them. That is the reality.

The GST, particularly the business activity statement and the associated administration required of small business, has been a nightmare for small business. They have been drowning in red tape and many of our small business owners and operators have been working many extra hours in order, frankly, to be the government’s tax collector. As small business keep telling us, ‘There is simply too much paperwork that we are required to do due to the GST.’ Yet the government’s promise was to cut this administration by 50 per cent. They said they would cut the red tape and the administration compliance that small business had to undertake by 50 per cent. Instead, what do we have? We have increased compliance work, we have additional administration costs and we have small business owners having to work longer hours away from their families in order to meet the administration requirements that the government’s tax system imposes upon them. That is the reality of the GST.

But that is not the only area in which the government seem to be ignoring the interests of small business. I want to talk briefly about the way they have approached their policy of choice in superannuation. Through the policy they are seeking to get through the Senate the government, on top of the GST debacle, are planning to force more red tape onto small business with their plan of so-called superannuation choice. The Senate Select Committee on Superannuation inquiry into the government’s choice legislation released its report last year. It unanimously identified that there would be significant problems for small business as a result of the regime set out in the bill. There is a nice list. It would force onto small business the following obligations: firstly, potential legal liability; secondly, fines on a strict liability basis—and I do not need to explain to honourable senators what that means—of around $13,200 per employee, which would be around $264,000 for those small businesses with 20 employees; and, thirdly, there would be additional costs of compliance and red tape for small business to pay their employees’ superannuation.

In fact the choice regime that Minister Coonan spelt out, which I understand is still the government’s position, sets out 35 new steps for compliance—35 steps in order to comply with the choice regime. And you wonder why small business is wary of superannuation choice legislation! Did you go and talk to them about it and ask their views about whether this legislation is something they could actually live with? Absolutely not. In fact, Treasury confirmed in evidence to the committee that not a single representative of small business has been consulted at any time over the last five years in relation to the so-called choice proposal under consideration. That was as at November last year. Maybe Minister Coonan has talked to some small business people since that time about whether the choice regime that the govern-
ment is imposing—35 steps—on small business in order to engage in the choice process is something they can live with. We are still waiting to hear whether Minister Coonan has done that. One only has to quote from the Australian Chamber of Commerce and Industry when referring to the burden imposed by this choice legislation.

Senator Kemp—Penny, they’ll vote for us; they’ll never vote for you.

The ACTING DEPUTY PRESIDENT (Senator Brandis)—Order! Senator Kemp.

Senator WONG—They said that the government’s choice legislation had some parallels to the GST business activity statement debacle. But you still want to proceed with it. Senator Santoro would be interested to hear, I am sure, that similar concerns were raised by the Queensland Retail Traders and Shopkeepers Association, who summed up public criticism of the impost of so-called choice of funds on small business. They asked: when will bureaucrats and politicians realise that there is a limit to the ability of a small business to cope with all of this? But what do we have? We have a government still proceeding headlong down the path of choice in superannuation, despite the fact that significant concerns have been raised by the small business sector, which they purport to represent. I do not hear anyone on the other side denying it.

Senator Kemp interjecting—

Senator Santoro interjecting—

Senator WONG—As I understand some of the interjections from the other side, you do not think this is a particular issue for small business. That is certainly not the case. It is certainly the case that cash flow, as you would well know, Senator Santoro, is a significant issue for small business.

Senator Santoro—But they deal with it.

Senator WONG—They may be able to deal with it, but sometimes they may not. I would like to quote from an issue of the Australian last month.

Senator Kemp—That’s not the Murdoch press, is it?

Senator WONG—I think you called it that, Senator, not I. In the Australian of 11 February 2003, the National Federation of Independent Businesses president, John Farrell, said:

Big business bastardry is endemic, and the federal Government is supporting it.

The Government had a duty to resolve the problem, because it created it.

‘Big business bastardry is endemic, and the federal government is supporting it.’ As Senator Conroy has gone through in terms of surveys, in terms of the representations made to us by the small business sector and in terms of some of these press articles that I have referred to, cash flow is an issue for many small businesses in Australia. So what is wrong with government trying to lend a hand to small business, trying to recognise that cash flow is an issue for many small businesses and trying to ensure that people get paid on time? It is not a very hard thing to understand. If you are a small business and you have a large creditor, whether it be a large business or a government, who does not pay you for a significant period of time but you still have to remit your BAS returns, you might have a cash flow problem. That is precisely what the MTAA said in a press release that stated:

It—that is, the MTAA—has drawn particular attention to late payments by insurance companies to body repairers, especially in view of the significant costs involved in the repair of today’s motor vehicles. Surveys conducted by VACC indicate that there has been a significant additional delay in payments by insurers since the introduction of the GST. This has caused the situation to emerge where, as a result of accrual accounting principles, repairers are required to remit GST prior to the receipt of the payment, including GST, from the insurer. This has caused significant cash-flow problems for many thousands of businesses in the repairer trades and for many hundreds of thousands of other small businesses.

They are pretty clear words, aren’t they. It is pretty clear that the MTAA, which represents a significant small business sector, has indicated that the GST and accrual accounting requirements to remit payments have caused them cash flow problems which are rendered worse by the failure of many big businesses to pay them on time. Therefore it is a fairly
simple proposition, surely, that government should try to ensure that this cash flow problem is dealt with.

But what do we see from the government? In November last year, when I asked Senator Abetz, in his capacity as Minister representing the Minister for Small Business and Tourism, what the government was doing about the devastating impact on small business of late payments by their big business customers, he referred to this as an ‘esoteric’ issue. It will be interesting to raise with the many small businesses which Senator Santoro says he wants to visit that the Minister representing the Minister for Small Business and Tourism in this chamber considers cash flow to be an ‘esoteric’ issue.

There is also the issue of non-regulation—that is, your refusal to allow the ACCC to consider the issue of bank fees. We recently had a major bank announce massive increases in costs and fees associated with a business transaction account. This is another slug on small business. But you continue to say on your side of the fence that, really, the banks should not be regulated too much; the market can sort it out. Meanwhile, consumers and small businesses continue to pay through the nose.

Your approach is one of light-touch regulation, or self-regulation. Senator Conroy referred to the Boral decision, which does not bode well for small business in terms of the limited operation it appears to set for section 46 of the Trade Practices Act. I wonder when we will hear from the government as to whether any legislative action will be taken in relation to that case, the limitations it imposes on section 46 and the consequent lack of remedy that small business would be able to seek under the Trade Practices Act for conduct engaged in by big business, such as predatory pricing.

The reality is that this government is more interested in protecting the big end of town. It claims that things such as the late payment of debts to small business is an ‘esoteric’ issue. It fails to recognise that cash flow is a significant issue for small business in this country. It walks away from doing anything about it on the basis of its ideological position. It does not want to overregulate, and that means that the big end of town and the banks can do whatever they like in relation to small business and consumers. That is the government’s position.

Senator Barnett (Tasmania) (5.02 p.m.)—It is with great pleasure—indeed, it is an honour—that I stand here today to oppose this motion put forward by the Labor Party. It is really great that we are having a debate in this chamber on small business—and it has been promoted by the other side. Shock horror! Senator Wong referred to a question to Senator Abetz, the Minister representing the Minister for Small Business and Tourism. And do you know what? That was the first question that Senator Abetz, as the Minister representing the Minister for Small Business and Tourism in this chamber, had received in a year from the opposition senators. Senator Wong accuses and alleges that the senator referred to cash flow as an ‘esoteric’ issue. I can tell you, because I asked Senator Abetz and we talked about it, that the allegation made by Senator Wong is totally out of context.

Senator George Campbell—Yes, but who wrote the question you asked?

Senator Barnett—That was a question asked by your side, which is tremendous. It was the first time in 12 months that we have had a question on small business asked of the relevant minister here. Do you know what small business are interested in? Do you know what they want? They want a low interest rate environment, they want low taxes and they want an environment in which they can operate. Senator Campbell was in receipt of a number of small business submissions, and the overwhelming message was this: get off our back; stay off our backs. That is what small business want. They want an environment with low interest rates, low taxes and less red tape. They do not want to get caught up in the type of proposal that has been put forward by the opposition.

The Labor proposal requires legislative change. We already have the common law in place, and this is something that seems to
have been missed by the opposition. As it stands, the common law says that, if you have an arrangement in place, you can create the terms and conditions which the participants, the offeror and offeree, can accept. They agree on those arrangements, those arrangements are set in place and then the common law backs them up. So we do not want to get caught up in more legislation or the red tape quagmire that is being proposed by Senator Conroy and the Labor opposition.

