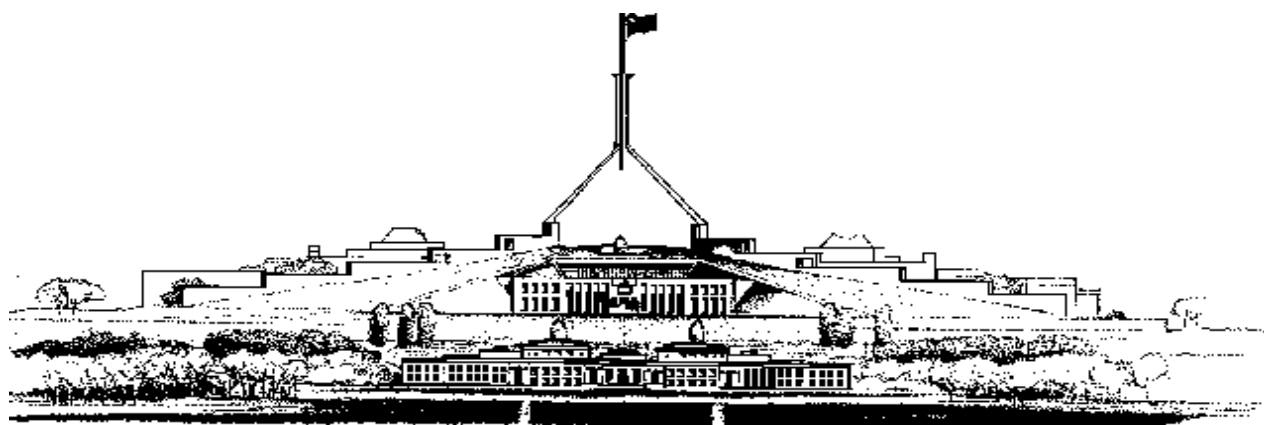




COMMONWEALTH OF AUSTRALIA

**PARLIAMENTARY DEBATES**



**SENATE**

**Official Hansard**

No. 3, 2003

**WEDNESDAY, 19 MARCH 2003**

FORTIETH PARLIAMENT  
FIRST SESSION—FOURTH PERIOD

BY AUTHORITY OF THE SENATE

### **INTERNET**

The Journals for the Senate are available at:

<http://www.aph.gov.au/senate/work/journals/index.htm>

Proof and Official Hansards for the House of Representatives,  
the Senate and committee hearings are available at:

<http://www.aph.gov.au/hansard>

### **SITTING DAYS—2003**

<b>Month</b>	<b>Date</b>
February	4, 5, 6
March	3, 4, 5, 6, 18, 19, 20, 24, 25, 26, 27
May	13, 14, 15
June	16, 17, 18, 19, 23, 24, 25, 26
August	11, 12, 13, 14, 18, 19, 20, 21
September	8, 9, 10, 11, 15, 16, 17, 18
October	7, 8, 9, 13, 14, 15, 16, 27, 28, 29, 30
November	3, 4, 24, 25, 26, 27
December	1, 2, 3, 4

### **RADIO BROADCASTS**

Broadcasts of proceedings of the Parliament can be heard on the following  
Parliamentary and News Network radio stations, in the areas identified.

<i>CANBERRA</i>	1440 AM
<i>SYDNEY</i>	630 AM
<i>NEWCASTLE</i>	1458 AM
<i>BRISBANE</i>	936 AM
<i>MELBOURNE</i>	1026 AM
<i>ADELAIDE</i>	972 AM
<i>PERTH</i>	585 AM
<i>HOBART</i>	729 AM
<i>DARWIN</i>	102.5 FM

## SENATE CONTENTS

WEDNESDAY, 19 MARCH

Committees—	
Legal and Constitutional Legislation Committee—Meeting .....	9641
Iraq.....	9641
Matters of Public Interest—	
Cullen, Dr Kevin and Mrs Diana.....	9675
Hayes, Mr John Michael Patrick .....	9677
Howard Government: Performance.....	9679
Howard Government: Performance.....	9682
Fishing Industry: Queensland.....	9682
Education: Gifted and Talented Children .....	9685
Ministerial Arrangements .....	9687
Questions Without Notice—	
Iraq .....	9688
Iraq .....	9689
Iraq .....	9690
Iraq .....	9690
Australian Defence Force: Security.....	9692
Iraq .....	9692
Iraq .....	9693
Iraq .....	9694
Iraq .....	9694
Drought.....	9696
Defence: Equipment .....	9697
Iraq .....	9697
National Security.....	9698
Information Technology .....	9698
Answers to Questions on Notice—	
Question No. 1154.....	9699
Petitions—	
Military Detention: Australian Citizens.....	9701
Iraq .....	9701
Iraq .....	9701
Tasmania: Telephone Directories .....	9701
Iraq.....	9702
Questions Without Notice: Additional Answers—	
Goods and Services Tax: Subcontractors .....	9702
Notices—	
Presentation .....	9702
Committees—	
Selection of Bills Committee—Report.....	9704
Business—	
Rearrangement.....	9707
Leave of Absence.....	9708
Committees—	
Employment, Workplace Relations and Education Legislation Committee—	
Extension of Time.....	9708
Notices—	
Postponement .....	9708
Iraq.....	9708
Committees—	
Finance and Public Administration References Committee—Reference .....	9708
Indigenous Affairs: Copyright .....	9709

## SENATE CONTENTS—*continued*

Disability Services .....	9709
Taxation: Fringe Benefits.....	9710
Health: Pharmaceutical Benefits Scheme .....	9710
Committees—	
Economics Legislation Committee—Meeting .....	9710
Legal and Constitutional Legislation Committee—Extension of Time.....	9710
ASIO, ASIS and DSD Committee—Meetings .....	9711
Tobacco Advertising .....	9711
Tobacco Sponsorship .....	9711
Defence: Cluster Bombs .....	9711
Notices—	
Postponement .....	9712
Environment: Genetically Modified Crops.....	9712
Committees—	
Employment, Workplace Relations and Education Legislation Committee—	
Extension of Time.....	9712
Budget—	
Consideration by Legislation Committees—Additional Information.....	9713
Committees—	
Public Works Committee—Report.....	9713
Scrutiny of Bills Committee— <i>Alert Digest</i> .....	9714
Treaties Committee—Report.....	9716
Documents—	
Commonwealth Day .....	9717
Sport and Recreation: Swimming Australia .....	9717
Auditor-General's Reports—Report No. 33 of 2002-03 .....	9717
Indexed List of Files .....	9717
Departmental and Agency Contracts .....	9718
Committees—	
Membership.....	9721
Dairy Industry Service Reform Bill 2003 .....	9722
Primary Industries (Excise) Levies Amendment (Dairy) Bill 2003—	
First Reading .....	9722
Second Reading .....	9722
Taxation Laws Amendment Bill (No. 4) 2003—	
First Reading .....	9725
Second Reading .....	9725
Budget—	
Consideration by Legislation Committees—Reports .....	9726
Superannuation Industry (Supervision) Amendment Bill 2002—	
Report of Superannuation Select Committee .....	9726
Corporations Amendment (Repayment of Directors' Bonuses) Bill 2002—	
Report of Economics Legislation Committee.....	9726
Iraq.....	9726
Adjournment—	
Multiculturalism .....	9796
France .....	9798
European Union.....	9798
Information Technology: Internet.....	9799
Employment: Work for the Dole .....	9801

**SENATE CONTENTS—*continued***

Documents—	
Tabling.....	9805
Tabling.....	9805
Questions on Notice—	
Drought—(Question No. 909).....	9808
Industry, Tourism and Resources: Energy Policy—(Question No. 1136) .....	9808



*Wednesday, 19 March 2003*

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

### COMMITTEES

#### Legal and Constitutional Legislation Committee

##### Meeting

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

That the Legal and Constitutional Legislation Committee be authorised to hold a public meeting during the sitting of the Senate today, from 10 a.m. to noon, to take evidence for the committee's inquiry into the Customs Legislation Amendment Bill (No. 2) 2002.

Question agreed to.

### IRAQ

Debate resumed from 18 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 SANTORO (Queensland)** (9.31 a.m.)—When I concluded last night in deference to the adjournment debate I was making the point of precisely why our relationship with regional neighbours was not being impacted heavily, as some assert, by the courageous stand that the government has taken on Iraq. It seems appropriate to make the point that, at the human level, the most important thing for Australia to do is to support the Defence Force personnel that we have sent to the gulf and, indeed, to make that support unconditional—and to support their families also. These are dark days but Australians have always looked out for their mates. After the Bali bombing, as I am sure we all remember, the Prime Minister told one bereaved relative that he had 19 million mates now. It would be appropriate to make the

point in the Senate today that each of the 2,000 courageous Australians in harm's way in the gulf has 19 million mates here at home looking out for them and also for their families.

We are doing what we are doing in the gulf, where the courageous have finally got the job of calling Saddam Hussein's bluff, because Australia has a courageous government and a courageous Prime Minister, who is a genuine national leader. The Prime Minister and his government note that it is all about government and not about opinion polls. Governments are elected to govern. This government governs from the front and Australians are indeed very fortunate to have the government and the Prime Minister that they have.

The argument has also been put that it is all about the United States getting its hands on the oil. That assertion was again put overnight by many commentators and particularly by fellow travellers opposite. Clearly the historical record shows that that is not true, because if this were the case the Americans would have gone in and taken charge of the oil in 1991 after the first Gulf War. The fact that they did not do so proves conclusively that it is not the oil that they are after. They are for a democratic system in Iraq that respects the integrity of government and, particularly, the integrity and personal safety of individuals in that nation. I would suggest that it is not the United States that is after Iraq's oil. Indeed, it could be the French—and I will say a few more things about the French in a minute.

It has also been put that we have no right to interfere in the internal affairs of another sovereign state. As a general principle, that is sound practice, but, beyond requiring Saddam to step down, leave Iraq and take his tarnished and murderous regime with him, we are not interfering. We are giving the Iraqi people a chance to lead normal lives and build a society that they choose to build. In fact, if you have a look at the Kosovo experience, where the USA and NATO—supported by Australia, I should add—went in to stop the ethnic cleansing of the Muslim population of Kosovo without UN approval, I did not hear too many of those people op-



posite, or indeed their friends that support them these days on this issue, objecting to that.

It has also been put that we are lackeys of the United States. We utterly reject that suggestion. The Prime Minister has made it crystal clear on many occasions that it is the Australian national interest that has driven our commitment to removing the threat to security that Saddam represents. Having said that, I am one of those in this place, together with other government members, who say that we are very proud to be part of and supporters of a very strong alliance with the USA. We have fought with them in every war since the turn of the last century, and this is one where I and the government believe we should be with them also.

It has also been suggested that our policy exposes Australia to a much heightened risk of terrorism. The Leader of the Opposition apparently believes this; there is no doubt at all in his mind. At his press conference yesterday he said that it would make us a target. Indeed, as the British Prime Minister said only an hour or so ago, the best way to head off terrorism is to deprive terrorists of the aid, assistance and acts of support that they get from rogue states such as Iraq. Iraq clearly is one such state that has the capacity and, as I indicated yesterday at the beginning of this contribution, a very strong willingness to assist terrorists and use weapons of mass destruction on its own people and also on its neighbours.

It has been put that an invasion of Iraq without new United Nations approval would be illegal. Again, clearly it would not. The Prime Minister has tabled and made available legal advice that what the United States and the coalition of the willing are doing in Iraq is indeed very legal. It would be legal under the United Nations' own provisions. Resolution 1441 provides for the option of using force. The Prime Minister, as I said yesterday, has tabled legal advice that confirms that force can be used. Indeed, it has been argued that there are 12 to 18 other resolutions of the UN that authorise the use of force in Iraq. Some people say, 'Then why did we support the passing of a new resolution by the Security Council?' Again, the

logic is very simple and it is very compelling: if more nations, including those that make up the Security Council, had said to Saddam Hussein that he had come to the end of the road and that he had to absolutely disarm and divest himself and his nation of weapons of mass destruction—if that additional resolution could have been put up and passed—it would have given even more moral force to what the United States, Australia and Britain, the coalition of the willing, are doing in Iraq. It simply would have put more pressure on Iraq. Indeed, we might not have been going to war with Iraq if that resolution had not been sabotaged.

It has been put that an invasion of Iraq without new UN approval would be in breach of the statutes of the International Criminal Court. There is no need to spend too much time on that point because, again, that claim is clearly wrong. The International Criminal Court deals with allegations against individuals, not countries. Indeed, if there were any issues under these international statutes, they would be dealt with if those issues arose in Iraq.

It has also been put that what we are doing can be and is being construed as anti-Islam. This has been portrayed in that way by some people because it suits their political argument and their political imperative but, as the Prime Minister, Prime Minister Blair and President Bush have stated, the dispute is not with Islam and it is not with the Iraqi people; it is with Saddam Hussein. It is in no way an argument against one of the world's great religions, one practised by a large number of Australians. I have been contacted by eminent members of the Queensland Muslim community who have expressed their concern about possible community reaction against members of the Muslim community as a result of the Australian government's attitudes towards Iraq. The Prime Minister and every other member of the government have gone out of their way to reassure the Muslim community that they have our support, that they are embraced as members of the Australian community and the Australian nation, and that this government, like I hope others opposite will do, will do everything in its power to make sure that there is no dis-

crimination against the Muslim community of this country because of what is happening in Iraq.

I want to talk briefly about France. There is absolutely no doubt in my mind that France is a wrecker. In particular, it is a wrecker of NATO, a wrecker of the UN and a wrecker of the UN Security Council process. In fact, France rejected the concept of a further UN Security Council demand to Saddam Hussein even before Iraq did. The arguments put forward by the French foreign minister Dominique de Villepin represent an epoch of infamy for French diplomacy. The narrowly national self-interest of France in particular and of Russia and Germany has neutered the United Nations and the Security Council process.

I suggest to the French that they really need to remember that their country's global security interests are served best by France remembering who came to their assistance at such a huge cost in blood in two world wars in the 20th century, when dictators, despots and leaders of rogue states—in that case, Germany—were in charge. I remind the French, and in particular the President of France and his foreign minister, that there are 34,000 Australian casualties from both world wars commemorated in France either in burial grounds or on memorials to the missing. There are 474,000 British dead similarly remembered. There are 75,000 American war dead buried in France and Belgium from both world wars. The French would do well to remember that. Indeed, many French do remember—a surprising array of very different political viewpoints in France are at odds with President Chirac, his foreign minister and those who have neutered and sabotaged the UN, NATO and the various processes that were inherent to the effective operation of those world bodies.

We now come to Labor's position. I do not want to labour—no pun intended—the point too much about their position because they really have three public positions. Those positions have been outlined by other speakers in this debate. There is the Crean position, the Rudd position and the supine position. Labor would prefer to do nothing about Saddam Hussein, the man who has ignored

the United Nations for 12 years. The Leader of the Opposition says that he will continue to argue for Australian forces to be withdrawn, even if they are fighting at the time. He said yesterday, 'This is a sad day for Australia.' On that point I agree with him; he is absolutely right. The unfortunate thing for Mr Crean is that he made it so. The unfortunate thing for the Labor Party in the Senate, in the other place and across Australia is that they support him. They support what I regard as a treacherous attitude at a time of great national need and at a time of great requirement for a common, united national front to an issue that is threatening the world, that is threatening world security and that, if it is not addressed, will threaten our own national security in due course.