Labor have accused the government of not standing up for small business. I am shocked and flabbergasted to hear such an allegation being made. The coalition is the government that represents small business. With low interest rates, we are the government for small business. We have the lowest interest rate environment in 30 years. Where are the accolades and congratulations from the other side to say, ‘Well done, congratulations. This is good news’?

Senator George Campbell—We laid the foundation for it. The Hawke-Keating government laid the foundation for it.

Senator Barnett—Senator Campbell is saying, ‘We laid the foundation.’ We have been here since 1996 creating the foundation on which small business can thrive and prosper. That is now starting to happen, as a result of a good environment. The more recent surveys show that the confidence of the small business sector is increasing. I am pleased that we have a low interest rate environment, I am pleased that we have a low tax regime and I am disappointed that the ALP are introducing a proposal that will create more red tape and more legislative efforts and hoops that small businesses will have to jump through.

The ALP allege that we have done very little for small business. I will respond to that allegation. Since 1996—and Senator Santoro made this point very well—we have appointed a small business minister to the cabinet for the first time. For the first time, we have a small business minister in the cabinet. I congratulate the Hon. Ian Macfarlane and the Hon. Joe Hockey. They are out there championing the cause of small business today, and they are doing a brilliant job.

This is something that never happened under Labor, prior to 1996. In 1996, we established the Small Business Deregulation Task Force, the Bell task force. I was involved, on behalf of a range of clients, in putting proposals to that task force. Labor cannot relate to small business. Many of us on this side have a small business background. Prior to entering the Senate a year or so ago, I had owned and managed a small business with a team of 15 odd people that had offices in Hobart and Canberra. We had the privilege of receiving the Telstra-state government—and it was a Labor state government—small business award for that state. So I know what it is like to run a small business. I can tell you that they do not want the red tape and the quagmire that the Labor Party are proposing with this motion.

In 1997 we had the requirement for a regulatory impact statement for all regulatory proposals impacting on business. That was a good move—a sensible initiative. We have introduced the business entry point to provide a centralised information point on government programs and legislation affecting business. This is reality; these are good positive initiatives under the coalition government. That is why small business have been supporting and voting for us over many years, and I expect that to continue well into the future, particularly based on the recent comments of the Labor opposition.

The Micro Business Consultative Group was established in February 1998—I know a fair bit about this because I was appointed as a member of the group—under the Hon. Peter Reith, who was at that time a member of cabinet and the Minister for Small Business. We were out there consulting and talking to micro business—those businesses that employ five employees or fewer. Eighty-two per cent of all small businesses are micro businesses—the vast majority. Micro business and small business are really the backbone of the economy. They make up nearly half of the private sector work force in this country. In fact, in my home state of Tasmania the proportion is 50.5 per cent of the total private sector work force, which is the highest of any state. Tasmania is a small business state.
Almost 35 per cent of small businesses are located in regional Australia; that is why they are so important. We are standing up for these small businesses and are prepared to put our necks on the line for them because they put their necks on the line in terms of mortgaging their homes and businesses to make their business a success. That is why that low interest rate environment is so important. I have had first-hand experience not only in my own business but as a representative and advocate for small business, so I am thrilled that we are having a debate today about small business. Congratulations to the ALP on bringing it on.

Let us look at the evidence of the committee that I was involved with, which has reported recently, with regard to industrial relations. It talks about the allegations that we are not doing enough for small business. If the Labor Party would support our reforms for industrial relations reform and the unfair dismissal laws, guess what? We would have so many more jobs. The evidence of the committee is consistent with recent studies which found that the cost to small and medium size businesses of the nation’s unfair dismissal laws was $1.3 billion a year, while the laws have been partly responsible for a reduction of 70,000 jobs in Australia.

The Hon. Tony Abbott has made those points very clearly in past months and I draw them to the attention of the chamber. This very important research was undertaken by Dr Don Harding of the University of Melbourne. He is a very highly respected and highly regarded academic, and that research was well thought through and undertaken. You cannot just sniff at $1.3 billion and say it is not important. You cannot just turn aside and say, ‘This is not relevant to small business in Australia.’ That is exactly what the Labor Party says.

What do the surveys say about the unfair dismissal laws? We can look at the Australian Chamber of Commerce and Industry survey, the VECCI survey and others. They are set out in our report which, for those that are interested, is the Small business employment report of February 2003. You will see that those laws are an impediment to jobs growth. That is what the small business sector said; that is what they found in that survey. This is an absolute ripper: the survey of restaurant owners found that 38 per cent defended unfair dismissal claims in the court with an average loss of 63 hours of work and a cost of $3,675 per claim. This translates into an annual legal impost on small business of $34 million.

We cannot just shake our heads, as Senator George Campbell has been doing, and say, ‘What is this all about?’ This is what these restaurant owners have said. They are not my words—they are the words of the Restaurant and Catering Association. That is what they told our committee. That is the survey that they undertook and these are the results they found. Small business want reform; they want change. Like Senator Santoro, I would gladly take Labor and other senators from this place, and members of the Labor opposition, to meet small business and ask: ‘What do you think about industrial relations reform? What do you think about the unfair dismissal laws?’ I know what the response will be, because it is very, very clear. Those are some key points.

We now get to February 1998 and the establishment of the Micro Business Consultative Group—the first group ever in this nation that has focused on micro business. It was an initiative of the Howard coalition government. We also had the establishment, in 1998, of the Small Business Ministers Council, to promote increased coordination of Commonwealth and state and territory small business policies and programs. Frankly, this is an area that we can still work on in terms of liaison and cooperation between the federal regime, the state governments and indeed local government. Small business is affected across those three layers.

In Tasmania we had the example of more than 20 separate licences, permits and approvals being relevant to a petrol station and general store. You can only shake your head and think: how can they possibly survive that red tape? And the bulk of that regulation and red tape comes from state governments. They have a role to play. The onus is on them to take a leadership role and get rid of a lot of this red tape and regulation so that small business can prosper and thrive, be-
cause that is what they want. They want an opportunity to prosper and thrive.

After that there was the introduction of the Small Business Enterprise Culture Program and the small business assistance officers program to meet the needs of small business for mentoring, networking support and referral and advisory services. At this point I want to commend the work of Mentor Resources Tasmania and Tony Bromage, who will be stepping down from his role in the very near future. What a fantastic effort he has made over so many years in helping and supporting small business, particularly microbusiness, in the state of Tasmania. Mentor Resources Tasmania are grateful for the financial support that they have received from the federal government for the operation of that entity, and I am thankful that I am part of a government that is able to assist and support a group like Mentor Resources Tasmania and the support that they provide to small and micro business.

The coalition government have introduced the Small Business Forum and the Small Business Consultative Committee as a means of improving consultation between the Commonwealth and small businesses. That type of initiative is vitally important. In answer to those on the other side who allege, 'What have you actually done?' here is a full list: read the February report and you will see exactly the initiatives that have been taken. And there are pages and pages more. You just have to talk to the Hon. Joe Hockey and he can fill you in. In March 2000, the Small Business Ministers Council endorsed guidelines requiring greater consultation with small business as part of the process of development and implementation of regulations. This is the point I was making earlier about getting off the back of small business so that it can get on and do its job. Small business does not want to get caught up, and that is why I take my hat off to small business. They have to suffer under the paperwork and the burden of comprehensive and regulatory framework. It is tough to survive and we should all always lend a hand and give a fair go to small business.

That is why we established the Dawson inquiry. Senator Wong referred to the Trade Practices Act. We actually established an inquiry under Justice Dawson. That inquiry has happened. I and other people in this chamber made submissions, presenting a very positive small business perspective as to what they think would be good for the future of this country where competition prevails. Senator Wong talked about the big end of town. I can assure you that that is not my perspective and it is not this government's perspective. We do not want that; we want a fair go, a level playing field and a fair trading environment where small business can prosper and do well. We have had the Dawson inquiry and you will see the government's response to that in due course, and we look forward to it.

Let us have a look at a couple more initiatives that have been undertaken. There is the requirement for all cabinet submissions with proposals impacting on business to be referred to the Office of Small Business for an assessment of the impact on small business. That is a sensible proposal and a good initiative. I do not hear the accolades coming from the other side for positive initiatives to help small business, and it would be helpful if we could have a bipartisan effort from time to time when positive, sensible, commonsense initiatives take place.

There is also the reform of the workplace relations framework. I have touched on that a little bit, but I want to say that it will provide more scope for businesses and employees to enter into agreements that meet their needs and it will also provide for the introduction of legislation designed to meet small business concerns, including exemption from the unfair dismissal laws. I have touched on that, and I want to put on record quite clearly that the Hon. Tony Abbott has been out there as a fearless and fighting advocate in the interests of small business to get change. But at every hurdle we seem to be thwarted in this chamber by the opposition parties, and I encourage them to reconsider their position.

Before my time is up, I want to address another point that was made by Senator Wong with regard to superannuation and the legislative and regulatory framework being too burdensome on small business. We have $7 billion of unaccounted-for superannuation
sitting in bank accounts in this country. That superannuation is actually owned by employees. It is their money and it should flow through to them. What you have to do is create an environment where you have a sense of ownership of the superannuation that flows through and that is very important. How do you do that? One way to do it is by creating choice for employees and small business whereby they can decide where that superannuation should go and what investment vehicle should be provided. Senator McGauran is nodding and saying, ‘Yes, a sense of ownership is vital.’ You do not want that $7 billion just sitting there in bank accounts earning a little bit of interest. You want it out in the hands of the Australian men and women who own it, deserve it and need it for their later years.

They are the key points I want to make in response to Senator Wong. I have referred to the Dawson inquiry in response to her allegations regarding section 46. I want to repeat my comments in response to a lot of the allegations that have been made against the GST. This is the most major and magnificent tax reform initiative that has occurred in the last decade or more. It is the most incredible and effective reform. Guess what. Talk to the state Labor premiers and see what they say, because the GST is a growth tax and the money goes through to the states. So you will not hear them complaining about the GST. In 2007-08 Tasmania—my state—are going to have an extra $42 million, and there will be $2 billion per annum extra in a few years time Australia-wide. They are the benefits that will flow through. Remember, finally, that a low taxation environment is a low interest rate environment where small business can prosper and do well.

Senator GEORGE CAMPBELL (New South Wales) (5.22 p.m.)—I am very happy today to support the general business motion moved by Senator Conroy and to refute some of the points made by speakers from the government side in this debate. It strikes me as interesting that every time we have a debate in this chamber we get used to hearing government senators use doublespeak. They do it whether it is in respect of industrial relations laws, where we have gone from unfair dismissals to fair dismissals; whether it is in respect of the low paid and the bills that have been introduced in that area; or whether it is in respect of a whole range of issues. We have a government that has become very accustomed to saying one thing and meaning the other.

I was in the chamber and I heard Senator Santoro say that we ought to get out and talk to small business and he is happy to take us out. Well, I know Senator Santoro has only been here for five minutes, but he should be aware that we did have a small business inquiry in this chamber. It was conducted by the Senate Employment, Workplace Relations and Education References Committee. It spent some six months last year travelling around the country talking not just to small business representatives or to small business unions but to small businesses themselves. We had a series of roundtables in Perth, Albany, Brisbane and all around the country where we sat down and talked to small business people about the issues with which they were confronted on a daily basis. We attempted to try and address some of the myths that have been perpetrated and are still being perpetrated by Senator Barnett and others about unfair dismissals being the major issue of concern to small businesses. We tried to deal with some of these myths to see whether they were myths or reality.

Senator Barnett says that the coalition are the champions of small business. It will be interesting to see how many of the 29 recommendations from that committee your small business minister is prepared to support. It will be very interesting to see the government’s response to those 29 recommendations. Let me tell you, Senator Barnett, I have had a lot of correspondence from small business organisations—from organisations like the Redland Shire Council in Queensland—saying, ‘This is a terrific report. These are terrific recommendations.’ And I have said to them, ‘Don’t hold your breath waiting on the government to implement them. Don’t hold your breath, because this is a government that has a different view about taking action than it has in terms of the rhetoric it uses to express its position.’ But we will wait and see what the response of
Minister Hockey is to those 29 recommendations and how many of them he is prepared to put in place.

I was here when Minister Reith was the small business minister. Remember Minister Peter Reith? He was the famous champion of small business; he looked after Chris Corrigan. He made a commitment on behalf of the government, ‘We will reduce red tape for small business by 50 per cent.’ I asked a small business representative from the government at estimates back in 1997, ‘How are you going to do that?’ I am still waiting on an answer. But you go around this country and talk to small business people and ask them what their view is of the reduction in red tape since 1996. Ask them if red tape has been reduced by 50 per cent and they look at you as if you are mad—because, in fact, it has increased, and increased substantially.

A burden of regulation continues to increase on small businesses. Some state governments have done something about it—state Labor governments, I might add, have done something about it. The Queensland government, to their credit, have introduced a red tape reduction task force that is working with small business people, looking at the implications of regulation and seeking ways and means to reduce the impact of regulation on small business. That is proving to be very successful, Senator Macdonald. Of course, you would not know. You are not interested in what happens in Queensland. You are more interested in what happens in New South Wales at the moment. You will probably forget about that on Sunday after the election is over and the result is on the board.

Senator Ian Macdonald—Small business hate Beattie.

Senator GEORGE CAMPBELL—Well, I am sure he will be pleased to hear that, because—

Senator Ian Macdonald—Ask about the ambulance charge.

Senator GEORGE CAMPBELL—Senator Macdonald—

The ACTING DEPUTY PRESIDENT (Senator McLucas)—Order! Direct your comments through the chair, please.

Senator GEORGE CAMPBELL—that is not what small business people said to us in Brisbane.

Senator Ian Macdonald—When?

Senator GEORGE CAMPBELL—When we had the inquiry.

The ACTING DEPUTY PRESIDENT—Order! I will not have conversation conducted across the chamber.

Senator GEORGE CAMPBELL—When we had the inquiry there was no small business person who came to any of those roundtables who put a negative view to us about the Beattie government. They were confused about the interrelationship between the three tiers of government, and that is something of some concern. That is an issue that is addressed in the 29 recommendations of our report. It is specifically addressed to try and remove the complexity that exists between the three tiers of government.

Senator Barnett raised the issue of industrial relations and unfair dismissals. He said that Minister Abbott is out there championing the cause of small business by bringing forward all this industrial legislation. The reality is that there could have been improvements on the unfair dismissal laws. There was a series of amendments proposed by the Labor opposition and the Democrats to improve the existing bills. But did Minister Abbott pick up those proposals to improve it? Of course not. He did not adopt any of them, because he is not interested in reform. He is not interested in reforming the system and making it easier. He was interested in getting a double dissolution trigger. He was interested in playing the politics of the proposal rather than looking at the issue of fundamental reform in that area.

The reality is that, when you talk about unfair dismissals, when you actually go out and talk to small business people, it pales in comparison to issues such as the one raised by Senator Conroy in his general business motion today. It is a major issue. A series of small business people told us at the roundtable hearings how they were being exploited by big business in terms of the late payments and how they were being forced to carry the burden of the GST payments. At the same
time, they had not been receiving payment from big business or the people that they were contracted to. I want to quote from some of the findings of the small business inquiry. The committee found:

Many small businesses operate on small margins, with highly variable cash flow, particularly in their early years. As a result they have little capacity to absorb delays in payments. Late payments were raised as a problem by several witnesses, including Family Business Australia and small business participants at a roundtable in Brisbane, who reported that the problem is particularly acute when the GST remittances are due. In other words, not only do the GST remittances have an impact on their cash flow, but in many respects they are carrying the GST burden for large businesses which do not make the payments to them. This is an important issue for small business. Labor has said that it is committed to helping small business in this area. Small business groups, including the Motor Trades Association and the Council of Small Business Organisations, have supported our actions to crack down on late payments. But it is interesting that our actions also coincided with an *Australian Financial Review* article which highlighted warnings by accountants that small businesses could face cash flow problems if the ATO intensified its efforts to recover outstanding GST payments. The introduction of the GST has made late payments a much bigger impediment to business. In another *Financial Review* article, a small business operator, Paul Saunders, said:

Since the GST was introduced we spend twice as much time pursuing debts.

... large companies and government agencies were the biggest culprits.

Large companies had created complicated payment systems that required invoices to be presented in the correct format at the right time. If not, payment was delayed 30 days on top of the existing 90 days.