Mr Crean says that we owe our greatest ally nothing in the way of material assistance at this time, because nothing has happened that triggers the terms of the ANZUS treaty. Here is a man looking for an excuse to do absolutely nothing. He says that there is no threat to America, no threat to its troops and no threat to Australia—the things that would trigger the ANZUS provisions. He says that the Prime Minister is besotted with the United States. Clearly, the opposition leader is a man who has run out of ideas and is running out of time. The great tragedy for this nation is that here is somebody who pretends to be the alternative leader, the alternative Prime Minister and the person to whom he wants Australians to turn.

I do not normally talk about polls but it is interesting to see the polls of the last few days—the reliable polls, those that election after election clearly point to the actual election results. Despite the fact that on the surface the majority of people who are voicing an opinion—and I say the majority of people who are voicing an opinion because I believe that there is a real silent majority out there in Australia that appreciates the dignified, certain and inspirational leadership of the Prime Minister on this issue—are not really saying anything publicly, when they are interviewed and, more importantly, when they go out to vote at the next election, they appreciate that leadership should not be poll driven. Leadership should be leadership that is based on

principle and on a belief in doing what is right for a nation, and in this particular case in relation to this particular issue the Prime Minister has clearly demonstrated the leadership that the Leader of the Opposition cannot demonstrate, because he lacks conviction, he lacks principle and he clearly lacks a united Labor Party, some of whose members, I understand and I believe, are willing to go down the line that the Prime Minister has gone down but unfortunately, because of the strictures of that party, they cannot express that. I support the Prime Minister and I support the Australian government in what it is doing in Iraq.

**Senator KIRK (South Australia)** (9.47 a.m.)—Yesterday our Prime Minister committed Australian soldiers to a risky, unjustified war and started to write a dangerous new chapter of our nation's history. Australia is now defying the international community, failing to allow the UN processes to take their course and heading down the path of unilateralism and uncertainty. This is the first time that Australia has become involved in a significant military conflict without bipartisan support. The Australian Labor Party realises the seriousness of this issue and has formed its policy for reasons that the vast majority of Australians know to be true. Our natural instinct in matters involving our troops is to participate in bipartisanship. However, the serious flaws in the government's argument for war in this case cause us to depart from our usual path. In this conflict Australia will be the aggressor in a war against Iraq.

The case for war has not been made by the Australian government. John Howard has presented no evidence to suggest that there is a connection between Iraq and the September 11 or October 12 attacks on innocent Australians. No evidence is available to suggest that Iraq poses an imminent threat to Australia or Australian lives. John Howard has given no convincing case to support the government's decision to predeploy troops to the Persian Gulf. Nor has he given any clear justification as to why he is so stridently supporting the United States in its decision to act as part of the coalition of the willing in its unilateral strike, which is now only hours

away. The simple fact of the matter is that George W. Bush calls, John Howard picks up the phone and off we are to war.

The decision by the United States—and with it Australia—to abandon the United Nations process was made on the weekend on a small island in the Atlantic. It was made by three nations. Australia was not one of them. Presumably, either as a sign of irrelevance or submissiveness, our Prime Minister was not even invited to this meeting. Despite this, the Prime Minister's enthusiasm to jump at the chance to follow President Bush's request to him yesterday—to join in the coalition of the willing in its strike against Iraq—was not hampered. No advice of this announcement was given by the Prime Minister to the Leader of the Opposition, Simon Crean. It seems that this government's decision making process in foreign policy matters has reverted to blindly relying on the assessment of the United States administration. There is no doubt that Australia's commitment to this war was made a long time before yesterday. We in this chamber know this and the Australian people know this. John Howard has not been honest with the Australian people. He has not been upfront with the Australian people about the commitments he has made to George Bush either at the time of the deployment of the troops or now.

Our primary objection to this decision that forms the basis of the motion before the chamber is that the United Nations will not have authorised this war. It will be a war against the wishes of the majority of the elected and permanent members of the Security Council. The Secretary-General of the United Nations, Kofi Annan, has stated that legally a strike by the coalition of the willing against Iraq will breach the UN Charter. Of course, the UN Charter is a fundamental part of international law and it is embodied in Australia's domestic legislation. This war is wrong. It is wrong because it is legally wrong, it is morally wrong and it is tactically wrong. It is wrong because it will endanger many countries around the world, including our own, with increased terrorism and insecurity.

Although we in the Labor Party are vehemently opposed to the government's decision to go to war, we fully support the Australian troops who have been directed by this government to go to the front-line in Iraq. The troops leave with the knowledge that, while debate over the action of this government rages, they will have the complete faith of the Australian community and the parliament. Their actions will be to act to succeed lawfully in their objectives, in the tradition of the many brave men and women who have gone before them. The Australian troops know that they will always have our full support. They are in no way at fault. It is the government that is at fault. To use the Prime Minister's word, our 'beef' is with him.

Consistently since April last year the Australian Labor Party has said that there should be no military action against Iraq outside the authority of the United Nations. John Howard says that this war is justified by previous resolutions of the Security Council but, unfortunately for the Prime Minister, the great body of world legal opinion stands against him. Previous Security Council resolutions do not authorise member nations to use their military forces to invade Iraq. Resolution 1441 paved the way for the resumption of weapons inspections in Iraq. It is clear that these inspections have been a success. The inspectors are disarming Iraq peacefully. These inspections should be continuing, but they have been stopped—not by Saddam Hussein but by President Bush. Despite all the faults of the first Gulf War, it was fought with the consent of the United Nations. Former President Bush, whom I do not often quote, said it was a chance to create:

... a world where the rule of law, not the law of the jungle, governs the conduct of nations.

Terrorism must be fought and Iraq must be disarmed, but not by disregarding the principles of justice and order that we all value. The last Gulf War was fought to uphold international law and the United Nations Charter. This Gulf War, when it occurs, will be in defiance of these principles and these pinnacles of the international system.

Labor believe that the international community must disarm Iraq and Saddam Hussein. However, we believe that this must be done within the processes of the international system and must be done through exhausting all possible peaceful means. This has not happened. Australia's interests depend upon a strong international system where the rule of law is paramount. Australia should ensure that this system is maintained so as to secure world security. This has not happened. Australia should have its greatest international concern in this region. This has not happened. The Prime Minister should have been honest with the Australian people and the Australian troops. Again, this did not happen.

We all know that the government decided a long time ago to go to this war. The Prime Minister's so-called 'peace mission' last month, his statements on international law and yesterday's morning phone call were all just a farce. President Bush exposed Mr Howard's cover-up, openly admitting many months ago that Australia was a member of the so-called coalition of the willing. Then there was the leaked memo that demonstrated that the foreign affairs minister told the New Zealand High Commissioner that he knew that troops could not be withdrawn from the gulf now.

War should only ever be a last resort, especially when it involves not a country you are defending but a country you are invading. The truth is that the time for war has not yet come. This is why the United States could not plead its way to a majority on the Security Council. Weapons inspections are working. Weapons are being found and then destroyed. Spy planes now cover the skies of Iraq. Saddam's presidential palaces are now accessible. Recently, the United Nations chief weapons inspector, Hans Blix, called the destruction of al-Samoud missiles a significant achievement. He said:

We are not watching the destruction of toothpicks. Lethal weapons are being destroyed.

Labor believe that, instead of blindly following the United States, our government should be championing the cause of giving the inspectors a finite period to disarm Iraq. Multilateral inspections have legitimacy and

would have had every chance to succeed. However, Bush, Blair and Howard have now ruled this out. Labor believe that this peaceful method of disarmament had every chance of success. All it needed was more time and a commitment from the United States to support it. Labor created the United States alliance and Labor still passionately believe in it and are fully committed to it. We know that it must be one of the central pillars of our foreign affairs policy, but not the only pillar. The ANZUS alliance was never framed to support a war such as this. It was an agreement based on defence, not on aggression, and was formed with the full support for the authority of the United Nations, which has now been bypassed.

Australia must have its own foreign policy. We cannot be solely subservient to the assessments of another country. We must look to our region as most important and direct our relatively small forces to regional security. We must also respect the United Nations. Australia helped to form this organisation, and I dearly hope that Australia will not contribute to its downfall. The United Nations provides middle sized nations, like our own, with the opportunity to be heard and to contribute to world affairs. To go to war now is a reckless and unintelligent decision that will potentially destabilise the international system and with it the international community.

The law of the United Nations Charter exists as much to keep a check on large powers as it does on smaller ones. Were the United States to begin an invasion based on past breaches of Security Council resolutions, it would—to give a frightening example—theoretically justify attacks on Israel for their doing likewise. A world in which any member nation can decide on the merits of an invasion is a dangerous situation, and it could lead to rogue nations gaining confidence. It is the Security Council itself that must decide how to exercise its broad powers. Putting the decision into the hands of individual nations gravely threatens the collective security arrangements which Western nations have aimed to establish since World War I. The breakdown of that original system, the League of Nations, exposed how

large overreaching states must have checks on their powers. For Australia to go to war now will expose our country as a target in our region and will question the legitimacy of an institution we must rely on.

It is fitting that parliament should coincidentally sit at this time. It is very important that the representatives of the Australian people should have the opportunity to scrutinise the executive's decision to go to war and the ramifications that this will have. It is more than clear that the Australian people do not support the government on this issue, despite Prime Minister Howard saying yesterday that he speaks on behalf of Australia. The largest rallies ever seen in Australian cities demonstrated the will of our people. In my state of South Australia, some 100,000 men, women and children—young and old—marched in Adelaide streets to voice their protest against the government's action. To ignore this public anger is a great failure. John Howard will eventually learn the extent of his misjudgment. Unfortunately, by then it may well be too late, and it might be too late for some of our Defence Force personnel. They may pay the price for this government's arrogance.

Labor would support action in Iraq if there were a second resolution of the Security Council—a resolution which specifically authorises force. To date, no such resolution exists. The United Nations Security Council, charged with the responsibility to maintain the peace and the security of the world, did not see the urgency to call an immediate end to diplomacy and inspections. Australians have consistently not been told the truth and they are angry about their government's willingness to defy the international consensus.

The actions of this government are irresponsible and will see a heightened chance of a terrorist attack on our country or on Australian interests overseas. The majority of Australians want us to stand by the United Nations. If the government has a problem with the processes of the United Nations, it is wiser to suggest reforms to the United Nations rather than to simply ignore it. As I said in my last speech on the subject, without the United Nations much more than the future of

Iraq is in doubt. Three countries are about to put the future of our system in doubt, and they do not have the support of the Australian Labor Party. I urge honourable senators to support the opposition's amendment to the motion before the chamber.

**Senator MURPHY (Tasmania)** (10.02 a.m.)—I intend to speak only briefly in this debate on Iraq. It is unfortunate, in many respects, that we are having this debate now. As I said in the previous debate on a motion put by the government dealing with the issue of Iraq, it is a debate that we should have had some time ago. I think given the commitment by the Prime Minister, it is a debate that we should have had some time ago in order to allow this parliament to at least express its view as to troop involvement in any invasion of Iraq—either United Nations sanctioned or action taken in another form. This action is currently being described as the coalition of the willing.

It is certainly no new news that Saddam Hussein is a dictator of the worst kind, and that he has continued to be in breach of United Nations Security Council resolutions for a long period of time. I think that is an unacceptable situation. Whether or not we have ended up in this position as a result of a failure of United Nations processes is a matter for debate. I do not have the expertise to express a view one way or the other, but the fact is that something has failed.

Some of the other countries involved in the processes of the United Nations probably need to have a long hard look at themselves, in terms of their involvement with both Iraq and Saddam Hussein. France is certainly one country that needs to analyse its position with regard to the role that it has played in the UN Security Council. We could lay blame in a number of areas as to why the processes have failed; the fact is they have failed. The government has now taken a decision that we will be a participant in the removal of Saddam Hussein from Iraq. Having taken that decision, the government has put our troops in a difficult position. From my point of view, I can do nothing other than to support the process that is now in place. The fact is that the troops are there and they need to be supported, despite the

fact that, in my view, the government has in many respects misled the Australian people.

It is unfortunate that the Prime Minister did not allow the parliament to have this debate some time ago. In terms of the amendments that have been proposed, I would suggest that some people should look at things that they have said in the past. I do not believe that the UN resolutions referred to in paragraph (d) of the motion moved by the government necessarily provide clear authority. Again, I have to say that, from a legal point of view, I am not an expert in that field. However, from a layman's point of view, having read resolutions 678, 687 and 1441, I have difficulty in finding where there is a clear mandate for what is, in a sense, unilateral action being taken by some countries, though not all of the countries.

I have some difficulty with the government's proposition. Given that a difficult decision has been taken and that our troops are committed, I think that they need to be supported. It is very difficult to see a debate taking place after the decision has been taken and after our troops are already in the Middle East. We would be placing them in an untenable position if we were to recall troops from the situation now. I think that is something that we cannot contemplate, in my view, and I will not support any call for that.

I would just hope that if war proceeds—and this now seems inevitable—it will proceed in a way that gets an outcome because I believe frankly that Saddam Hussein should depart from Iraq and Iraq would be much better off in the long term if he were to do that. It is clear from factual evidence and from history that he has not served his country well. However, if we were to look around the world there are a number of other dictators who probably—and do—fit into the same box as Saddam Hussein. I sometimes find it interesting that even with regard to Zimbabwe, we do not take anywhere near as strong a stance against someone like Robert Mugabe who has clearly, albeit not to the same extent perhaps, conducted the same pattern of treatment of people in Zimbabwe as Saddam Hussein has in Iraq.

As I said, I am not going to speak for very long. I find it difficult in terms of us having

this debate at the moment. It should have been held some time ago as was promised by the Prime Minister. I will totally and fully support the troops that have been deployed and I totally support their families here. They have been put into this position by a government decision—rightly or wrongly—and I am sure that they will do the job that they have to do. It is unfortunate that we are having a political debate with them in the middle. I had hoped that we would have had this debate earlier and that we would not have put the Australian defence forces in their current position—making them almost a political football. From that point of view, I will not be supporting the amendments proposed by Senator Brown and by other parties, although I do have some difficulty with regard to the government's position. The decision really is not a sound one and it creates some difficulty for me.

**Senator WATSON (Tasmania)** (10.10 a.m.)—The opposition amendment to the motion, that there should be an agreed United Nations Security Council resolution, is unnecessary. In fact, there may have been some credibility to their argument if the latest resolution mooted by the United States and Britain had actually been presented and either defeated or vetoed. However, in the absence of a new resolution, the original resolution, No. 1441, remains valid and the authority of the United Nations by which we commit Australian troops to Iraq is present.