This is a set of circumstances that small business are confronting daily. It is having a major impact on their capacity to operate and function profitably. Yet what do we get? We get the Minister representing the Minister for Small Business and Tourism, Senator Abetz, saying that the issue of late payments is esoteric—in other words, it relates to only a small number of people. Quite frankly, this is an absolute insult to the small business sector. It is symptomatic of the lip-service that this government pays to small business. This is a party that claims to represent small business, yet in fact since 1996 it has done absolutely nothing to assist them.

The GST is a great example of this. It has immeasurably increased the strain on small business. A CPA Australia survey found that compliance costs, and in particular GST compliance costs, posed a grave risk to small business profitability. One small business operator, for example, complained:

... If you are constantly struggling with your cash flow, your ability to employ people is crippled because you think, ‘Sure, I’ve got the business, I’ve got enough work to take on an extra person but I’m not sure that I’m going to be able to pay them. My cash flow is on a roller-coaster because I have to pay out money I haven’t collected.’

Quite frankly, that does not sound to me like an esoteric issue. It is an issue that affects a lot of small businesses, and the GST, in fact, has had a very significant impact on their capacity to operate. What do we have? We have people like the minister, Senator Abetz, saying, ‘Don’t worry about it. It doesn’t affect small business.’ The reality is that this government is too busy pursuing its own narrow ideological issues and crusading against unfair dismissal laws to worry about the real myriad complex issues that are confronting small business. It ranks that as a No. 1 issue, primarily because it sees it in ideological terms. Minister Abbott and other ministers of this government would rather go around like Don Quixote, tilting at ideological windmills, than actually getting down to do the hard work of resolving the complex issues that confront small business.

I will make one point in relation to that. Let us contrast what this government and its ministers are saying with what the government’s own Office of Small Business is saying—which admitted during questioning in the February estimates that it has had discussions with the ACCC on provisions to deter late payments to small business—that is, while Minister Abetz thinks that this is an unimportant issue, the agency tasked to support small business considers it to be ex-
tremely important. Again, we should be well and truly used to this government’s rhetoric: it says one thing and in practice does another.

One other issue that has been raised which I think needs to be addressed by speakers on the government side is the issue of the 70,000 jobs. It started off as 50,000, which was a throwaway claim made by COSBOA. I think Mr Abbott, when he became the minister, indexed it and took it up to 53,600. They have now paid a very expensive consultant to do a report and he has actually managed to get it up to 77,000—I think that is the latest bid. I presume that if they go out and get some other consultant to do a report they might be able to push it up to 100,000. But the reality is, when you go out and talk to the small business community and say, ‘Is this real? Is this true?’ Are unfair dismissal laws stopping the employment of 70,000 or 50,000 people?’ they say, ‘Nonsense. What stops us employing people is demand for our goods and services. If the demand is there, we’ll employ them.’ It has absolutely nothing to do with unfair dismissal laws. It is all to do with their capacity to grow their businesses, and the demand that they get for their goods and services. Even COSBOA, who started this hare running, admitted that to us in the inquiry.

There is a lot in the small business inquiry. There is a lot in it that sustains the position that is being put by Senator Conroy in this motion. I recommend to the senators on the other side that they actually pick it up and read it, because it is a very well thought out report. It does represent substantially the views of the small business community and it does reflect in the recommendations the issues that they believe are priority issues that need dealing with and need to be treated by governments in order to reduce the pressures that are on small business to operate on a daily basis.

There is one other issue that I want to address with respect to this position of the government and its members in relation to small business. I thought it was amusing when I picked up the Herald Sun today and saw an article entitled ‘Senator brands himself as anti-consumer’. The article starts off with this statement:

Queensland Liberal Senator George Brandis managed to say some extraordinarily stupid things in his 90 seconds of fame on the ABC’s Insiders program last Sunday.

The journalist obviously agrees with me that Senator Brandis has had all the fame he can handle and is definitely overexposed. The article goes on to say:

Now stupidity from yet another Queensland coalition politician, albeit this time, a Liberal, is one thing.

What was extremely disturbing was the implied suggestion that his stupidity could be turned into policy and enshrined in law.

Too late, I say. This government has already enshrined in law some very stupid policies—the GST amongst them. Continuing with its freakishly accurate assessment of Senator Brandis’s abilities, the article goes on to say:

Choosing to discuss the recent competition case won by building products group Boral, Brandis managed quite impressively to compress stupidity on two levels into his short time—no short enough, I might add—before the camera. First, and you’d have to say, rather surprisingly and even shockingly for a lawyer, in getting exactly wrong what the case proved.

And throwing a tasty little defamation at Boral, in the process.

Brandis said bluntly and without qualification that: “Boral decided to drive the small firm out of the market by the practice known as predatory pricing.”

Followed by a statement of truly breathtaking stupidity from a lawyer: “Surprisingly the High Court decided that didn’t contravene the Trade Practices Act (TPA).”

Maybe Senator Brandis was in a hurry to do the program and did not have the opportunity to talk to his tipstaff, Senator Mason, and get a bit of advice from him about how he should respond to this decision. The article continues:

The second, more important, and very disturbing level of stupidity, was Brandis’s call for the predatory pricing Section 46 of the TPA to be ‘reformed’. That’s to say, he’s in favour of cosy featherbedding for ‘small firms’ and higher prices for his constituents as consumers.

The article then concludes on Senator Brandis’s capabilities. (Time expired)
Senator IAN MACDONALD (Queensland—Minister for Fisheries, Forestry and Conservation) (5.42 p.m.)—I was not going to enter into this debate, but Senator George Campbell has encouraged me to do so. I did not see the *Insiders* program last Sunday but I have seen Senator Brandis on it before, and a more capable and able contributor to that program you would not find. If it ever came to a case, Senator George Campbell, of choosing between you and Senator Brandis as to whose is the greater contribution to this nation and to this parliament, then Senator Brandis would win hands down every time. He is a particularly capable operator and would outshine you any day of the week, Senator George Campbell. I am delighted to call him a colleague from Queensland.

I wanted to enter into the debate—again, encouraged by Senator George Campbell—about small business in Queensland. Senator George Campbell tells me that small business there love the Labor government and Premier Beattie. Have you ever heard about the ambulance levy, Senator George Campbell? That was a levy that the Queensland government decided it needed to prop up another one of its failing health systems. Prior to that, the Queensland Ambulance Service had run very well, on a voluntary basis, under coalition governments forever. But the Queensland government so mismanages everything that it ran out of money. So it decided first of all that it would impose an ambulance levy—not upon the users of the ambulance, mind you; first of all it was going to be on rate payers. Would you believe that rate payers were going to pay for an ambulance service? When the Local Government Association came down on the government like a ton of bricks, the Queensland government put its tail between its legs and ran away as quickly as possible.

I am surprised, perhaps delighted, that the Labor Party have raised this debate on small business because they might learn something about small business by listening to government speakers. If you have a look at this chamber or the other chamber, you will find that the people from the Labor Party, with one or two exceptions, are all from the union movement. They have never done a decent day’s work in their lives. Their pay cheque turns up at the end of the month whether they bully a few unionists or whether they sit on their backsides and do absolutely nothing. If they get sick, they still get paid. They get flash cars to drive around. If Senator Conroy had ever been in small business in the way that I and most of my colleagues on this side of the house have been, then you would edges of that. I am hoping that the chair will draw that to Senator Macdonald’s attention.

The ACTING DEPUTY PRESIDENT (Senator McLucas)—There is no point of order. I am sure that Senator Macdonald will come to the point that is relevant to the debate.

Senator IAN MACDONALD—As a Queenslander, you would understand this, and I appreciate your ruling. This has a huge impact on small business. Small businessmen had to pay the ambulance levy on their residence rates, as it was proposed by the Queensland government, but then had to pay it again on the rates for their small business property. Anyhow, that was thrown aside, so the Queensland government came up with another brilliant idea: it would impose this levy on electricity accounts—not on the consumers of ambulance services but on electricity accounts. Can you believe that? How has that impacted on small business? Small businesses have electricity accounts, so they pay this levy not only on their home electricity accounts but also on their business electricity accounts. If they happen to have two different accounts for their small business, which many of them would for varying reasons, then they will pay this levy three times. That is a group that you say loves the Queensland state Labor government. I can tell you that they loathe that state government, and that levy is just one of the reasons why.