It is not only a request of the USA but also a request of the larger world community that Iraq disarm their weapons of mass destruction. It is just too risky to allow Saddam Hussein to maintain production and storage of these weapons especially in the light of Saddam's track record in relation to ignoring the rest of the world over a period of 12 years on all issues, including human rights issues. The Iraqi government has committed widespread and gross human rights violations including arbitrary arrests of suspected political opponents, execution of prisoners and the forced expulsion of Kurds and Turkmen from Kurkuk and other districts. Known or suspected political opponents living abroad have been reportedly frequently

targeted and threatened by Iraqi government agents.

Economic sanctions imposed on Iraq by the United Nations Security Council in August 1991 remain in force. The Security Council adopted a resolution expanding the oil for food program and setting up a new weapons inspection system, proposing the suspension of the sanctions for a limited period following compliance by Iraq with the provisions of the resolution. But the Iraqi government has rejected the proposal.

Five Republican Guard officers were reportedly executed on 29 December 1999 after being accused of complicity in the alleged attempt to murder President Saddam Hussein's younger son. Numerous executions of political prisoners, as well as of those convicted of criminal offences, were apparently carried out as part of the government's prison cleansing campaign involving several prisons. In March, the opposition Iraqi communist party centre for human rights submitted to the United Nations special rapporteur on Iraq details of 223 executions that it said were carried out between 12 October 1999 and 9 March 2000. They included 26 political detainees executed on 26 November 1999 and a further 26 executed on 27 January, all in a prison near Baghdad. The majority were Shia Muslims, some of whom had been held without judicial process since 1991 on suspicion of having participated in the March 1991 uprising. The bodies of the victims were reportedly buried in mass graves somewhere near the prison.

Iraqi security forces continued to target suspected supporters of the Ayatollah Muhammad, a leading Shia cleric who was assassinated in February 1999 together with his two sons. In March, scores of Shia Muslims who had fled Iraq earlier in the year and in 1999 told Human Rights Watch that they had been repeatedly interrogated and in some cases detained and tortured. Some of those detained were relatives of prominent clerics or students who were arrested shortly after an assassination. Twenty-two of those arrested soon after the murder were tried by a special court. On 13 May, at least six, all students of religion, were sentenced to death and their homes were demolished. Other de-



fendants received sentences of life imprisonment or lesser terms. In October 2000 it was not known whether the death sentences had been carried out. Some of their relatives were also arrested and tortured.

Iraqi intelligence agents have targeted political opponents who have fled Iraq, threatening and intimidating them or arresting and torturing family members who still remained in the country. The former chief of staff of the Iraqi Army's Sixth Armoured Division, who fled to Jordan in 1995, received a videotape showing the rape of a female relative by intelligence personnel. Rape, or threat of rape, has long been used in Iraq as a punitive measure against opponents to extract confessions or information or to pressure them into desisting from antigovernment activities. Iraqi political exiles living in Europe and elsewhere consistently report having been threatened with arrest or the execution of their relatives if they did not return to Iraq or abandon opposition activity. Also, asylum seekers in Jordan, Syria and other countries report being under surveillance by Iraqi intelligence agents.

The government continued its enforced expulsion of Kurds and Turkmen from some districts as part of its 'Arabisation' program. Those expelled included individuals who had refused to sign so-called nationality correction forms introduced by the authorities prior to the 1997 population census and requiring members of ethnic groups residing in these districts to relinquish their Kurdish or Turkmen identities and to register officially as Arabs. The Iraqi authorities also seized their property and assets, and those who were expelled to areas controlled by Kurdish opposition forces were stripped of all possessions and their ration cards were withdrawn. The total number of those expelled since 1991 is estimated to be over 94,000, according to Kurdish opposition sources. On 28 June, two staff members of the United Nations Food and Agriculture Organisation were shot dead in Baghdad and seven others were wounded, reportedly by an Iraqi identified by the authorities as Fowad Hussain Haidar. He said he had carried out the attack in protest of the United Nations imposed embargo.

The overall humanitarian situation in Iraq remained dire despite the expanded oil for food program. In his 10 March report to the Security Council on the operation of the program, UN Secretary-General Kofi Annan noted that 'an excessive number of holds' continued to impede the relief program. These included holds on the contracts in the water and sanitation and electric power sectors, which, he stated, were a major factor impeding progress in the area of public health. In his most recent report of 8 September to the Security Council, the Secretary-General noted some improvements in this area but said that 'infrastructural degradation' of water and sanitation systems was being exacerbated by 'the absence of key complementary items currently on hold and adequate maintenance, spare parts and staffing'. As regards the electricity sector, the report stated that the 'entire electricity grid is in a precarious state and is in imminent danger of collapsing altogether'. The overall provision of health care and services was said to be in 'steep decline'. This assessment was supported by the findings of the United Nations and other humanitarian agencies.

In a report published in December 1999, the International Committee of the Red Cross said that the sanctions have had a 'devastating effect on the lives of civilians' and that, while the oil for food program has alleviated their plight, 'it has not halted the collapse of the health system and the deterioration of the water supplies, which together pose one of the gravest threats to the health and well-being of the civilian population'. In a report published on 13 September the FAO said that, while existing food rations, combined with market food purchases, have 'halted further deterioration in the nutritional situation, they have not by themselves been able to reverse this trend'. It concluded that acute malnutrition among children under five had decreased only slightly from the 12 per cent recorded in 1995 and that at least 800,000 children under five were chronically malnourished.

But Saddam's contempt for his own people is not a new thing. Since the beginning of the 1980s hundreds of thousands of Kurds and Shi'a Muslims have 'disappeared' and



their cases remain unresolved. In a campaign of mass arrests and killing of Shi'a activists, Ayatollah Baqir al-Sadr and his sister were executed in 1980. In 1983, 80 members of another leading Shi'a family were arrested, and six—all of whom were religious leaders—were executed. In 1987-88 the Anfal campaign of attacks on Kurdish villagers had Amnesty International estimating that more than 100,000 Kurds were killed or disappeared during the period—and those figures are from Amnesty International. In the last 18 months a number of prominent Shi'a Muslim clerics have been killed in Southern Iraq in circumstances suggesting that they might have been extrajudicially executed, possibly by government forces or forces acting on government orders.

Every day in Iraq Kurdish people and other ethnic minorities within Iraq are suffering at the hands of Saddam Hussein and his brutal supporters. Based on this evidence and Iraq's shocking human rights record, we can no longer accept that one day Saddam will do the peaceful thing and disarm his weapons of mass destruction. It is the holding of these weapons of mass destruction that is the problem. It has already been 12 years and, with the spreading threat of terrorism, it is time the world stood up and put a stop to the stockpiling of chemical and biological weapons. It will not happen otherwise.

In 1998 Saddam utilised mustard gas and nerve agents against the Iraqi Kurds at Halabja in Northern Iraq. According to Human Rights Watch up to 5,000 people were killed and 10,000 or more were injured. The use of chemical warfare is Saddam Hussein's method of controlling his civilian population. This man must be stopped. Saddam ensures that there is no-one else with power in Iraq. Members of the opposition abroad have been the targets of assassination attempts conducted by the Iraqi security services. Army officers are vital informants for Saddam's regime, and any officer suspected of having ambitions outside serving the Iraqi President is immediately executed as a pre-emptive action against those Saddam feels may pose a threat to him.

I certainly would prefer to see a peaceful resolution to this crisis, and I know that the

rest of Australia would as well. However, it is only through the support of the allied troops, the coalition of the willing, that as dangerous a man as Saddam Hussein will be stopped. Even most Iraqi refugees here in Australia admit that, although they do not want conflict and they pray for the lives of their relatives still in Iraq, war is a small price to pay for the end of the Saddam regime. Just this morning we hear that Iraq has cut telephone services to the country, so refugees around the world cannot even contact their loved ones back home to see if they are dead or alive. There have also been suggestions of potential Iraqi defence force defections in the event of war. Recent allegations also suggest that Saddam's own head of defence is currently under house surveillance. If Saddam cannot even trust his own defence minister and there are doubts about the loyalty of those outside the Republican Guard in the defence forces, then the problems within Iraq are more troublesome than show on the surface.

Saddam Hussein was given a peaceful alternative to end the tension and adequate time. Then he was given adequate time—48 hours—to leave the country and to allow for peaceful disarmament. But to demonstrate his lack of compassion for even his own people, he has declined, stating he was 'born in Iraq and will die in Iraq'. When he shows such contempt for his own people, how can people even believe that one day Saddam Hussein will magically turn over a new leaf of consideration and peacefully disarm his weapons, hopefully before they get into the hands of terrorists? How quickly some people have forgotten the destruction and tragedy that a terrorist act such as the Bali bombing can have on our own lives. How many have forgotten the brutal invasion of Kuwait by Saddam's forces?

I read in the *Daily Telegraph* this morning a letter from Richard Stannard, of Cremorne Point, whose sentiment touched me and whom I would like to quote:

Like all sentient human beings, I want peace. I, too, treasure the wonderful life I have, with my freedoms to say and do as I want, when I want ... Then I remember that I would not have this life had not others stood up to the maniacs of history. Whenever good people have chosen not to fight

tyranny, the tyrants have had their way. Hundreds of millions of people have paid for that mistake with their lives. We will only be able to choose "peace" when we have found a way to control madmen.

The writer goes on to conclude:

... our choice is to perpetuate the instability of the world through continued inaction, or to choose instead to work towards true world peace by eliminating those who threaten that peace.

I support the government's motion to deploy troops to Iraq. There is a legal and a moral authority for that. In closing, I would like to take this opportunity to wish the best of luck to our defence forces and all others who are involved in this potential conflict. I hold the greatest respect for, and express gratitude to, those people who are serving our country. I strongly support our military personnel in the wider sense and will be praying for their safe return home as quickly as possible.

**Senator HUTCHINS (New South Wales)** (10.26 a.m.)—I do not think anybody on this side would disagree that the dictator in Iraq at the moment is a very evil man and should be removed. My party have been consistent in that position since this became more of an issue. For nearly a year now, we have maintained the position that has been placed before the Senate in the Faulkner amendment—that is, that any action that needs to occur in Iraq needs to have the authority of the United Nations. Of the five points in the Faulkner amendment, four refer to our need for the involvement of the United Nations. The fifth, as you know, Mr Acting Deputy President Macdonald, says:

... expresses its confidence in our servicemen and women and our full support for them and their families.

Labor have been consistent since 22 April last year in our position on this issue—and why wouldn't we? We are the oldest political party in this country and we hold that there is a means by which to resolve international disputes without conflict. That has been our position as a party from the time the League of Nations was formed until the time the United Nations was formed, and it has been our position consistently in almost all conflicts in the last 50 years.

It is with regret that our party sees the collapse of diplomacy on this issue. It is very much with regret that we acknowledge that men and women, whether in uniform or not, at some point within the next week are going to be killed because of the invasion by, or the actions of, the coalition of the willing. It is regrettable that that is about to occur, because we believe that there has been an opportunity for diplomacy to be given at least one more chance. You will see from our amendment to the motion, Mr Acting Deputy President, that we are not unilaterally ruling out military action against Saddam Hussein and his regime. As I said, we are being consistent and clear in the Faulkner amendment in saying that action must be taken under the aegis and the authority of the United Nations. We have not backed off from that and we have not been anything other than consistent as a party in the last half century. If it is going to be the case in the next few days that military conflict occurs, then it is a diplomatic disaster and no-one can know the results.

Can you tell me, Mr Acting Deputy President, that if the Saddam Hussein regime is removed we will see the end of state sponsored terrorism? Maybe. Can you tell me that we will be closer to eliminating the leaders of terrorism if this regime is removed? Maybe. Can we ensure by these actions in the next few days Saddam Hussein's removal? Can we say that terrorism will cease? No. Can we say that the conditions that have led to the rise of this terrorism will be destroyed and eliminated? No. Can we say that radical Islam in all its forms will retreat and try to engage the world in a civilised manner? No.

There are too many noes that cannot be sustained by the actions that are about to occur. We must realise that for at least maybe our lifetimes, and maybe our children's lifetimes, some form of terrorism—the sort of action we have seen in the last few years, on September 11 and in Bali—is going to be with us. Unless we go to the root causes of those actions, we are going to be left with them. The actions that are about to occur within the next week will not eliminate terrorism, will not eliminate radical Islam and

will not eliminate the conditions that have led to their rise. That is why my party and I say this must be addressed through diplomatic means. As I have said, we are not saying that we will not support military action; we are saying that we will not support military action unless it is authorised through the United Nations. We have been consistent with that.

If there is a problem with the United Nations, then bodies like Australia, the United States and other nations should deal with it. I must say that I find it offensive that France is one of the five permanent members. There is a case, of course, for the United States and the United Kingdom. There is a case for Russia and China, but is there for France—a declining colonial power when it was installed on the United Nations Security Council after World War II? There is an argument for Germany to be one of the permanent members, or Japan, India or one of the African or South American nations. But, if there is a problem with the United Nations, let us reform it. Let us not slag off at it and say that it has failed; maybe we have failed because we have not taken it as seriously as we should have. As a result of their actions in the next week, Prime Minister Howard, Prime Minister Blair and President Bush will have marginalised any sort of future actions. As I said, if there is a problem with the nature of the United Nations, it should be dealt with. There are many things that one could say about President Chirac. I imagine coalition speakers will mention his notoriety at some point, so I will leave it to them to give President Chirac a moral work-out.

A number of the peace demonstrators have unfortunately decided to become involved in some sort of childish anti-Americanism. We, on our side, are not anti-American. In fact, of the parties in this country, we embraced the American alliance long before Sir Robert Menzies got out of his British bootstraps. It was us; it was Prime Minister Curtin who went to FDR and did a lot to ensure the security of this country.

**Senator Kemp**—Tell Mark Latham that! Tell Lindsay Tanner! Don't tell us!

**Senator HUTCHINS**—It was not Prime Minister Menzies; it was not your conserva-

tive coalition mates. They were still waiting for their knighthoods from Great Britain to drop off the back of a trolley. This anti-Americanism is childish, puerile and unproductive for the people who want to see a result to the issue of Iraq. We have had a robust relationship with the Americans for over a century. I remind senators that we have been involved in any number of conflicts in the last century—two of them world wars. On both occasions during those world wars we signed up immediately Britain went to war. Our American allies, as they became, did not enter World War I until 1918. They entered World War II after Pearl Harbor. In fact, we have not always had a strong diplomatic relationship with them; sometimes we have had to act against our own interests.

In Dr Gregory Pemberton's book, *Australia's Road to Vietnam*, there is a memo from the Kennedy administration to the Australian government in 1963. You may recall that after World War II the Indonesians gained independence from their Dutch colonial masters, but that was only for the Indonesian islands; it was not West Papua. Australia and the Dutch were at that time quite insistent that West Papua should at least be given some opportunity to be an independent nation. However, because of the communist regime in Jakarta and the actions of the Soviet Union at the time, the Kennedy administration was concerned that the sale of arms to the regime in Jakarta would endanger their South-East Asian strategy. We, along with the Dutch, agreed to let West Papua be incorporated into Indonesia. We are now seeing, as the government knows, a number of independence movements springing up in West Papua, which is causing us some very great difficulties in our relationship with Jakarta. I will quote the Kennedy administration memo to Australia. It says:

We must sell them (Australia) the proposition that a pro-Bloc (if not Communist) Indonesia is an entirely greater threat to them (and us) than Indonesian possession of a few thousand square miles of cannibal land.