I am surprised, perhaps delighted, that the Labor Party have raised this debate on small business because they might learn something about small business by listening to government speakers. If you have a look at this chamber or the other chamber, you will find that the people from the Labor Party, with one or two exceptions, are all from the union movement. They have never done a decent day’s work in their lives. Their pay cheque turns up at the end of the month whether they bully a few unionists or whether they sit on their backsides and do absolutely nothing. If they get sick, they still get paid. They get flash cars to drive around. If Senator Conroy had ever been in small business in the way that I and most of my colleagues on this side of the house have been, then you would
really understand what it is like to run your own business. If you get sick, the income stops. If you go away on holiday, the income stops. You then have to employ people. I had a small business in which I and my partners employed about 22 or 23 people at one stage. We provided quite a big employment opportunity in my small community. We looked after them and tried to do the best by them. We were a family.

Labor just do not understand small business. You understand unions, I concede that. You understand how to stack a branch or two, I concede that. But when it comes to understanding small business you are not in the race. The best understanding of small business comes from being in small business. You talk about Senator Abetz. I know that Senator Abetz is a small business man; he knows what it is all about. Senator Heffernan is a small business man, Ms Gambaro is a small business woman. Mr Lindsay, from up my way, was in small business before he came here. Mr Entsch is a farmer and small business man from up around Cairns. Joanna Gash, the member for Gilmore, is a small business woman. I could go on. So we do have an appreciation of small business. I am a member of various chambers of commerce. That is a small business men’s group. I am a member of the Ayr Chamber of Commerce, the Townsville Chamber of Commerce, the Mount Isa Chamber of Commerce and the Cairns Chamber of Commerce. I do not get to many meetings but, when I do, do you know what people always say when they come up to me? They say: ‘Ian, when are you going to fix this unfair dismissals legislation? When are you going to stop us going to expense when we employ someone and make a mistake, they are dishonest and we cannot get rid of them?’ We have had this debate time and time again. If you guys were serious about small business, you would do something about that.

There is another thing I want to talk about briefly. If you are the party of small business men, why is it that your colleagues in New South Wales, Mr Carr and his colleagues—not Mr Yeadon, I might say, because he did not want to be part of this; he actually told the Premier where to get off and for that reason, mark my words, he will not be in the ministry next time—made this unholy alliance with the Greens? The Greens party are going to get their votes in the New South Wales state election not because they have green policies but because they are giving away hard drugs for free to young people in New South Wales.

Senator Jacinta Collins—This is beyond anything else. This is repetition.

Senator IAN MACDONALD—Sorry, you approve of that, do you? We are talking about the Greens here. They will get some votes because of their policy to give away hard drugs for free. They are going to pass those votes onto Premier Carr. Do you know what Premier Carr is giving them for that? He has said that he will declare 65,000 hectares that were production forest as national park. This is just to get the Greens votes; that is all it is about. There is no conservation value in it. I went and had a look at one of the parks they said they would declare a park because it is a unique, pristine, native forest. I was delighted to go there to see these unique, pristine New South Wales rainforest trees. The trees in the park that they showed me are Gympie messmate. They are not from New South Wales at all; they come from around Gympie in my home state of Queensland.

Senator Conroy—Madam Acting Deputy President, on a point of order going to relevance: I was wondering if at some stage the good senator would be willing not to discuss his own portfolio but possibly to have a stab at talking about small business, which is the issue that we are trying to debate here. I appreciate that Senator McGauran is pointing now to the motion and that this is the first time that Senator Macdonald has actually looked at it. Perhaps Senator Macdonald might now draw his comments towards the motion that Senator McGauran has kindly shown him for the first time.

The ACTING DEPUTY PRESIDENT—Thank you, Senator Conroy. There is no point of order. I am sure that Senator Macdonald is coming to the point.

Senator IAN MACDONALD—I know this hurts, Senator Conroy, because it hurts
the Labor Party in New South Wales. You did not let me quite finish developing that. All of these production forests will no longer exist. Where do these production forests go? They are harvested by small business men—logging contractors who will no longer have a job—and then they are taken to a sawmill owned by small businesses, many of them—

Senator Jacinta Collins interjecting—

Senator IAN MACDONALD—Most of them in New South Wales are small businesses—you would not understand that, Senator—and so are most of them in Victoria, I might also tell you, if you ever got out there to have a look at them. You should ask the CFMEU guy in Victoria. He is a good man, that fellow. Remember that he stood as an Independent candidate against the Labor government in the seat of Morwell and did very well. He ensured, by his preference flow, that we almost won that seat. He is a very good man, that CFMEU man—at least the ‘F’ part is, I have to say. The ‘CM’ and the other bits are not much good, but the ‘F’ part of it is pretty good.

Senator Jacinta Collins—I thought you said he was an Independent!

The ACTING DEPUTY PRESIDENT (Senator Brandis)—Order! Senator Macdonald will be heard in silence.

Senator IAN MACDONALD—Thank you, Mr Acting Deputy President. This timber when it is harvested by small businesses—that is, by logging contractors—goes into these mills. Most of them in New South Wales are family operations and family businesses and many of them have been going for over a century now. What is going to happen if the New South Wales government is re-elected and it implements this parks for drugs or parks for votes promise? It will be out of business. That is what is relevant about this, Senator Conroy. Your colleagues in New South Wales are putting out of operation any number of small businesses in New South Wales. Let us not get onto the subject of the 1,400 workers’ jobs that are going to go should Premier Carr be able to honour his parks for preferences deal.

If you people and your union connections had any interest whatsoever in the unionists, the workers in those factories and the guys up there in Grafton who were demonstrating at lunchtime today against the Carr Labor government, you would be doing something about it. You would be encouraging your New South Wales colleagues to help small business and to help jobs in New South Wales. It is disgraceful that these small businesses are going to suffer because of the words or the deals made by the Labor Party.

This proposal was put to Mr Yeadon, the Minister for Forestry, and he got some advice from State Forests of New South Wales. In a document that has fortuitously fallen off the back of a truck, we see that State Forests and Mr Yeadon told Premier Carr that this would not work because, amongst other things, it would cost the New South Wales taxpayers $238 million in compensation. Who pays for that? Every man, woman and child in New South Wales will pay $50 for that compensation that the Carr government will have to pay.

How about small business? They will be paying through the teeth, through the tax on small business generally, to compensate those who will lose quite dramatically as a result of this parks for preferences deal. Mr Yeadon understood that and he would not be part of it. He told Premier Carr not to go ahead, whereupon Premier Carr completely ostracised him, took him out of the equation and left Dr Refshauge, the Deputy Premier, to deal with this parks issue. Dr Refshauge is the guy who, in response to my several letters of inquiry to him seeking an assurance that the New South Wales government would not be breaching the regional forest agreement and putting at risk all of these small businesses that I talk about, told me in writing, ‘No, Senator Macdonald, we’re not going to breach this RFA; we’re going to abide by it.’ What do we find in the heat of an election campaign? Premier Carr completely abrogates his responsibility.

Senator Conroy—Mr Acting Deputy President, I raise a point of order on relevance. As you have now been in the chair long enough to have listened to a bit of the debate, and as I know you were in the chair at the beginning of debate, you will know the terms of the motion that I have moved. I am
just questioning whether or not Senator Macdonald is in any way relevant in discussing his portfolio and the RFA process. I would have thought that, at a very least, given that Senator George Campbell read Terry McCann’s article into the Hansard, which calls you ‘stupid’ four times that I counted, Senator Macdonald has had the opportunity—

The ACTING DEPUTY PRESIDENT—There is no point of order.

Senator Conroy—I have not finished my point of order.

The ACTING DEPUTY PRESIDENT—I have heard your point of order. The point of order is relevance. There is no point of order.

Senator IAN MACDONALD—Mr Acting Deputy President, I do not want to take a point of order, but I might just for your information indicate that the previous Acting Deputy President already ruled twice in the same way that you have. Quite clearly, Senator Conroy has embarked upon the tactic of taking points of order so that I cannot be heard and so that the points I am making, which are so very relevant to the voters of New South Wales, will not actually be heard by them. So Senator Conroy, using the old bully-boy, right-wing Labor tactic of old, keeps getting up and taking these points of order—

Senator Conroy interjecting—

Senator Jacinta Collins interjecting—

The ACTING DEPUTY PRESIDENT—Order! The time allotted for this debate has expired.

DOCUMENTS

Australian Law Reform Commission

Senator LUDWIG (Queensland) (6.02 p.m.)—I move:

I do not intend to take time this evening to speak to the Australian Law Reform Commission’s report No. 95 entitled Principled regulation: federal civil and administrative penalties in Australia. It is a voluminous work produced by the Australian Law Reform Commission, and I will take time on the next day of sitting to go through some of the comments I have. Professor Weisbrot has put a significant amount of work into that report, and I wish to take a little more time to digest its findings and make serious comment next time we are here. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

COMMITTEES

Consideration

The following orders of the day relating to committee reports and government responses were considered:

Treaties—Joint Standing Committee—Report 51—Treaties tabled on 12 November
and 3 December 2002. Motion of Senator Buckland to take note of report called on. On the motion of Senator Ludwig debate was adjourned till the next day of sitting.


ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Brandis)—Order! There being no further consideration of government documents, I propose the question:

That the Senate do now adjourn.

New South Wales: Election

Senator FORSHAW (New South Wales) (6.06 p.m.)—This Saturday, the New South Wales election will be held, and I am quite confident that on Saturday night Bob Carr will be returned as Premier of the great state of New South Wales, leading another successful Labor government. He will be returned because he has the confidence of the people of New South Wales. Indeed, they have such confidence in Bob Carr, his team and his government that it is likely that the coalition, already reduced to a rump in New South Wales, could be in even a worse state politically and electorally after Saturday night.

The record of the New South Wales Labor government since it came to office in 1995 has been outstanding. That is why it was returned with such a large majority at the last election in 1999. In case some members of the Senate have forgotten, that was the election in which the coalition dumped its leader, Mr Peter Collins, just beforehand and put Mrs Kerry Chikarovski into the leadership of the Liberal Party. Mrs Chikarovski, as we know, did not last, and she has decided she cannot cut the mustard or stand the heat in the kitchen in the New South Wales parliament and is getting out.

The Carr Labor government will continue the historic situation whereby every state and territory in this country is currently governed by a Labor government. That is because the people of New South Wales, and indeed the people of all those other states, recognise that when it comes to the issues of health, education, looking after the state’s finances and providing important services such as transport and infrastructure Labor governments listen to the people and deliver.

The coalition parties have become so desperate to claw back from their terrible position in the polls and rescue some credibility in this election that they have resorted to some of the worst political advertising I have ever seen in my political life. I have been involved in election campaigns for probably 40 years, having started like many a young person in a politically active family by putting pamphlets in letterboxes at a young age. I cannot recall a time when I have seen the coalition stoop as low as they have in the last couple of weeks in this campaign. I refer particularly to an advertisement that appeared—

Senator Abetz interjecting—

Senator FORSHAW—I am glad you interjected, Senator Abetz, because that is precisely what I am going to talk about. I hope you will sit there and listen and learn. Let me draw the attention of the Senate to an advertisement that has appeared in the Daily Examiner, which is the newspaper in Grafton. Grafton is in the seat of Clarence, held by the Hon. Harry Woods, who served with distinction in this parliament and then won that seat at a by-election. It is a heritage seat for the National Party—like Page, the federal electorate. Harry Woods, a Labor member in that heartland of the National Party, won the federal seat of Page and then later won the state seat of Clarence from the National Party. Harry is retiring at this election having given great distinction and service to the people of his electorate and New South Wales. The candidate who is running for the Labor Party, I am proud to say, is a great friend of mine, Terry Flanagan. Terry Flanagan is a great friend of the people of Clarence. He has done a lot of work for them in the years he has lived in that electorate, both in the community and as an adviser to Mr Woods.

The National Party and their candidate Steve Cansdell, the ex-boxer—but I will not go into that at the moment—are so desperate to attack the Labor Party’s credibility in this
campaign that they have put an ad in the Daily Examiner which states:

Drugs: a vote for Labor is a vote for drugs.

Don’t destroy your children’s lives.

The Greens want to legalise Marijuana, Ecstasy, Heroin, Amphetamines, Crack and Labor has done a deal with the Greens on DRUGS.

How low do these despicable people have to go!

Senator Abetz—Reject Green preferences.

Senator FORSHAW—Senator Abetz interjects and says that the Labor Party will take their preferences. Senator Abetz should understand that the reason that Michael Organ, the Green member for Cunningham, sits in the House of Representatives is a direct result of the activities of the Liberal Party of New South Wales. They supported him indirectly by not running a candidate in that campaign—they supported the Greens in that campaign. In that safe Labor seat, the Liberal Party squibbed it. They wimped out. They would not run a candidate and therefore ensured that people who ordinarily would have voted for the conservative parties in large numbers instead voted for the Green candidate. So do not lecture to us on preference deals or any of that.

I return to what I was saying a moment ago. The allegation that is contained in Mr Cansdell’s ad is beneath contempt. Not only is it untrue; it marks a new low in political advertising in this country. To suggest that a candidate or a party would do a deal in order to support the increased use of illicit drugs by kids in this country is frankly so low it is beneath contempt. I have known some National Party and Liberal Party candidates; I have seen them work over the years. I can say that, by and large, they conduct their campaigns fairly within the cut and thrust of politics. But what has been happening up in Clarence is just a disgrace.

Hypocrisy has reached new heights in this country with this sort of advertising. It was a cheap political stunt. It was not deserving, really. It was deeming of this minister. We checked the Hansard record. It is interesting to note that, up until the last couple of days, this minister had never, ever—not once—raised a concern in this parliament about the plight of the women of Iraq, notwithstanding that they have been repressed, persecuted and, even worse, killed over 12 years or more under Saddam Hussein’s rule. But Senator Vanstone waxed lyrical about her concern for what had been done to those poor women and children. This same minister represented the government only a year and a half ago when it said to those poor Iraqi refugees on that sinking boat out in the middle of the Indian Ocean, ‘You don’t deserve to come into this country. We don’t want the likes of you people in this country,’ and accused the refugees of throwing their children overboard.

As I said, hypocrisy has reached a new height under this government with those sorts of shallow, dishonest expressions of concern today, and political advertising has reached a new low, given what the National Party is engaging in in Clarence. How much further does the coalition have to go to demonstrate their inadequacies? (Time expired)

Insurance: Public Liability

Senator RIDGEWAY (New South Wales) (6.16 p.m.)—I rise tonight to speak on the ongoing insurance crisis, which, while it may have disappeared from the headlines, is still affecting the lives and activities of people and organisations all over the country.

We know that from our own experiences with, even today, various organisations visiting parliament to seek support. We seem to have a never-ending and ongoing problem; being able to access public liability cover in an affordable way or even to access it at all is fast becoming a permanent problem for many organisations out in our communities.

For a large part of last year, the media was full of distressing stories of many nonprofit organisations, small businesses and community and sporting events hit with impossible
public liability premium rises that were forcing event cancellations.

We have heard the stories of volunteers being forced out of their organisations, the restrictions on public and recreational activities and the doctors being unable to practise due to the collapse of UMP. One story I have been very concerned about was the question of midwives needing to get some sort of cover or at least support from government to guarantee that they would practise in this country. Of the 250,000 births in this country, 98 per cent of those births are attended by midwives. It has already been shown statistically—and certainly by standards incorporated through the World Health Organisation—that midwives have always been the better option for the periods before, during and after the birth of any child. That is part of the benefits of what a good public health system should provide.

Last year and again this year when the issue was raised, the government was not able to come to the party and some 12,500 midwives, particularly independent and contract midwives, were put out of work. In this current year, many other organisations have been affected as well. More recently, we have heard of the closure of the AIDS Council of the ACT and of community festivals. Events such as Melbourne’s Midsumma festival and the Diamond Shears sheep shearing competition are all under threat due to rises in public liability premiums.

Despite the recent changes which this parliament supported, premiums are still on the rise. So the panacea to premium rises and affordability is really a myth when you consider some of the recent industry surveys. The 2002 General Insurance Industry Survey has predicted that public liability and professional indemnity insurance premium rises will continue over the next two years. That follows on from public liability premium and professional indemnity rises in 2002 of an average of 51 per cent. Anyone who has been following this crisis would know that this figure is just an average, with some organisations having had premium increases of 200 per cent and more and in many cases some having obtained no insurance at all. The insurance industry survey also predicts premium increases for public liability of 23 per cent and 13 per cent in 2003 and 2004 respectively and that for professional indemnity there will be increases of 27 per cent and 13 per cent over the same two years.

One organisation that has been affected by these trends, as I suspect many others are, particularly in relation to professional indemnity, is the Institution of Engineers. In their case, it shows that engineers are now withdrawing their services due to expensive or unavailable professional indemnity insurance cover. The premium for engineers alone has tripled since the year 2000 and the crisis is forcing more people out of small engineering businesses, especially in the environmental and geotechnical areas. The report also shows that the premium for engineers, particularly in my home state of New South Wales, has gone up a staggering 240 per cent.