We did not agree with the Americans. I do not think it was in our long-term interests to do that. We did at the time, and I think that

diplomatically we will pay for it at some point.

We have had that robust relationship with our American allies. We were there with them in Vietnam but the British were not. The British had a lot of protests against American involvement in Vietnam. This was at the height of the Cold War and the NATO alliance between the US and the United Kingdom. I said that our position has been consistent and clear, and we have taken that position for nearly a year now. I believe the case has to be put that there is no reason now for diplomacy to continue, because diplomacy is about the only opportunity that we would have had to avert the bloodshed that is about to occur.

I want to finish on a quote from probably the English-speaking world's greatest general, the Duke of Wellington. In his prime ministership after Waterloo, he said:

Take my word for it—if you had seen but one day of war, you would pray to Almighty God that you might never see such a thing again.

I think that position has passed for us, and that is sad.

**Senator CARR (Victoria)** (10.40 a.m.)—The majority of Australians are truly appalled by the recent events that have gripped this country and the United States. I think the majority of Australians have displayed a seething anger, a seething outrage, at the government, which they see has needlessly put Australia's young people and our place as a country at risk. There are many aspects of tragedy associated with these events, but perhaps some of the most profound tragedies go to the fact that this Prime Minister seems to have so little understanding or sense of the immense danger that he has inflicted upon this country. The Prime Minister's decision to commit Australians to blindly follow the United States in this unnecessary and illegitimate war marks the terminal failure of this government as well as the abject failure of American diplomacy.

The commitment of troops, should war break out in the next day or so, has essentially followed the demand by the United States President. It runs directly contrary to Australia's national interests, and it is a pro-

found betrayal of the Australian people. Despite the very best efforts of the government's spin doctors and the extraordinary support that has been lent by the sycophantic coverage of the Murdoch press, it does seem to me that there is an inescapable fact associated with this matter, and that is the failure of this government to understand its place within our region and its place in terms of the relationship between this country and the people of the United States.

The enormous resources that are available to the United States at this time in history leave you in awe. There are extraordinary opportunities available, to be taken if one chose, to work for peace and to work for a genuine liberation of the peoples of the world in terms of addressing the fundamental causes of terrorism, poverty, social distress—all of which have been ignored by a group of people who have seized the United States machinery of government.

It pays to remember that we would not now be faced with this war scenario if the events in Florida during the last presidential election had turned out differently. In my judgment, the world is now faced with a war due largely to, amongst other things, the fact that the government of Florida prevented a number of people from voting in the last presidential election and imposed certain machinations which meant that the votes were counted in a certain way that saw the narrow election of the current president. But the essential failure stemming from that event has been with the United States war strategy itself. Courtesy of the ABC's *Four Corners* program last week, we know that there has been a group of people, a small clique of unelected ultra conservatives, who have surrounded the United States Oval Office and have captured the thinking of the machinery of state within America. They have worked on the assumption that there has to be a war with Iraq, and they have made that point perfectly clear since the events that led to the attack on the World Trade Centre. There is a proposition put in an open letter that was sent to the United States after September 11. It said:

... even if evidence does not link Iraq directly to the attack, any strategy aiming at the eradication

of terrorism and its sponsors must include a determined effort to remove Saddam Hussein from power in Iraq.

Donald Rumsfeld and Paul Wolfowitz have been at the centre of a predetermined strategy of war which we have now been drawn into. So that is another aspect of this tragedy. The failure of the United States government—and, by extension, the failure of the Australian government—lies in this predisposition to wage war irrespective of the legitimacy or the morality of undertaking such action. There has been a culpable failure to convince international public opinion of the justice of the agenda of reshaping the Middle East, trying to reshape the world in America's image, attempting to bribe and buy their way through the United Nations and, of course, attempting to cajole and abuse those who take a different view.

There has been a complete and abject failure in the attempt to link the war on terror with the current regime in Baghdad. No matter what one thinks of that regime, there has simply been no evidence presented that the fundamentalists who are the linchpin of the terrorist assaults of recent times are linked to the secular regime in Baghdad. Whatever crimes they have—and they have many—I do not believe the evidence has been presented to make that connection. This is an age when language is consistently debased. We see this in the rhetoric of President Bush. When he says, 'The United Nations has abrogated its responsibilities, so we must rise to ours,' it rings particularly hollow.

In response, the Labor Party's view is that we have to be very clear, consistent and unequivocal in our language. Labor are opposed to the war against the Iraqi people. Labor are opposed to the invasion of Iraq. Labor believe that this war is wrong and is not in our national interest. Labor argue that there remains a better alternative and that the disarmament of Iraq can best be achieved through the United Nations process. We oppose the use of military forces and we urge their immediate withdrawal. However, our argument is with this spineless government, not with our troops. Our defence forces have shown often throughout our history that they are

able to see more clearly the national interest than are a number of politicians who have sought to pursue vain military glory. I am reminded of the votes that the front-line troops took in the conscription debates in 1916 and 1917, when they quite explicitly rejected the overtures of the Prime Minister of that day when he sought to impose military conscription on Australians.

It is important to recall the statements of an extraordinary number of very senior military officers who are recently retired and therefore able to speak out, representing the Army, the Navy and the Air Force. As well, there are very senior public servants—even persons that have been obliged to resign their position to speak out on these issues. Paul Barratt, the former Secretary of Defence; Major General Peter Gration; Admiral Alan Beaumont, a former Defence chief; Admiral Mike Hudson; Major General Peter Phillips: we have a whole series of people who have indicated very deep reservations about the war-fighting strategy of this government. That tells me that there is something terribly wrong, that it is not just the opinions of the overwhelming majority of Australians that sense the error of the government's position on this. There are people in a position to actually know the day-to-day operations of our military who understand that this is not the way forward.

What we are watching is the unfolding of a new domino theory—in reverse, in a sense: a doctrine of military pre-emption that, it seems to me, has not been thought through and that has profound consequences for the security of the people of the world. I ask myself: who is next? Where do we go from here in this position? It is not just the fact that we are going to attempt to impose a new military government on the people of Iraq; but what are we going to say when it comes to the so-called other points on the 'axis of evil' that President Bush has identified? Does it mean that we are now being signed up for a war in Syria, Iran or North Korea?

What is our position with regard to Pakistan? Everyone understands it is very unstable and at the point where, at any time, it could be seized by a group of people who do share the aspirations of the fundamentalists

who we say have been the basis for the so-called war on terrorism. What then do we do with a country which clearly has genuinely demonstrated that it has weapons of mass destruction? What are the consequences of the actions that we are now seeking to follow? What are the consequences with regard to Indonesia, which many people have suggested clearly has a very serious issue in terms of dealing with folk that take a very strong view with regard to Australia's place within the region? What action are we taking in terms of demonstrating our attitudes in this region?

It strikes me that there is a list of possible blunders and mistakes that arise from this that are almost endless. Equally disturbing is the prospect that somehow or other we have some humanitarian mission which involves the destruction of Iraqi society. In the name of humanitarianism, we are now going to be bombing schools and hospitals. We are going to destroy their infrastructure, we are going to undermine their telecommunications systems, we are going to impose upon them a view of humanity, all in the name of humanitarianism. They say that politics is sometimes comical, but surely nothing could be more comical than the prospect of trying to defend these actions in the name of humanitarianism.

We are told that United Nations resolutions carried 10 years ago legitimise the actions being taken today. Clearly, that is not the view of the overwhelming numbers within the United Nations. Equally, we are told that the action is being taken in terms of resolution 1441, which was passed last year. At the time, it was explicitly said by the number of countries that supported it that it did not provide justification for pre-emptive and unilateral action. It seems to me that these arguments simply do not wash. When it comes to the issue of where we stand, Kofi Annan, Secretary-General of the United Nations, has made it perfectly clear that action taken without the explicit support of the United Nations is clearly illegitimate and in breach of the UN charter.

When it comes down to it, we are now being asked to embark upon a military adventure of profound consequence to the peo-

ple of this country and possibly of ultimate consequence to the young people we are asking to actually undertake it. We are asked to do so for the most spurious of reasons, with little thought having gone into the consequences of it. I am reminded of people such as Robin Cook, who made an extraordinary speech to the House of Commons the other day. He highlighted the fact that, when it comes to this issue and we look at the strategy that has been pursued to date in terms of the containment of Iraq, the overwhelming body of evidence is that that strategy has worked. He said that, on the understanding of what weapons of mass destruction are and the capacity to deliver weapons of that nature, there was no justification for the actions that have been taken. So we have to ask ourselves: given the level of threat that is posed by Iraq, is this action that is being asked of us now justified? On all the evidence I can see, there is no basis for such a war.

I think we have to come to the point where we say there is a diplomatic weakness in what is being proposed and that the government has resorted to the age-old social Darwinist theory that might is right. I think, as Robin Cook made clear:

History will be astonished at the diplomatic miscalculations that led so quickly to the disintegration of that powerful coalition—

of nations that was formed around the war on terrorism. It strikes me that we now have a situation where Australia's direct interests are being challenged by the reckless actions of this government. I am told—and the Liberals on the other side of the chamber have made this point over and over again—that one should not have an infinite patience when it comes to the processes of the United Nations. I ask the next speaker from the Liberal Party to tell me about resolution 242 that was carried 30 years ago. That was the resolution that went to the issue of the Israeli occupation of the various territories around Israel. What action has been taken on that? Why do we not have the same level of impatience when it comes to UN resolutions on other parts of the Middle East?

Equally, I am told that one should be concerned about the Iraqi people's humanitarian

rights, and that is something I strongly support. But I ask myself: why is this claim coming from a government that sends people back to that regime that is so abominable? It is so abominable that we have no hesitation in trading with them; it is so abominable that we say that we do not have any really strong objections to the fact that it was the United States and the United Kingdom that provided the foundations for their biological and chemical military capacity. We had no objections to this horrific regime when it was fighting for the interests that the West thought were appropriate in the war against Iran. And when it comes to the Kurds, what do we say with regard to humanitarianism in the north of Iraq? Our view is simple: we say that so long as it is the Iraqi regime in Baghdad behaving badly, we are opposed to it; but if it comes across the border from Turkey and the human rights of the Kurds are threatened by Turkey, we are not quite so interested in pursuing that.

There are high levels of cynicism and opportunism being exploited in this matter, and it seems to me that the issues are of such profound importance to the future of this country that there ought to be much more careful consideration given to them by this government. I have no doubt that the Australian people, who seem to have a very good sense of this, are ignoring what this government is saying. They are ignoring what the Murdoch press is trying to get them to accept because the overwhelming majority of Australians understand the profound folly that this government has embarked upon and that it has committed this country to. I feel particularly distressed that this government has put our young people at risk. I think particularly of our young people who travel, I think particularly of our young people in the armed forces and I think about the future young people in this country who will have to live in a region and understand and cope with the consequences of this government's actions.

It is the Australian Labor Party that have made clear the direction we should be taking with the United States. We understand the nature of that relationship. It was a relationship created through a Labor government; but it was not, and it never has been, predi-

cated on the presumption of subservience—not to a nation, nor to a group of people who have captured the regime in the United States. With all the capacities the Americans have, they ought to be using their enormous wealth and talents for the preservation of peace, not for pursuit of war. (*Time expired*)

**Senator SCULLION (Northern Territory)** (11.00 a.m.)—I rise to speak in support of the motion of the commitment to the coalition in the gulf. I do so because part of my role in this place is to ensure the enduring security and safety for the children of Australia. I say 'children of Australia' because protecting their future is far more important and a bigger focus for me and my work in this place. I note that, in terms of some of the suggestions from the other side, it is all about protecting the future from certain risks. Certainly the motion identifies quite clearly what the core of this whole issue is about. Paragraph (b)(iii) states:

that, as more rogue states acquire them—

referring to weapons of mass destruction—

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;

It is very clear to me that this is a very laudable task and a task that should be undertaken. It should not be resiled from because it may be a bit hard at the moment. From the outset I would like to place on record that I would not support any military action in Iraq unless I thought that it was the single remaining action that would secure peace and security in the region. We have clearly reached that point. It has been demonstrated quite clearly by previous speakers from this side that we have now reached that point and that all other options have been exhausted.

I, like many other Australians, have hoped in vain that years of sanctions and rampant diplomacy would make some change—perhaps a single act of contrition, a single act of compliance from Saddam Hussein—but unfortunately they have not. It would appear that Saddam Hussein has never intended to dispose of his insidious weapons of mass destruction. In fact, he has embarked on a calculated program of deception and con-



cealment of his stockpiles of biological weapons and most likely he has continued to produce and purchase other weapons that are flagrantly outside the specifications as stipulated by the United Nations. We suddenly get this picture of this contrite dictator who says: 'I don't know where we have had the al-Samoud missiles for the last 12 years. I have a big backyard. Maybe they got lost in the rubbish somehow. I don't know how we possibly missed those.' We have gone into this vintage Iraqi stalling tactic of him saying: 'Now that I know that we have got them here and we know we are in noncompliance, we might disarm those one at a time. We might only do six and then say that we are not doing any more unless you take away these committed people who I am in fact taking some notice of for the first time in 12 years. Can you go away and take the pressure off me? Then maybe I will destroy a few more.' These are the absolutely insidious disingenuous actions of an individual who has had absolutely no interest whatsoever in disarming and adding to the peace and security in that region and in the global community.

Much of the opposition to the military action in Iraq has been centred on the need to pursue diplomatic or other options to disarm Iraq. I notice that Mr Rudd, in that other place, continues to stand up and say, 'We need more diplomacy.' He is likely to say that we need more diplomats, isn't he? He is from that school of thought in any event. It is a school of thought that has comprehensively, throughout the world and on both sides of politics, failed to deliver a single outcome with regard to this matter. It does not matter what we have done; every single country in the world has said to Iraq, 'You are doing the wrong thing. You have to change.' We have reached the point where every time the United Nations sends a single message to Iraq saying, 'We want you to comply,' Saddam Hussein will say, 'Give me more time.' That is what he wants; he wants people to give him more time. Do you know what the people from the other side of this chamber are saying? They are saying, 'Give him more time.' He has had 4,402 days to comply. Are we going to give him more time? Are we going to give him more diplo-

macy? Are we going to have a little chat? That is what he wants. He says: 'Give me a bit more time. I have to get a few more things organised. I need a few more chemical weapons. I need a few more biological weapons. Let's just string this out a bit more. On the TV every night, I'm on a horse—a white charger. I love it. What I want the community to do is to give me more time and keep having a chat. I love it. It's tremendous.' And so the solution that has been offered from the other side of this place is to give him what he wants: give him more diplomacy, give him more time.