In my home state of New South Wales the state government’s response to the issue was based on reform of the legal processes and on the escalating cost of claims. On that occasion we heard from Premier Carr—who had led the charge on a wave of reforms that went far beyond even what was being proposed federally to try to deal with the crisis—that it was designed to cure the insurance crisis and to ensure there would be available and affordable public liability and professional indemnity insurance. We know about the way in which that was handled: capping the maximum amount of damages payouts, limiting the amount of legal costs that can be claimed, penalising barristers and solicitors who might make unmeritorious claims, removing liability in relation to certain activities or situations—particularly following some of the recent cases in New South Wales—and a range of other things. The guarantee at the end of the day was that things would be cheaper and organisations could continue to operate.

On this occasion that has not been the outcome or the experience of many organisations. Premiums do continue rise and, while some might think that the response in terms of tort law reform is essential, there are still fundamental problems within the insurance industry that remain unaddressed. The
Democrats have raised this on many occasions. We still need to go back and look at those cycles in the insurance industry and talk to the industry itself about the need for reform and the need for it to do things better than it currently is.

The legislation was delivered without any real statistical evidence to back it up. In the current industry climate there is no guarantee that a reduction in the number of claims will see premiums become affordable or, in some cases, even available for charities and community organisations—the not-for-profit organisations, sporting clubs and volunteer organisations. Policy pricing by insurance companies is, and will be, a business decision—and I accept that—and while claims cost is a driver in those decisions, it would be wrong to focus too much on this cost component to the detriment of the community expectation of services being provided at an affordable and reasonable price.

All the tort law reform in the world will not alter the fact that the insurance market is a cyclical one, and it will not ensure that there will be no future insurance company collapses in the manner of HIH and UMF. I think we need to be on guard that there may well be an impending crisis, given that premiums continue to rise. In my view, the current insurance crisis is part of an industry problem, and it is notable that the insurance industry has been able to escape any culpability in relation to federal or state arrangements in this regard. It seems to me that there should have been a commonsense approach which began with the question: what was the cause of the particular crisis? Unfortunately for the people in my home state of New South Wales, and in the rest of the country, it seems that commonsense was not the motivating factor behind these insurance solutions; we all know that it was set aside. I think the message that needs to be given out is that, while we have always appreciated the need to change the law, to provide the right conditions for premiums to go down and for cover to be available, the end result is that that is simply not borne out in the current figures.

I want to go back to the issue of the range of organisations and individuals involved, such as midwives—which I have been very vocal about. By and large, I think there probably is not a person in this country whose parents and grandparents did not have midwives at their deliveries, particularly those in rural and regional Australia, where the midwife was probably the only way of dealing with the delivery of babies in this country. Quite frankly, I think the government could have done more. We hope that state governments will now follow suit and provide the cover, particularly for clinical placements for students doing midwifery courses who cannot currently get cover. State governments need to guarantee that that does occur so that midwives will be there in the future. We ought to pay attention to that.

Small Business

Senator BARNETT (Tasmania) (6.26 p.m.)—I stand tonight to express my concern over the recent High Court decision in the Boral case and the application of section 46 of the Trade Practices Act. This decision would appear to pose a direct threat to Australian small businesses whereby large corporations such as supermarket chains could enjoy immunity from Trade Practices Act action if they engage in predatory pricing.

For 17 years small businesses have believed that they had effective protections against predatory pricing under the Trade Practices Act. They believed this largely because of the explanatory memorandum accompanying the 1986 trade practices reforms that produced section 46 in its current form. In that explanatory memorandum it was stated that section 46 was to be amended to its current form, because the previous section 46 required that a corporation be in a controlling or dominant position in a market.

The previous version meant that only the predatory pricing of a monopolist or near monopolist was caught. Realising that the threshold was very high under that previous version, the parliament enacted the present section 46 of the act, with a view to lowering the threshold to include not only monopolists and near monopolists but those corporations with a substantial degree of market power. Accordingly, the Australian Competition and Consumer Commission and small businesses believed that powerful corporations with
large market share and considerable financial strength were on notice that their conduct could be within section 46 and therefore a breach of the Trade Practices Act.

The High Court’s decision in the Boral case now effectively means that, contrary to what the ACCC and small business have believed for 17 years based on that explanatory memorandum, substantial degree of market power covers only those corporations that are able to set prices unilaterally without fear of losing custom. There now appears to be a considerable hole in the protection afforded under section 46 of the act against abuses of market power by large and powerful corporations. As section 46 now effectively only applies to the conduct of monopolists and near monopolists, small businesses have little or no protection against those large and powerful corporations choosing to throw their weight around. In my view this situation is untenable for small business.

In August last year I made a number of recommendations in a submission to the Dawson review of the Trade Practices Act, which was aimed at protecting small business from this sort of predatory behaviour. In this context I congratulate the government on the establishment of the review conducted by Mr Justice Dawson. A whole range of submissions were put and listened to in the process of the Dawson review, and the government is now considering its response to that review. I will come to that shortly.

I believe there is merit in restoring the protection that small business was led to believe existed under section 46. To do nothing risks big business being given the green light to engage in predatory pricing and other abusive practices designed to eliminate small business and the competition that they stimulate. An effective prohibition against abuses of market power is preferred. Either section 46 should be amended to restore the protection to small business or—another option—new and specific prohibitions should be enacted against predatory pricing, price discrimination and other abuses of market power. That is just one of the options that should be considered.

In the process of amending section 46, particular attention should be given to ensuring that the limitations revealed by the High Court in the Boral case are remedied. There should be no doubt that an amended section 46 should apply to not only monopolists and near monopolists but also those having a substantial market power enabling them to throw their weight around.

Another option, if section 46 cannot be amended to deliver the required precision, is to go back to the drawing board. In doing so, Australia would undoubtedly benefit from international experience. I am aware that there is precedent in the United States and also in Canada. Predatory pricing and price discrimination are specifically prohibited in those countries as recognised forms of anti-competitive conduct. This is one of the options that could be considered in any reform process. Were Australia to enact those specific prohibitions against predatory pricing, price discrimination and other abusive practices, we would be implementing world’s best practice. I hope that that is considered as one of the options.

The Australian Competition and Consumer Commission must be given all the tools it needs to deal swiftly with breaches of the act and, in particular, abuses of market power. I submit to the Senate that, if we choose to do nothing to restore section 46 to a meaningful prohibition against abuses of market power, Australia will be condemned to a path where industry becomes so concentrated that consumers miss out on the competitive pricing and diversity of choice that efficient small businesses can deliver. In making those comments, I disagree with the views of Terry McCrann in today’s media and with his criticisms of the well-regarded lawyer and chairman of our Senate Economics Committee, Senator George Brandis. Mr McCrann’s concerns are ill founded and, in my view, he is wrong in his opinions. I note the valuable contribution of my colleague Senator Ron Boswell, who made a very thoughtful and comprehensive contribution in this chamber just a week or so ago.

In regard to the Dawson review, I want to highlight some of the points that were made
in my submission last year. In the introduction, I said:

I acknowledge the importance and value of this independent review of the competition provisions of the Trade Practices Act 1974. The Prime Minister and the Coalition Government deserve credit for establishing the inquiry as fulfilment of its commitment in its Securing Australia’s Prosperity policy (released during the last Federal election).

In reviewing this important piece of law, we need to acknowledge that we are part of a growing international and global marketplace. We also need to provide adequate opportunity for Australian business to grow in this market place. In this context however we must maintain a balanced and fair competitive environment in Australia.

In addition we must provide an environment that promotes small business growth and development free from the excessive use of market power by major corporations. This aim should be couched in a framework that protects and enhances the public interest particularly in rural and regional Australia.

In the summary points, I said that the problem areas to be addressed include:

- Anti-competitive creeping acquisitions
- Inadequacy of purpose test in section 46, misuse of market power
- Lack of opportunity for collective bargaining for small business
- Lack of powers for ACCC to impose cease and desist orders, divestiture orders and criminal sanctions where appropriate.

I also said:

... I see no need for another layer of regulation in the form of a Review Board to oversee the ACCC.