If you are talking about seriously dealing with this issue, you are going to have to get a bit more comprehensive than that. You are going to have to show a bit of mettle. I think that that mettle has been demonstrated by a number of countries around the world. We talk about unilateral action by the United States of America, and we somehow frown and say that a single state moving forward is inappropriate. As I understand it, over 40 countries are now taking action against Saddam Hussein. Not just Western countries but Arab countries are involved in providing personnel and equipment and also providing supportive personnel—medical experts, transport and logistics assistance, access to bases and air space. Some of those countries are Afghanistan, Albania, Britain, Bulgaria, Colombia, the Czech Republic, Denmark, El Salvador, Eritrea, Estonia, Ethiopia, Georgia, Hungary, Italy, Japan, South Korea, Latvia, Lithuania, Macedonia, the Netherlands, Nicaragua, the Philippines—it just goes on and on. Spin the global ball—they are all there.

We should not be referring to the coalition of the willing; we should be referring to the coalition of the unwilling—those people who are not prepared, because they do not have the mettle, to do what needs to be done. We had a leader of the coalition of the unwilling: France. A couple of little jokes are always around the halls, and one that is completely in context at the moment is this: how many people does it take to defend Paris? The answer is we don't know; we have never tried. They are not the sort of people you would seek advice from about whether we should



go to war. General Schwarzkopf said, 'Taking France to war is a little bit like going deer hunting and taking a piano accordion.' We are looking to those countries and saying, 'Look, we have found one person who is part of the coalition of the unwilling. They do not want to participate, so we will hold up.' Do you know what France said? They said—and it is important to remember these words—'Under no circumstances will we support military action in Iraq.' It was amazing that the very same words from the Leader of the Opposition in the other place were 'under no circumstances will we support'. It is about as sophisticated as saying, 'No war.' How sophisticated is that? This is a comprehensive and sophisticated challenge that needs comprehensive and sophisticated answers.

People have said that there is going to be collateral damage. In their hearts, when they hear the word 'war', all Australians know that there is going to be collateral damage. No Australian wants us to go to war. No Australian wants a single person to be injured if it is unnecessary. But there are always consequences of doing nothing. It might make you feel a bit more comfortable—that is, by looking around and doing nothing we might not get into trouble—but it has another consequence: the tens of thousands of lives that are being lost around Iraq every year and the horrific events of history that have been associated with Iraq will continue to happen. By doing nothing we are endorsing the continuing deaths of thousands of people. There is always a consequence of doing something—even nothing. I certainly do not support doing nothing. It astonishes me that people from the other side are saying, 'Let's do nothing. Let's do what he reckons we should do: diplomacy, more talk, more time.' To my mind, if we do nothing, for the world that is far too high a price to pay.

Those on the other side seem to believe that the repeated and deceitful breaches by Iraq of its agreement to disarm weapons of mass destruction and its deployment of chemical weapons against domestic and foreign adversaries would be best resolved by having more inspectors and more time. Seventeen subsequent resolutions have all been

ignored. I thought, 'Isn't this fantastic?' Eventually they tried to persuade the coalition of the unwilling to participate. They actually tried to persuade them by saying, 'Come to the war; we can see that something needs to be done; nothing has worked; all of us should get together.' That was not to say, 'We need to somehow legally endorse this completely illegal action that is being taken.' It was simply to say to Saddam Hussein: 'This is more leverage. This is serious now, because we have the coalition of the willing and the coalition with a bit of ticker. This is going to happen, mate, so you had better take some notice.' Iraq is a rogue nation with a history of destroying neighbours, invading unilaterally and having probably the worst human rights record since the Khans and their historical moves across Asia.

Saddam Hussein's association with terrorism has been spoken about a lot. People have said, 'You can't demonstrate that he has some sort of weapon of mass destruction and that he is going to use it against someone.' I tell you what, if we could, we would be over there doing the business—doing what people with mettle do. We would be bringing the force of international law to the terrorist and we would be making sure that those weapons did not arrive there. So to ask us to suddenly prove something that we would not be doing something about is just a little bit lame.

People may not be able to demonstrate that Saddam Hussein is a terrorist or that he has an association with terrorism but have a look at the history of Saddam Hussein. Have a look at his life. I certainly recommend the reading of his biography—it is not for young people; it is quite horrific. He behaves as a terrorist. He is happy to hang people—Jews—like grapes around Federation Square until their heads fall from their bodies because he had a bad hair day. That is the sort of bloke he is. If you are telling me that he is not associated with terrorism, well perhaps not, but I can tell you now that, if he believes that he can achieve his goal in any way, he will not resile from it. That may mean saying: 'I don't particularly want to be associated with this, mate, but there are a few people over here who are a bit cross with the United States. Maybe I can just lend you one

of those things I left in my backyard. I will have a bit of a sneak around over here. I am not really sure where anything is but you never know what you will stub your toe on.'

The clear message is that, if we ignore the UN, wait long enough and keep going on, there will always be a coalition of the unwilling who do not have the mettle. The message is just to hang in there; they will not do anything. Well, Saddam, the time has ended, because there is a coalition of the willing. It is a huge coalition, and that coalition is determined to ensure the security and future not only of Australia but also of the rest of the world.

I was absolutely disgusted—in fact, I had to check that it was correct—when I heard that some sections of the Australian union movement are contemplating a supply blockade similar to the shipping strikes during the Vietnam War. It does not matter what personal opinion you hold about the war; our defence forces have gone there because they are under orders. It is as simple as that. The coalition of the unwilling, supported by the other side in this place, are now saying, 'Now you're over there, we don't want to attack the soldiers; we don't want to attack the brave young men and women of our defence forces.' Where is the consistency? They say, 'We don't want to attack them but we're happy to support our mates in the union movement who say, "Crack on, guys. Just do it without water. See if you can do it without any bullets. Sorry about your fuel, but crack on and have a good time."' It is absolutely offensive.

Members of the Australian defence forces are heroes and warriors—it is as simple as that—and they should be recognised as such. Any attempt to cast them as villains and murderers and to say, 'I'm going to block your supplies because you are obviously not doing something that is worthy or reasonable,' is absolutely untenable and it should never be tolerated. I notice that many people, particularly those on the other side, are saying, 'We're not attacking the defence forces per se,' but, if you consider what happened in the era of the Vietnam protests, you will see that they were not attacking them either. But they vilify them by saying, 'We don't accept

the leadership who simply decided that they are going to war. From that point on, it is a done deal; it is happening.' To vilify that whole process is a vilification of our defence forces and I believe that that is unacceptable and unconscionable.

I think that the unions should perhaps go back to the union mantra—if they can remember it—of 'united we stand, divided we fall'. It is all about sticking up for your mates. They should take a close hard look at the commitment displayed by their comrade the British Prime Minister, Tony Blair. There is a bloke with a bit of mettle. He does not run away when it gets tough. He does not shirk from a decision and say, 'It's a tough one today. I am sorry but I will just handball it to someone.' International global security is at risk and what does he do? He does not say, 'Pop on a blue ribbon—it will be right: have a bit of a chat and have a different position for political reasons.' He said: 'There's a job that needs to be done. I am going to be proudly part of the coalition of the willing, because this must stop.' I am very proud of that man. I thought that was tremendous. I cannot believe his politics but here is somebody whom I have to admire, because he knows what the right thing is to do and he is prepared to do just that.

This war is not an attack on Islam; it is an action designed to remove a despotic regime. To this end, I have spoken to the leaders of the Islamic community in the Northern Territory and reassured them of the government's position and intention. I have also extended to them an invitation that, if any vilification happens in my electorate, in my beloved Territory, they have my personal 24-hours-a-day, seven-days-a-week number and I will ensure that the full force of the law comes down on the heads of those who seek to vilify the good, beautiful Australians who are equally supportive of the coalition of the willing.

Finally, I would like to acknowledge the Australian defence forces, especially No. 75 Squadron, whose members are normally based at Tindal in the Northern Territory. They have family and friends back home and I am sure they all wish to return home when their job is done. I would like to say how

proud I am of them and extend to their families the pride that we should feel about the professionalism under which these men and women do their work. Whilst they are an incredibly important part of our defence system, it is an issue—a very interesting issue—that it does not matter what sort of aeroplanes we have; for example, whether we have the new HUD 2.1 equipment or whatever your particular taste is for bits and pieces in aircraft. The reason that the Australians are the very best is that we have the very best people sitting in those seats. That is that four or five per cent difference between us and the rest of the world. Those people do not need to be distracted from their task; those people need to be simply encouraged. They have been called upon to stand and fight for what is right and just and to assist in making the world a better place.

I have three children and I am very concerned about their capacity to travel, to live in Australia and to have the same life as we have, living without fear; it is so important. One of the reasons I came into this place was to create a safe and good environment for my children. I believe that we have to have the mettle to say very clearly, 'Saddam Hussein has to be stopped.' Everyone is agreed on that but some say, 'We don't like that option.' They have not put up any other options. This man has had over 4,402 days of opportunity to do something. If he had done just one thing, we would have been impressed. But right up to this moment, unless we had deployed the forces and gone in there with a show of military strength, he would not have even complied by allowing weapons inspectors back into the country. This coalition of the willing is the only way to make this world—particularly Australia—a safer place into the future. I am very proud to be part of the coalition of the willing.

**Senator NETTLE (New South Wales)** (11.19 a.m.)—As we stand here talking about this motion on Iraq, there are people who one week from now will be dead because of decisions that have been made here. The vast majority of those who will die will be ordinary people in Iraq who, like you and me, treasure and enjoy life. They participate in their local community. They revel in the

everyday joys of life. They laugh, they sing and they play just like ordinary Australians. This is why Australian people have no quarrel with the Iraqis. They are people like us. We feel connected with them, we understand their fear for their families and we empathise with their pain. This is the raw fact that the Prime Minister has lost sight of. War is about people, not abstract concepts. War is about the deaths of ordinary men and women, not about maintaining strategic alliances. It is people who will suffer, it is people who will die and it is people who are being asked to do the killing.

People are the victims of war, but ultimately it is the people who can and will resolve this mess that our so-called leaders have created. Ordinary men and women around the world have responded to this very human reality. We have seen millions of people around the world come out onto the street and reject this war and its humanitarian consequences. People have literally poured onto the street to show their support for the people of Iraq. Indeed, a new superpower has arisen over the last year—and it is not the US and it is not George W. Bush. The superpower that has been born in recent world politics is public opinion. This unprecedented movement is not controlled by the usual political mechanisms of parliaments and politicians, yet it alone has turned George W. Bush's arrogant plan to bully and bluster the world into war into an enormous US diplomatic failure. This superpower, which has already achieved so much, will continue to grow. If there is to be any good to come out of this war, then it will be this power that is responsible, not our governments.

In Australia, wherever Prime Minister Howard goes in public, he is reminded that the people of this wonderful country say that he does not speak for them when he sends Australian men and women off to another war in the gulf and, perhaps, to their deaths. We support the troops, but we do not support Prime Minister Howard. When he sends troops to the gulf, he does so in the name of Mr John Winston Howard only and in the shadow of George W. Bush. I was with hundreds of Australians last Sunday, who were

making their voices on this issue heard by Prime Minister Howard. They were saying to him, 'You do not speak for us.' With me in that crowd were elderly war veterans, who were wearing their medals as a reminder to John Howard of the horrors of war. There were young families, there were new Australians and there were elderly women who have been the stalwarts of the peace movement in their local community.

Mr Howard underestimates the power of the Australian people at his own peril. War is a fundamental and unforgivable stain to leave on the conscience of the Australian people. We will not forget the Prime Minister's actions and we will not forget the horrendous consequences. Prime Minister Howard requested yesterday, in his televised press conference, that the Australian people have their 'beef with him'. We will do that at the next election—have no fear and have no doubt. The peace movement has strengthened its voice. As this country steps into war, we will be strong in our determination to see Australia bring home the troops; meet our humanitarian responsibilities in this war; enforce accountability for every civilian death, as occurs for military deaths; and be part of a renewed commitment to peaceful multilateralism.

The focus of the peace movement so far has been to stop this war, and there have been tremendous successes along the way. Those who expressed muted dissent when the United Nations passed resolution 1441 have been emboldened to stand up and more strongly refuse a second resolution. A host of countries and leaders around the globe have found the courage to speak out against the most powerful nation in the world, because of the support offered by millions around the world. What once appeared likely to be an international, UN-endorsed coalition to wage war has now been whittled down to just the United States and its dazed lackeys—three morally bankrupt governments who are no longer enjoying the support of their people.

The peace movement will call loudly for an immediate end to war. That call is based on a vision for peace that is driven by justice, not by the rule of might. We will continue to call for justice—the justice that demands that

those who make war must face their responsibility for the ongoing suffering of and disadvantage to innocent victims. This includes not only the injured and the traumatised individuals but also the crippled economy, the environment and the infrastructure of Iraq. Justice also means accountability for the decisions that have brought us to this point and for the politicians who have made these decisions.

It is clear that this war is both illegal and immoral. At the thirteenth hour, Prime Minister Howard is waving around his own minister's advice to say that it is all okay. Yet every day a growing chorus of legal experts, foreign governments and international bodies makes it clear that any legal basis to this strike is a sham. The Prime Minister who commits Australian troops to an illegal war is committing an illegal act. The Australian people know it and the world knows it. Justice demands that he be made accountable.

This war is a criminal waste of human lives, of vast sums of money, of natural resources and of the ongoing health and stability of a nation of people. It is also a tragic waste of a historic opportunity to take a different path. The Greens have repeatedly put forward a program for peace and long-term stability in the region, and ours is only one of the many plans on the table internationally that have been dismissed, ignored or misrepresented by this government, which has been bent on a predetermined course of action. We will not forget. We will not be drowned in a sea of misinformation. The vision for peace is clear even through the fog of war. Once this fog has lifted, the world will also see the consequences. George Bush's deceitfully called 'war of liberation' will inevitably bring a massive humanitarian crisis.

Mr Howard has been overenthusiastic about committing our troops to war, but he is dismissive about committing Australian resources to cleaning up the mess. Mr Howard's crocodile tears for the human rights of the Iraqi people only apply to the actions taken in the past. What about the actions that he is pursuing and advocating? He takes no responsibility for the human damage his own actions will cause in the present and in the future. This government spent \$12 million on

fridge magnets, which were returned by thousands of Australians who rejected its politics of fear. Yet this government proposes to spend just \$10 million on rebuilding a country it wants to destroy. The estimates of the cost of rebuilding Iraq vary, but a figure of \$150 billion would be conservative. Australia has committed one per cent of the military force, yet it wants to toss just 0.006 per cent for the humanitarian cost of a war. It is disgusting.

In the short term, our responsibilities to the people of Iraq include meeting the needs of a population that have been exposed to chemical contamination, radioactivity from depleted uranium, unexploded cluster bombs, psychological trauma, family breakdown and lost educational opportunities. All this compounds the damage caused to a generation by widespread malnutrition from a cruel sanctions regime. We are determined that Iraq will not be abandoned like Afghanistan, nor must it become a US client state. The autonomy and the dignity of the Iraqi people must be restored, despite the destruction they are about to suffer.

The most wide-reaching demand of the peace movement is for the restoration of an international system of justice and cooperation. This government has been complicit in nothing less than tearing up the compact that has kept the world from major conflict for the last 50 years. However flawed, the United Nations system has spared us the worldwide wars that plagued the first half of the last century. Yet this government is rejecting the principles of international law and multilateralism and is instead supporting the reinstatement of 'might is right' as the basis of international relations.

In supporting this principle, this government shows that it has forgotten the lessons learnt by the Anzacs and by all those who have lived through previous wars. It has betrayed the message of those who warned us from their own experience about the futility of war. This government is also responsible for the abandonment of any moral high ground that Western democracies have occupied over the last 50 years. How can we be proud of a peace-loving, fair go, democratic tradition when our government commits us

to a war of aggression against a massively weaker foe, against the wishes of its people and against the will of international law? As a rich, educated, peaceful country, we have a responsibility to act in broader global interests. In the past we have taken up this role, including playing a key role in setting up the United Nations system; now we are taking part in undermining it. This Prime Minister has made the decision to undermine this international framework without the support of the Australian people, without the vote of this parliament and in the face of overwhelming global opposition. But perhaps the greatest tragedy of this insane situation is the inability of the United States and its allies to believe in the people of Iraq.

Much has been said about the lack of alternatives to war, but never in this whole sorry story has the US genuinely invested in the power of the Iraqi people to decide their own destiny. Instead, through a cruel sanctions regime, supported by this government, they have starved and killed one of the brightest and most dynamic peoples of the world and left them at the mercy of a cruel dictator. The peace movement continues to believe in the Iraqi people. We say: lift the sanctions now, support democratic organisations, support human rights inspectors, and work with the international community to build a culture of peace in the region and hope for democratic change. If our warlike leaders had heeded this message 25 or 10 years ago and poured the same kind of resources that now fuel this war machine into people-centred solutions, who can say that the Iraqi people could not have been the agents of their own bright destiny?

War is not the only option and it never was. It is sadly ironic how profoundly the current disregard for democracy and the concerted attempt to dismantle multilateralism have backfired. Inspiringly, it has led to a revival of grassroots democracy, a renewed commitment from the overwhelming majority of the world's countries to negotiation and to multilateral forums. Despite the hypocrisy and the cowardice of our political leaders, the peace movement still stands for hope and the new people's superpower will not be silenced.

**The PRESIDENT**—Order! Senator Nettle, you are relatively new in this place, but I would like to bring your attention to the fact that it is not in order in this place to wear T-shirts with slogans. That has been ruled upon by former President Sibraa and former President Reid. I intend to uphold that ruling in future. I draw your attention to that so that you do not make the same mistake again.

**Senator Brown**—Mr President, I hope that you will uphold that ruling right across the board. Not too long ago, the defence minister brought a Crows doll in here and put it on the desk in front of him. That should have been ruled out of order: let's have some even-handedness.

**The PRESIDENT**—I agree that anything to do with the Adelaide Crows should be ruled out of order.

**Senator FERRIS (South Australia)** (11.39 a.m.)—These are testing times for all Australians. Absolutely nobody wants to go to war. To commit our troops to military conflict abroad is the hardest decision that a government can make and I, along with all members of the government, commend the Prime Minister on having the courage and the conviction to take this action to protect Australia's national interests and to ensure international peace and security.

Let us not forget Security Council resolution 678, which was adopted in 1990. In all the rhetoric that we have heard in this place over the last day or so, it is easy to forget that back in 1990 the Security Council authorised the use of all necessary means—not only to implement resolution 660, which demanded that Iraq withdraw from Kuwait, but also importantly to implement all subsequent relevant resolutions and to restore international peace and security in the Middle East.

Resolution 687, which provided the ceasefire terms for Iraq in April 1991, affirmed resolution 678. Security Council resolution 1441 confirms that Iraq has been, and remains, in material breach of its obligations, which is a point thankfully on which there is unanimous agreement. How many times do you ask somebody to agree with something that they agreed to do 12 years previously? Do you do it once, twice, 10 times or 18

times? At what point do you say that this person has no intention of agreeing with the original agreement they made with you?

It is now accepted that Iraq has carefully, systematically and in fact quite deviously defied the United Nations and the world for more than 12 years. We all know that Saddam has brought the world to the brink of war on numerous occasions only to offer infinitesimally small concessions that divide the world in their determination to bring this dictator to justice. Everybody agrees that there is a plethora of evidence pointing to the horrific nature of this regime; everybody agrees with that and everybody agrees that he should be brought to justice. He should be made accountable for murdering his own people. He should be made accountable for the Gestapo techniques of suppression and oppression of any opposition at all. He should be made accountable for his rape gangs. He should be made accountable for his support of terrorist organisations. His actions strengthen his supporters and weaken the determination of those who oppose him.

Women particularly have suffered dreadfully under this decade of a despotic dictator. The regime has a dedicated technical operations unit that uses rape and sexual assault for political purposes. In Iraqi prisons, women are routinely raped by their guards. Who will ever forget the shocking picture of Kurdish women and children who were gassed when Saddam Hussein used weapons of mass destruction against his own people? It should be indelibly printed on the minds of all those who saw those photographs. I simply cannot understand, and this government cannot understand, having waited as long as we all have and having tried appeasement and talking so many times over the last 12 years, how people in this country can still say: 'Give him another go. Let's try unilateralism. Let's try multilateralism. Let's try anything. Let's just not take a tough decision. Let's just flick it to somewhere else.'

We simply cannot continue appeasement. We cannot allow this man to continue to divide and to rule in the way that he has. How can we defend his activity? After the broader experience of his defiance over the last 12 years, this government is no longer prepared

to wait. We will not wait until the next breach of a UN resolution. We will not wait until the weapons inspectors discover that weapons of mass destruction can be hidden anywhere in this vast country. We will not wait until another human rights abuse is committed on another woman and nothing is done, and we will not wait while Iraq has the opportunity to stockpile and sell weapons of mass destruction. We will not wait any longer.

We simply cannot sit by and watch while this cruel and oppressive dictator continues to persecute his own people. He threatens the peace and stability of a whole region. We simply have to take action once all reasonable diplomatic initiatives have failed to eliminate the threat to international peace. I, for one, am not prepared to leave this obligation and this duty to my children or somebody else's children or some other country at some other time. How is the world going to deal with rogue states in the future if we continue to allow this man to stay in power? Should the world just send out a message to any rogue state that it is okay to flout international law and the United Nations? Should the world send out a message that it is okay for states to support and fund terrorist organisations? Should we send out a message that says, 'It is permissible to produce weapons of mass destruction and then sell them to the highest bidder?' The kind of oppression that North Korea is currently exhibiting is only the beginning if the world sees the United Nations yet again giving in to Saddam Hussein's excuses and manipulations. How can we not hang our heads in shame if we allow this situation to continue?

Some have argued that military action without the authorisation of the Security Council is illegal and contrary to international law. Our government has been provided with legal advice from the head of the Office of International Law in the Attorney-General's Department and the senior legal adviser to the Department of Foreign Affairs and Trade. This advice very clearly states that existing United Nations resolutions already provide for the use of force to disarm Iraq and restore international peace and security to the area. These resolutions are 678,

adopted in 1990; 687, adopted in April 1991; and 1441—so well known—adopted last year. This legal advice is consistent with that provided to Prime Minister Tony Blair by his Attorney-General.

This time last year I was in Kuwait as a guest of those very courageous people. Although Iraq after the war formally accepted Kuwaiti sovereignty and recognised the UN imposed border, Kuwait not surprisingly still views Iraq as a major threat. The Kuwaitis remain deeply distrustful of Iraq and its political intentions and, not surprisingly, have indicated that there will be no reconciliation with Iraq while this despot remains in control.

One of the more emotional visits I made during my week in Kuwait was to the memorial that has been built to the missing 609 Kuwaiti hostages, mostly civilians, who were abducted in the last days of the enemy occupation. None of these people—80 per cent of them civilians, 20 per cent of them military personnel and, believe it or not, some of them children snatched off the streets on their way home from school—have been seen since their disappearance, although their families whom we met optimistically referred to their loved ones as still being alive. There have been unconfirmed stories that these people are now interned in very primitive jails in Iraq, but for the families the wait is agonising. Our delegation could only share their grief at such appalling breaches of human rights carried out by this cruel dictator—and still sustained 12 years later, despite his undertakings to return these people to their homes and their families. This issue is the subject of two United Nations Security Council resolutions, UNSCR 686 and 687. Both of these resolutions commit Iraq to releasing, unconditionally, all detainees. But once again we see this despot totally ignoring these undertakings to return these people to their families and their homes, another example of a clear breach and defiance, a disregard for the United Nations, for the neighbouring country of Kuwait and for the rest of the world.

Further substantial damage to the economic wellbeing of the Kuwaiti community and, in an environmental sense, to the whole



world was the attempted destruction by the Iraqi forces of hundreds of Kuwaiti oilwells. The chief executive of the Kuwait Petroleum Company, Dr Sultan, told the delegation of the 727 oilwells set on fire by the fleeing Iraqi forces. It was estimated that these wells burned six million barrels of oil every day they burned. As well as the economic loss, can you imagine the burning wells' environmental damage? It was huge. These oilwells burned for months. They caused damage estimated to be \$21 billion.

The last burning oilwell was capped on 6 November 1991, 18 months less in time than the experts had predicted would be necessary—and thankfully so. More than 10,000 people took part in the firefighting effort and there were 27 firefighting teams. Let me tell you where some of those teams came from. Not surprisingly, they came from the United States and Canada. They came from Britain. They also came from France, they came from Russia and they came from China—fancy that! Those countries could find the expertise to go and help put out those oil fires, working alongside others from Iran, Romania and Hungary. What a pity it is that France, Russia and China have walked away from this challenge.

I do not want Australia to go to war and there is not a person in the government who wants Australia to go to war. Our Prime Minister does not want our country to go to war. There is no doubt that the Australian Navy forces, whom I have met during my time as a participating member of the Australian Defence Force Parliamentary Exchange Program, do not want to go to war. They would prefer not to be sent on operational duties, but they are very highly trained men and women who will serve this country with great pride. I have every confidence in their ability to take part in this military operation and to serve at a high level and with great courage. As I said at the start of my speech, to commit Australian troops to a military conflict abroad is the hardest decision that a government can make. I know that I speak for everyone on this side of the chamber when I commend the Prime Minister for his personal courage and his personal conviction in taking this action, which will

not only protect Australia's national interests but also ensure international peace and security.

**Senator ALLISON (Victoria)** (11.53 a.m.)—I am glad I was here for Senator Ferris's contribution to this debate. I think it is interesting that she now says that Saddam Hussein should be brought to justice and made accountable. We have mechanisms internationally for doing that. Slobodan Milosevic was brought before such a court—

**Senator Abetz**—As a result of NATO forces.

**Senator ALLISON**—and tried for those crimes against humanity, Senator Abetz. I would ask why it is that, since the worst of Saddam Hussein's crimes were back in the eighties, when Kurds were gassed by him—some say it was actually by Iran, but others say it was by him—at that time America continued to supply those weapons of mass destruction to Iraq. If we were so worried about it, why not do something at that time? But did the Australian administration of the time say anything? No. More than 10 years later, this is being cited as a reason to go to war against a country which is largely made up of children. Senator Ferris says that selling weapons of mass destruction to the highest bidder is what is going on. There is absolutely no evidence that Iraq is supplying weapons of mass destruction to anybody. In fact, we know it is Europe, we know it is the United States and we know it is the United Kingdom. They are the purveyors of armaments, of weapons of mass destruction.

Today I want to focus on the one aspect of this unnecessary and, according to international lawyers, illegal war against a country that has effectively disarmed that has been totally ignored by this government in the many debates that we have had in this place and outside, and that is the use of nuclear weapons. There are no weapons of mass destruction more dangerous than these devices. Our Prime Minister's lack of interest in the evidence which has constantly been put to him that nuclear weapons are seriously being considered by the United States in this war reminds me of a time 50 years ago when Australia so warmly welcomed British tests in this place. In the 1950s, then Prime Min-



ister Menzies did not even bother to mention to the Australian parliament or to the general public that he had given Britain permission to test its bombs on the Montebello Islands, off Western Australia. It has become very obvious that, at least as long ago as June last year, our Prime Minister did much the same thing. He gave President Bush permission to say that Australia would join the United States in attacking Iraq. The Australian public was not told and neither was this parliament. In the early 1950s, a year after agreeing to the tests, the Australian public was finally informed, but it was told then by the Prime Minister that the tests would cause no harm. Well, they did. Seventeen thousand Australian servicemen and civilians took part in 12 atmospheric tests in Australia in the fifties. Death certificates show that most of the 6,000 servicemen who died had died from cancer, leukaemia, heart failure or brain tumours, and almost half of them were in their 40s or 50s.

How many troops will be killed in this attack on Iraq? How many will be affected by exposure to depleted uranium? How many will be exposed to nuclear so-called bunker busters? They are the latest version of the small nuclear weapons that the British were so keen to test on our soil in the so-called minor trials, which I will come to later. What can we expect in terms of nuclear testing worldwide? In February a review was done of the Bush Nuclear Posture Review. It indicates that America is keen to test nuclear weapons again, stating:

Advanced concepts may drive a need or a desire for nuclear weapons tests ... It is unlikely that new weapons designs would be deployed without testing.

It is obvious that this line of thinking runs through a lot of this review. It says that the laboratories should be ready 'to readdress the value of a low-yield testing program to determine how might such a program increase confidence now'. One former laboratory director, Siegfried Hecker, said recently:

We're still able to sign these certification letters today—

about nuclear weapons—

but we can't do this indefinitely without testing.

We need to recognise that in this war nuclear devices and testing will be central to a lot of the arguments about where we are going. How many civilians will die from these United States weapons of mass destruction? We are all supposed to believe that Australia, in its bomb dropping, will avoid civilian targets. We are all supposed to believe that the tens of thousands of bombs that will be dropped on Baghdad will not kill children, who make up half of the Iraqi population. Mr Howard said yesterday, in answer to a question from the press, that he saw no reason to look at history. Had he done that, he might have realised that Australia's great enthusiasm for assisting Britain to become a nuclear superpower had serious repercussions for this country, as will his great enthusiasm for now assisting the United States.

That dogged fifties style—where no questions are asked of our great and powerful friend—is still with us here today. This lack of independent foreign policy and this kowtowing to the United States is galling and is dangerous, and is not in Australia's interests. The Prime Minister's dogged refusal to answer the most central and critical questions about our involvement in this war is not unlike the official secrecy, censorship and misinformation that was pedalled throughout the fifties in this country. Back then, Australia gave over large tracts of Aboriginal land in South Australia to the British. They used that land to test nuclear weapons and they left behind huge quantities of heavily plutonium contaminated debris, which now lies beneath a couple of metres of soil in a simple earth pit.

The 600 so-called minor trials at Maralinga, which produced far more radioactive contamination than the previous tests and conceivably circumvented the international agreement to ban atmospheric testing signed by Britain in 1958, left behind the most serious contamination at two sites that will not be cleaned up. They will remain hazardous for 100,000 years. The collateral damage has been, for us, huge tracts of land that remain contaminated despite the botched clean-up in 1999. Also, servicemen and workers were made sick and disabled, if they were lucky to survive at all.