In conclusion, I want to commend the valuable contributions of the National Association of Retail Grocers of Australia, specifically those of Alan McKenzie and Sam Richardson, who are directors of that organisation. I acknowledge the contributions of the Council of Small Business Organisations of Australia. Rob Bastion was previously the CEO, and now Mike Potter holds that role and is doing a fine job. Ian Baldock has been involved with COSBOA for a long time and has worked for the small business community over many years, making important contributions. Ella Keenan has made a very high profile impact for small business over many years. I also note the work of Michael Delaney and his team at the Motor Trades Association of Australia. There is a whole range of small business groups not only in Tasmania but around the country that have made valuable contributions. We as a government look forward to considering those over the weeks and months ahead to ensure that small business is given a fair go.

Iraq

Senator SHERRY (Tasmania) (6.36 p.m.)—Earlier today the Senate passed a resolution that, in part, called upon the Australian government to withdraw the Australian troops which have been committed to the attack, which has now commenced, and war against Iraq. It did so on the basis that the armed attack on Iraq is being carried out without the authorisation or support of the United Nations Security Council. The Senate further called on the governments of Australia and the United States to continue the policy of containment and disarmament through weapons inspections under the existing United Nations Security Council authority.

I would like to place on record my support for the resolution passed by the Australian Senate earlier today. I am a Labor Party senator, and I have not had the opportunity to participate in the earlier debates because we had to put the motion to the Senate. So I now take the opportunity to put on record a few words about the war that is now under way. In my view, war should be undertaken only as an absolute last resort. It should only be undertaken when there is no other possible course of action available. As part of the so-called coalition of the willing—that is, the United States, the United Kingdom and Australia—we had, in my view, not yet reached the point where we could conclude that no other course of action was available.

There have been a number of reasons advanced for declaring war and for Australia’s participation in that war. Australia is one of only three countries involved, in terms of having ground troops involved in the conflict. Let me touch briefly and one by one on the reasons that have been advanced for the war and examine whether we had in fact
reached the point of last resort. The first argument is that the regime of Saddam Hussein is barbaric, evil and has at times been highly aggressive, not just to other countries but to its own people. It tortures, maims, and gasses people—all that is true. What we have is a shocking regime led by a shocking man. I think he has been in power for approximately 25 years. From day one, he has been terrorising and torturing his own people in the most barbaric way.

Of course, Iraq is not alone in that. You could list at least 50 or 60 other countries around the globe at the present time that have a similarly barbarous regime. I look forward to the day when Saddam Hussein is no longer the leader of Iraq. I have to point out that, until some of the observations that have been made today in the Senate chamber, and by the Prime Minister earlier in the week, the coalition had not exhibited this level of concern about the barbarous nature of this regime. In the last few days it has become very notable. But they have not exhibited any great concern about Iraq until very recent times—certainly not over the last 25 years—and they do not exhibit a similar approach to those 50 or 60 other countries.

What we have, unfortunately—not just from the Australian government led by Mr Howard, but also from the United States—is, I would argue, a highly selective morality when it comes to removing repressive regimes. I submit to the Senate that if we are to follow the logic of removing repressive regimes, of which there are many, by military force, by war, without the sanction of the United Nations, we are going to be fighting a lot of wars around the face of this globe over the next few years. And I would question whether the United States will be taking such military action against these oppressive regimes, with Australia following, under this government at least—against those 50 or 60 nations scattered around the globe.

The argument has been put forward that Iraq represents a real and unacceptable threat to international peace and security with its possession of weapons of mass destruction in defiance of resolutions of the UN Security Council. On at least two occasions, Iraq has represented a threat—and indeed been a direct threat—to two of its regional neighbours. It deliberately provoked a war with Iran with—I would point out to the Senate—the active support of the United States. The United States was the principal provider of arms and, to some extent, biological weapons to Iraq. And, of course, Iraq directly invaded the sovereign state of Kuwait, from which it was rightly ejected by military force through the conduct of a war in which Australia participated and which was approved by the United Nations.

Since the time of the Kuwait conflict, Iraq has not effectively presented any direct regional threat to its neighbours; it has been contained. I would accept that it probably continues to have weapons of mass destruction, in defiance of UN resolutions, and has had those weapons of mass destruction for at least 12 years. Certainly, it has been in defiance of UN resolutions for some 12 years. We have to ask ourselves: had the point been reached where we should have given up on the continued arms inspections? The person we must most rely on about whether or not we should have given up and, therefore, should launch an attack and a war is the UN's chief weapons inspector, Dr Hans Blix. He is the most authoritative person and should guide us on this. In his view, it was still worth while continuing the efforts of arms inspections in order to disarm Saddam Hussein's regime of those weapons of mass destruction. The argument has been advanced that it has been going on for 12 years. Yes, that is true; but, surely, given that the option was war, we could have continued those arms inspections for a further 12 months.

Terrorist links are advanced as evidence of the threat posed by Iraq. Again, Iraq is not alone as a country that has had terrorist links. However, if we look at the events of September 11—and, again, I use as my source here the reports of the CIA, the Central Intelligence Agency of the United States—there is no evidence that Iraq was in any way involved in the supply of weapons of mass destruction or involved in the events of September 11. Indeed, there is some irony in the fact that the clearest link between the events of September 11 and a country in the Middle
East is in fact Saudi Arabia. There is very clear evidence that the majority of the terrorists and their funding of the events of September 11 came from Saudi Arabia. Ironically, that is one of the countries actively supporting the United States in its attacks.

The issue of freedom and democracy is the most spurious of all the arguments. Again, it is a highly selective morality which the United States advances that freedom and democracy are going to be unleashed on Iraq and this will apparently ripple through to Iran, Syria, Jordan and all the other countries of the Middle East, with the exception of Israel, which is a democracy. Of course, this clearly will not happen. Again, it is a selective argument about imposing democracy. Sadly, Australia, under the leadership of Mr Howard, the Liberal Prime Minister, has chosen to be the deputy sheriff and we are one of two nations to follow the United States unquestioningly in its attack.

**Senate adjourned at 6.46 p.m.**

**DOCUMENTS**

**Tabling**

The following documents were tabled by the Clerk:

Fisheries Management Act—Australian Fisheries Management Authority Temporary Order No. 1 of 2003.
Lands Acquisition Act—Statements describing property acquired by agreement under sections 40 and 125 of the Act for specified public purposes [2].
Telecommunications Act—Telecommunications Labelling (Customer Equipment and Customer Cabling) Amendment Notice 2003 (No. 1).

**Indexed Lists of Files**

The following documents were tabled pursuant to the order of the Senate of 30 May 1996, as amended on 3 December 1998:

Indexed lists of departmental and agency files for the period 1 July to 31 December 2002—Statements of compliance—

Attorney-General’s portfolio agencies—

Administrative Appeals Tribunal.
Attorney-General’s Department.
Australian Crime Commission.
Australian Customs Service.
Australian Federal Police.
Australian Institute of Criminology and the Criminology Research Council.
Australian Law Reform Commission.
Australian Transaction Reports and Analysis Centre.
Commonwealth Director of Public Prosecutions.
CrimTrac [nil return].
Family Court of Australia.
Federal Court of Australia.
High Court of Australia.
Insolvency Trustee Service of Australia.
National Native Title Tribunal.
Office of the Federal Privacy Commissioner.
Office of the Film and Literature Classification.
Office of the Parliamentary Counsel.
Australian Public Service Commission.
Australian Trade Commission.]
Communications portfolio agencies—
Department of Communications, Information Technology and the Arts.
National Office of the Information Economy.
Department of the Prime Minister and Cabinet.
Department of Transport and Regional Services.
Finance and Administration portfolio agencies—
Australian Electoral Commission.
Commonwealth Grants Commission, ComSuper.
Commonwealth Superannuation Scheme Board.
Department of Finance and Administration.
Public Sector Superannuation Scheme Board.
Family and Community Services portfolio agencies—
Australian Institute of Family Studies.
Centrelink.
Child Support Agency.
Department of Family and Community Services.
Social Security Appeals Tribunal [nil return]

Departmental and Agency Contracts

The following documents were tabled pursuant to the order of the Senate of 20 June 2001, as amended on 27 September 2001:

Departmental and agency contracts—Letters of advice—2003 autumn sittings—
Communications portfolio agencies—
Department of Communications, Information Technology and the Arts.
National Archives of Australia.
National Office for the Information Economy.
Education, Science and Training portfolio agencies—
Australian Research Council.
Department of Education, Science and Training.
Veterans’ Affairs portfolio agencies.