Today is a day of deep fear and dread for our troops now in the Middle East. It is also a day of trepidation for the civilians of Iraq, who are caught up in this war that is not of their own making. And Australia has been caught up in causing global instability because of this unholy alliance. Are we entering a war that will be a nuclear war? By its actions, is America guaranteeing that rogue states, middle powers or Islamic states will decide that the only way they can prevent an attack from America and from Australia will be to arm themselves with nuclear weapons? George Bush has shown his total disdain for nuclear nonproliferation treaties. You would think that Australia's protest would be in the loudest possible terms about the possibility that nuclear weapons would be used in this attack on Iraq.

On 6 February, I put to the Minister for Defence 11 questions about this war which, I think, the Democrats and the Australian people are entitled to have answers to. Today is 19 March—six weeks later these questions have not been answered, along with 80 or so others that have been put by my colleagues in this place. I think the minister should be given an opportunity in this debate to answer those questions, since we are now on the cusp of this war. I draw attention to the state of the house in order that he now be given time to come down to the chamber to do just that. (*Quorum formed*) I note that Minister Vanstone has turned up but not the Minister for Defence, sadly.

I asked the Minister for Defence about President Bush's comment that the United States administration will use nuclear weapons 'if necessary'. The Prime Minister has said that he would not send troops 'if he believed nuclear weapons would be used'. I suggest that this ought not be some act of faith in terms of the Prime Minister's reliance on his own belief. Is our relationship with the United States so tenuous that the Prime Minister is afraid to ask this matter of the United States administration? It is public knowledge that on 28 January American nuclear weapons analyst, William Arkin, Senior Fellow at the Centre for Strategic Education at the Johns Hopkins University, said the US Strategic Command was compiling potential

targets with planning focused on roles for nuclear weapons, on underground facilities and on stopping nuclear or biological attack. Did we ask the United States to confirm this one way or another? Or do we just believe, like some strange notion, that it will not happen?

Despite our Prime Minister's belief, Ari Fleischer, the White House spokesperson, said in answer to questions about nuclear weapons in January this year that all military options were available. We have asked for details to be provided on the advice that the government has been given by the US administration about nuclear weapons—no response. We have asked for details of the proposed use of so-called bunker busters—again, absolutely no response. The United States STRATCOM review said 'nuclear weapons could be employed against targets able to withstand non-nuclear attack'.

We want to know what advice the government has been given by the United States administration about the proposed use of so-called bunker busters. Isn't it the case that these weapons are specifically banned by the United Nations, or does that not matter anymore? Does this question simply not arise in our willingness to be part of the coalition of the willing? Is it the case that this war is in fact not only about oil, as many say, but also about armaments? Is it about the fact that this may be an opportunity for the United States to test these weapons that they are so keen to use? There are certainly those who argue that this is likely to be the case, that so much is being spent on armaments during this war that this war is about the armaments business. This war is about testing those weapons that have been developed since the last war we had.

Will Australian troops be withdrawn if bunker busters or other nuclear weapons turn up unannounced? The Prime Minister might not believe it is going to happen, but what if it does? Will our troops be brought back? What is the deal with the United States, if there is one; and where are the guarantees to back up Mr Howard's belief? I believe that the Minister for Defence ought to be here today to answer these questions. Mr Acting Deputy President, I again draw your atten-

tion to the state of the chamber so that the minister may be given time to come here. (*Quorum formed*) Quite clearly, the minister has decided not to come.

In January, the United States administration announced that it intended to shatter Iraq 'physically, emotionally and psychologically' using 3,000 cruise missiles in the first 48 hours. I remind the Senate that that is 15 times the number of missiles that were launched during the 40 days of the Gulf War in 1991. The Asian peace mission in Iraq said this week that the effect of those 3,000 missiles would be rather like the nuclear weapons at Hiroshima. I think we need to remember that when we are talking about this attack on Iraq. We are speaking about a devastating level of armaments being used in this attack on Baghdad. We ask the government to tell us whether cruise missiles will carry depleted uranium or not and, if they do, how much. We know the results of the Gulf War in terms of the use of depleted uranium and how devastating that has been for Iraqi civilians, particularly children, in the wake of the Gulf War—the number of cancers has gone through the roof as a result of that material. But we have no idea whether our troops and Iraq will again face weapons which have depleted uranium in them. The classified document known as the National Security Presidential Directive 17 was leaked to the *Washington Times* recently and says:

The United States will continue to make clear that it reserves the right to respond with overwhelming force—including potentially nuclear weapons—to the use of [weapons of mass destruction] against the United States, our forces abroad, and friends and allies ...

The same directive, dated September last year, also says:

Nuclear forces alone ... cannot ensure deterrence against [weapons of mass destruction] and missiles ... Complementing nuclear force with an appropriate mix of conventional response and defense capabilities, coupled with effective intelligence, surveillance, interdiction and domestic law-enforcement ... will be necessary.

Much has been made in this place of Iraq's desire to have nuclear weapons, but at least it is a signatory to the 1970 nonproliferation treaty and, according to weapons inspectors and international nuclear agencies, is not

believed to possess a nuclear explosive device.

Our own Prime Minister said that a desire to have nuclear weapons was enough for Australia to join in an attack. The question I would like answered is: will our war inflame the Muslim world and result in a devastating attack on Israel? Will Israel retaliate with its own nuclear arsenal? Also secretive is Israel's development and stockpiling of at least 200 nuclear weapons. Israel, backed by the United States, refuses inspections of its nuclear capability.

Iraq is portrayed as a threat to world peace, but 16 countries world wide have or might have nuclear weapons, 25 countries have or might have chemical weapons, 19 other countries have biological weapons, and so on. According to weapons inspectors, Iraq has none. The International Association of Lawyers Against Nuclear Arms said recently:

Action to ensure the elimination of Iraq's weapons of mass destruction should be done in conjunction with similar actions to ensure elimination of other weapons of mass destruction in the region—including Israel's nuclear arsenal—and in the world—including the nuclear weapons of China, France, India, Pakistan, Russia, United Kingdom and the United States.

The Democrats agree with that and, unlike the Prime Minister, we do not have faith that this war will not be a nuclear war. From the dialogue coming out of the United States, it is clear that the Bush administration no longer sees the need to separate nuclear weaponry from conventional weaponry, and we need to know what the implications are for 50 years of containment of nuclear armaments in this world.

The Defence Authorisation Bill was reported in the *Sydney Morning Herald* last week as being sent to congress. This bill proposes to lift the ban on the development of nuclear weapons with an explosive yield of up to five kilotons. That is a third of the size of the atomic bomb dropped on Hiroshima in 1945. The Democrats want to know what the implications are of this legislation being passed. Have we warned the United States that this could set off a global arms race? Have we asked about the pur-

poses to which such weapons would be put? Are they designed for use to disarm Iraq? Will they be used in North Korea, perhaps? And will they be used in other so-called rogue countries like Iran? We have had none of these questions answered yet, and we have been kept in the dark in the same way that Australians were kept in the dark back in the fifties when they were not told about the nuclear testing in this country.

It is a shameful situation that we are now prepared to go to war against a country without answering those very basic, straightforward and critically important questions that have been put in this place. I urge the minister to answer those questions by the end of today. I think we are entitled to have answers to them and, more than anything else, our troops are entitled to know what they face when they go into battle in Iraq and start to attack Baghdad. But of course there are the women and children, as Senator Nettle pointed out. They have not done anything to deserve this fate. They know that possibly hundreds of thousands will be killed—perhaps more than that—and they know that a regime change may not make any difference to their fate. Senator Ferris talked about the abuse of women. (*Time expired*)

**Senator STEPHENS (New South Wales)** (12.17 p.m.)—I rise to support Labor's amendment and to add my voice to the growing chorus of Australians' dismay at the Prime Minister's action in committing Australia to war in Iraq and their dismay at the way in which he has deceived the Australian people for the past few months when he denied his early commitment of Australian men and women to a war that is both reckless and unnecessary. I believe that this policy of unilateral action without the endorsement of the United Nations is incompatible with Australia's national interest and Australian values. We are making a profound mistake, one that will have serious ramifications for Australians and the international community for many years to come.

As a relative newcomer to this parliament, I would never have conceived that the most serious of issues—that of committing this country to war—would be one that I would be contemplating and on which I would have

to vote so early in my career. It is certainly a heavy responsibility of this office, and one that needs to be taken in the context of an informed debate. I am sure its significance is not lost on the newest members of this chamber, Senators Santoro and Humphries, who will cast their first significant vote on this issue of national importance. However, I am not so sure about Senator Scullion and his disgraceful contribution to this debate this morning.

There have been many speakers both here and in the other chamber who have argued that we have no choice but to take action outside the framework of the United Nations and that not to take action would allow evil to win, that to act is to be part of the coalition of the willing. For those hundreds of thousands of Australians—'the mob', as the Prime Minister has called them—all it takes for evil to win is for good, decent folk to do nothing. So the legitimacy of their protests and Labor's protests must be acknowledged rather than condemned. Those good, decent folk are protesting against the decisions of this government, knowing that our defence forces have been predeployed in a state of limbo for over two months. Our protests are not against those brave men and women who gained some certainty yesterday. Our thoughts and prayers are with them as they prepare to do their duty in the service of their government, and we will continue to hold them in our thoughts and prayers in the coming weeks and wish them a speedy return home to their families.

Phillip Adams, in his column in the *Weekend Australian* on 8 February, quoted John Kenneth Galbraith, observing the way in which the Cuban missile crisis was being handled in the Kennedy White House, as follows:

'When I did have time to worry ... it was about the peculiar dynamics of the White House crisis meeting. This has the truly terrible tendency always to favour the most reckless position, for that is the position that requires the least moral courage.'

'The man who says, "Let's move in with all we have and to hell with the consequences" will get applause and he knows it. In reality he's a coward who knows that in urging a more deliberate policy he will invite the disapprobation of his col-

leagues or later be accused of advocating a policy of weakness. Normally ... he is aided by his inability to foresee, or even to imagine, the consequence of the action he advocates. In contrast, the man who calls for caution, a close assessment of consequences, an effort to understand the opposing point of view and who proposes concessions, must have great courage. He is a real hero and rare.'

Well, our Prime Minister is no hero. His actions demonstrate not courage, but his inability to swallow his pride and admit that the hawkish Bush administration's unilateral action is not in Australia's best interests. They also demonstrate his inability to say no to George Bush, whose administration has been bullying the smaller countries in the Security Council in an unsuccessful attempt to deliver him the majority vote he needed.

The Australian people are being asked to support an extraordinary action outside the processes of the United Nations. Doing so will surely squander the last vestiges of our international legitimacy—depleted by this government's treatment of refugees and asylum seekers. We are being asked to condemn Saddam Hussein by a Prime Minister who, as Alan Ramsay wrote on the weekend:

... has been so thoroughly seduced by the most disliked and distrusted US president we have come to fear.

We are being asked to dislocate ourselves from strategic engagement in our region. The question being asked by the people of Australia is a simple one: why? We are a nation divided on this issue because there is no clear answer to this simple question. And we are a parliament divided on the issue because the Prime Minister has failed to answer that simple question. The history of this place has always been that we strive to maintain a bipartisan national security policy. But not this time.

On the profound issue of war on Iraq, this government has abandoned the consensus that has governed the national security policy of this country since the withdrawal of our troops from Vietnam. There have been three key principles underpinning Australia's national security policy for the last quarter of a century. These three principles are: the centrality of Australia's alliance with the United States, adherence to the United Nations col-

lective security system and the centrality of our strategic engagement in our region. They are the principles that underpin Labor's national security policy. They have been bipartisan principles, but in the decision made by this government in committing our Australian defence forces to Iraq these principles have been abandoned.

By this decision, we have begun on a path that leads to the natural conclusion that the United Nations collective security system is not worth preserving. This is not what Labor believes. The United Nations, as the independent umpire, has the greater international good as its driving force. Since the Bush administration has not been able to achieve its objectives, it has decided to go it alone—with the complicity of the Australian government. How can this government argue that the invasion of Iraq provides the path for the democratisation of the Middle East? How can this government argue that this preemptive action that it proposes to remove the threat of international terrorism is not compounding it? Certainly this is what Minister Abbott admitted yesterday. The current unease about the government's position on Iraq runs broadly through the defence and military community within Australia. These people are the informed community who understand the military and international implications of the strategy that has been adopted by this government. In the *Sydney Morning Herald* last Saturday, Air Marshal Funnell called the policy 'strategic stupidity on a monumental scale'.

In his address yesterday the Prime Minister presented four arguments for war. Firstly, he suggests we must unilaterally attack Iraq to prevent another terrorist attack such as the one in Bali. Secondly, we must unilaterally attack Iraq to prevent Iraq giving weapons of mass destruction to terrorists. Thirdly, we must unilaterally attack Iraq to prevent other rogue states giving weapons of mass destruction to terrorists. Finally, we must unilaterally attack Iraq because of this government's unique, deep and longstanding concerns over the human rights of the Iraqi people. In response, the Prime Minister has not been able to answer the question of how an attack on Iraq will stop al-Qaeda or any other

terrorist organisation that represents a real danger to security in our region, and that is simply because Iraq was not behind the terrorist activities in Bali. In fact, many strategic analysts argue that the impact of this attack on Iraq will add to the recruiting ground for radical Islamic organisations across South-East Asia. A consequence of this action could well be a heightened international security threat for us at home.

The Prime Minister argues that this action will prevent Iraq from providing weapons of mass destruction to terrorists. Yet neither the Prime Minister nor, indeed, Hans Blix has been able to provide evidence that Iraq has been providing weapons of mass destruction to terrorists. In fact, the CIA, through its Director, George Tenet, submitted to the Foreign Intelligence Committee of the US Senate in October last year that, at present, the likelihood of Iraq providing weapons of mass destruction to terrorist organisations was remote and that of Iraq engaging its weapons of mass destruction itself was remote. He also said:

... under the circumstances of a US-led attack on Iraq, Saddam Hussein may conclude that in the end game, which may be very near indeed, he may be tempted to use his weapons of mass destruction in a single, last defiant act.

This is the scenario that the Prime Minister has committed our Australian men and women to—and for what?

The Prime Minister's third argument proposed yesterday is that a unilateral military attack on Iraq will prevent other rogue states from providing weapons of mass destruction to terrorist organisations. How does this action against Iraq prevent so-called rogue states from providing weapons of mass destruction to others? How does it prevent the further proliferation of weapons of mass destruction to rogue states when there are 27 other countries around the world that possess chemical weapons, 19 with biological weapons and nine with nuclear weapons?

The Prime Minister's final argument, and one that has been echoed in this chamber by several speakers opposite, is that Australia must engage in a unilateral military attack on Iraq because regime change is necessary to end the human rights abuses that have been

so appalling under that regime. This is probably the only point of agreement in this debate. Saddam Hussein, as we on this side of the chamber have been saying, is a brutal dictator. We all agree that he needs to be removed, but many in the Australian community cannot help but see this argument as cynical on the part of the government. This is a government that has continually downplayed considerations of human rights in relation to its own actions, it is a government that has been reluctant to intervene in the abuses of human rights much closer to its shores and it is a government that has been more than reluctant to provide asylum to those who have fled the human rights abuses of Saddam Hussein. Only now, when he needs to justify actions that are opposed by the Australian people, does the Prime Minister speak of human rights abuses in Iraq.

For Labor, a unilateral attack on Iraq with Australian participation is wrong. It is not in Australia's national security interests and there is a better way available to the international community to disarm Iraq. It is wrong because we have said from the beginning, as does the rest of the world, that a second resolution of the UN Security Council is necessary to allow collective military action against Iraq. It is wrong because Australia will be less secure as a consequence of this action. Australians are no longer feeling relaxed and comfortable. Australia is less secure within the region, and the Bali tragedy has compounded this fear. Senators need to consider the fact that Indonesia has declared its opposition to Australia's commitment of troops to any military action in Iraq by saying that the move is against diplomatic attempts at disarmament. Labor believes that, as a consequence of Australian unilateral military action on Iraq, Australia may well become more of a terrorist target than it otherwise needs to be. But there is a better way—an alternative way—based on either the containment of Iraq or, further, through the UN Security Council taking proper and approved action under article 42 of the United Nations Charter. That has not occurred.

What of postwar Iraq and the humanitarian crisis that this war will create? What

have we heard from the government in terms of the reconstruction and restoration of Iraq? We have heard nothing. Does the government oppose the establishment of a US military governorship or protectorate of Iraq after the event? Has the government committed Australian men and women to a postwar program of peacekeeping and reconstruction? What will this government contribute to the reconstruction effort? At least we know the answer to that: it is \$10 million. The Australian government has committed \$900 million for the war and \$10 million for peace. Those figures say it all.

Listening to the cold, clinical debate about the potential of war, it is easy to forget the real consequences: death, injury and bloodshed of the Iraqi people, and trauma for those involved in that bloodshed. For Australia, as part of an unsanctioned, unilateral action against Iraq—action taken not in the name of the Australian people—it is a black mark on our history. Going to war changes a nation and the psyche of the nation profoundly. In a way, it makes us all responsible for the bloodshed. Once a nation has gone to war, it will never be the same. We will deal with the implications of this decision for a very long time to come.

The actions of this government jeopardise the authority of the United Nations. In doing so, the Howard government is jeopardising the very principle of international cooperation. This government is putting all Australia's eggs in one basket—that of the United States and its military might. I do not think that this is a sufficient basis for Australia's future. Labor believes that there is a better way—and that is through the United Nations process. The Prime Minister has fudged the issues and has failed to make a case for unilateral action. To this end, he and the Australian government stand condemned by the Australian people.

**Senator RIDGEWAY (New South Wales)** (12.34 p.m.)—I also rise to respond to the government's motion to commit Australia to a war on Iraq and I join with my colleagues in the Democrats in stating again our opposition to military action against Iraq. First, I want to place on the record my support for the men and women in our nation's

Defence Force. They do not deserve criticism and are simply following the orders of the government in the best way that they can. I hope that every one of them returns safely to their families.

In our last debate on this matter, there was one element of the previous statement that I agreed with, but for very different reasons than those outlined on that occasion. It was the issue of the burden of resolving the current crisis, with Iraq not being the responsibility of the United States, the United Kingdom and Australia alone. Indeed, this continues to be my position. I believe that the Australian people have a right to know why the government has changed its position and why the Prime Minister has retreated from a commitment that he 'would not commit our troops in Iraq without UN Security Council approval'. Indeed, many world leaders and many Australians, including church leaders, former military commanders and leaders of the RSL, have put the case against war, like so many other ordinary Australians.

When you look at the government's motion the primary justification for war is the need to disarm Saddam Hussein as a threat to international peace and security, that Iraq has violated 17 UN Security Council resolutions over the past 12 years and that it continues to support international terrorism. I find that none of the arguments that have been put forward to date are impressive or convincing on any of those counts, nor has the United States or the United Kingdom made compelling arguments to go to war. In fact, if you look at the record, the arguments are to the contrary. In 1991, America claimed that it had destroyed 80 per cent of Iraq's military capacity. In 1998, UN weapons inspectors claimed to have discovered and dismantled 90 per cent of Iraq's capacity to develop weapons of mass destruction. Recently, the preliminary assessments by Hans Blix did not offer any credence to American and British intelligence reports, which Australia has relied upon. Even here at home a former senior analyst at the Office of National Assessment Mr Wilkie said that a war against Iraq would be bad policy and that Australia's position was based on incomplete information.

Further, on the question of capacity, the White House put out its own statement saying that Saddam Hussein has less than 40 per cent of the weaponry and manpower that he had at the time of the first Gulf War. The American CIA put out a report saying that Saddam Hussein has been further weakened by years of bombings, economic sanctions and embargoes, that he was weak economically and militarily, and that he was not capable of attacking anyone unless forced into it.

Indeed, Saddam Hussein is evil. He is guilty of being a brutal dictator, of grossly violating the human rights of his own people and of killing 5,000 Kurds in Halabja in 1988. If I am not mistaken, during the first Gulf War, the US led forces were responsible for the direct bombing of Kurdish cities of northern Iraq, which added to the misery they were already suffering at the hands of the Saddam Hussein regime. Despite this, it is probable that Saddam Hussein does have some limited weapons of mass destruction, perhaps even biological and chemical capability, but I think we need to keep in mind that the policy of containment since the first Gulf War has, by and large, been effective. In all probability, UNSCOM, led by former UN Ambassador Richard Butler, effectively dismantled and limited any nuclear capability that was present, and containment over the past 12 years, in my view, has worked.

Yes, Saddam Hussein is guilty of frustrating the UN processes, but over the past 12 years he has not attacked another country, gas warfare has not been used against anyone and he has not launched any terror attacks either separately or in conjunction with known terrorist organisations. If this is not the case, where is the American or British evidence of supporting cooperative relationships between Iraq and known terrorist groups like al-Qaeda? Even the British Prime Minister, Mr Tony Blair, admitted last night in the House of Commons debate that at best a relationship between Iraq and international terrorism is loose. Indeed, the Howard government has not made a compelling case. It cannot give any proper answers to Australians about why the war is necessary and it cannot produce the evidence or even justify

the legality of the war. Instead, the Australian people are being asked to sanction the killing of another country's civilians on the basis of what their ruler might do. I cannot support that position, because it is an indecent proposition and it is morally indefensible.

As the US presidential historian Arthur Schlesinger Jr puts it, basing a declaration of war on fear instead of an overt act of belligerency is not only illegal under international law and convention but also immoral. Indeed, the government's position, to my mind, is reckless and misguided. Saddam is guilty but Saddam is contained. What is the threat to Australia and where is the proof? What are the material breaches of the UN inspections and where have those inspections failed? As Hans Blix stated, there is a vast difference between breaking toothpicks and breaking missiles. Where is the advice that previous resolutions, in particular resolutions 678 and 687, combined with resolution 1441 of the UN Security Council, authorise the use of force? Where in that advice does the international law develop a concept of implied authorisation to go to war? What in those resolutions acts as an implied delegation of authority to allow individual nations or a group of nations—in this case, the coalition of the willing—to use force?

As far as I know, having grown up in this democratic society, the law is the law. Doesn't the UN Charter require express authorisation by the United Nations? How does the government's legal advice, which we have not seen, meet that test? Wasn't resolution 1441 also clear that a further resolution was required if force was to be used? Where do resolutions 678 and 687, again combined with resolution 1441, allow unilateral actions by member states? How can the interpretation for war be legitimate if the mandate of the United Nations under its own charter is for preventing war and promoting peace?

Like my colleagues, I do not believe that the case for war has been made and I do not support the Howard government's decisions to back military action against Iraq. It is an unprecedented and unauthorised pre-emptive use of force. It is indeed an illegal war. It is



the use of power without law, blinded to the reality that the consequences of such a decision are a direct attack on international law and the very body charged to prevent war and promote peace—the United Nations. It also isolates Australia in our own region and will do immeasurable and unknown harm to the relationships and alliances we have already formed. It has always been and it continues to be my view that this remains a matter for the entire international community to resolve through diplomacy and other peaceful means. If nothing else, the spin that the UN Security Council failed serves to highlight that it is a harder option to fight for peace than it is to make a decision to go to war. Instead, the Australian government is prepared to compromise the standing and the authority of the very body that the international community established in the wake of the last world war to maintain international peace and security.

As an individual, I am somewhere between the baby boomers and generation X. Like many others of my generation, I am personally concerned about the consequences of the government's decision. Since the end of World War II there have been at least another 50 wars or conflicts, resulting in the deaths of 86 million people. Thirty-five thousand of them were civilians in the first Gulf War, and this government's decision will add to the 24 million Iraqi people who are suffering. They have already suffered through the Gulf War and the last 13 years of crippling sanctions and embargoes. In 1999 UNICEF estimated that over 500,000 Iraqi children had died as a direct consequence of sanctions, yet member states of the United Nations at that time looked on with indifference and inaction at the appalling humanitarian costs of its own inaction in the misguided belief that, somehow, applying pressure to a civilian population would ultimately affect the leadership and perhaps bring about its change. You have to ask: when will all the suffering end?

I note also the government's statement that they are unapologetic about their relationship with the United States. That is what I would have expected. It is no new development but we have to ask questions when

we commit our country, not just our forces, to military action in far-off places when there is no direct threat to our security. It is no wonder that the Australian people look at it with some cynicism when talks on a free trade agreement began this week and the President of the United States, Mr George W. Bush, dictates the terms of our engagement. It is hard not to be cynical when almost every country that is supporting the US wants something in return. Turkey is demanding \$32 billion; Israel wants up to \$15 billion in additional aid; and Egypt, Jordan and Saudi Arabia want an additional unspecified amount. The reconstruction costs for Bosnia-Herzegovina were about \$2.6 billion in the first few years, and Afghanistan will cost \$3.3 billion over four years. They also are now asking for more money. The American *Atlantic Monthly* magazine has also said, 'The US is spending so much money on Iraq that we might as well make it the 51st state.' Most conservatives in that country would rather that money were spent on America rather than on a country 7,000 miles away.

Debate interrupted.

#### MATTERS OF PUBLIC INTEREST

**The ACTING DEPUTY PRESIDENT (Senator Collins)**—Order! It being 12.45 p.m., I call on matters of public interest.

#### Cullen, Dr Kevin and Mrs Diana

**Senator EGGLESTON (Western Australia)** (12.45 p.m.)—Today I would like to pay tribute to two people, a husband and wife—Dr Kevin Cullen and his wife, Diana—who separately made outstanding contributions to WA's south-west community and were both individually awarded the Order of Australia for their achievements. Dr Cullen and Diana, who was a physiotherapist, came to what was then the small south-west town of Busselton in 1948. Both Cullens worked hard in their professional careers and had a large family of children, three of whom subsequently became doctors themselves. Seeing the need to have doctors with higher qualifications in country towns, in 1958 Kevin Cullen passed the examinations for membership of the Royal College of Physicians of Edinburgh, which was, in it-

self, a remarkable achievement, considering that Dr Cullen was not a trainee in a teaching hospital being tutored for his examinations but a busy country doctor working long hours with little spare time for study. However, the fact that he achieved this qualification was indicative of Dr Cullen's dedication and level of clinical skills. This was confirmed in 1963, when Dr Cullen was awarded the first ever doctorate in medicine, from the then fairly new University of Western Australia medical school, for research into factors contributing to asthma. Dr Cullen continued to be a great proponent of higher standards in GP medicine in rural areas and of the objectives in that regard of the Royal Australian College of General Practitioners. Dr Cullen worked over the whole of his subsequent medical career to improve the standards of rural medical services.

In the 1960s, after returning from a study tour in North America, Dr Cullen conceived the idea of an ongoing survey of the population of Busselton to establish the incidence of various medical problems and diseases such as diabetes in the Australian population. It was modelled to some extent on the famous Framingham survey in the United States. Busselton was a statistically ideal population with almost equal numbers of people in each decade age group. The proposed survey was enthusiastically supported by the University of Western Australia, especially by the university's Department of Medicine. The first Busselton survey was carried out in 1966. Ninety-one per cent of the population of Busselton attended the local St John Ambulance hall to have a series of blood and lung tests performed and to have their heights and weights measured. I know this because I, along with other members of my family, was among those who were involved.

Over the years, the Busselton survey was regularly held and from the data so gained important conclusions were drawn about the incidence of conditions such as asthma and diabetes and risk factors for coronary artery disease in the Australian population. Many years later, it has been shown that subjects who have regularly attended the survey have survived longer, with a death rate about one-

third of the rest of the population of the south-west and much better than that of the metropolitan area, which proves the case for people to have regular medical check-ups to identify possible risk factors and problems. Many surveys later and 30 years on, in 1994-95, 5,500 participants in the Busselton surveys came back for additional testing, which this time included taking blood for future genetic marker and DNA studies. So the Busselton survey is indexing itself for progression in medical technology and knowledge. In 1993, Dr Cullen was awarded the inaugural AMA award for an individual contribution to health care in Australia. In the following year Kevin Cullen was made a member of the Order of Australia. The citation made particular mention of his outstanding contribution to community health and the wine industry. That award was made just prior to his death in 1994. The reference to the wine industry brings me to his wife, Diana, and the enormous contribution she made to the wine industry in the south-west of Western Australia.

Mrs Cullen recently passed away at the age of 80 after losing a long battle with cancer. She was a pioneer of the wine industry in the Margaret River region of Western Australia. She was the first person to import Merlot and Cabernet Franc cuttings into Western Australia and was also the very first person, in 1966, to plant grape vines in the region around the Margaret River. In 1971 she established the Cullen Vineyard at Willyabrup, on the family farm. At the time Diana Cullen planted four different varieties of grapes and five years later she planted the first Merlot grapes for cropping in the region. Today the winery has 28 hectares of vineyards and it is one of the most well-known and well-awarded vineyards in Western Australia. Mrs Cullen also contributed to the industry by trialling various types of trellising and canopy management for different varieties of grapes. In 1974 Mrs Cullen's winery produced its first wines and in 1977 the winery was the first from the Margaret River region to receive a trophy, from the Canberra National Wine Show. This was to be the first of a series of awards over the years and it was the beginning of a long history of awards for the wines produced from

the Cullens' vineyards, which have been appreciated by many people, including Minister Amanda Vanstone, who is here in the Senate today and represents the great wine-producing state of South Australia.

Mrs Cullen became a full-time winemaker in 1981 until 1989, when her daughter, Vanya, took over the reins. Vanya Cullen has also won some outstanding awards for wines produced from the Cullen vineyards in the years since she became the principal winemaker. Mrs Cullen was also a founding member of the Margaret River Wine Industry Association. In 1999, in recognition of her significant contribution to the wine industry, Mrs Cullen was made a Member of the Order of Australia.

Sadly, Diana Cullen passed away a few weeks ago. Her husband Kevin died in 1994. Having grown up in Busselton, I remember both Dr Cullen and Mrs Cullen well. In fact, they lived in the property behind my parents' house when they first came to Busselton. Conversation with Kevin Cullen was always intellectually challenging as he probed the reasons for your opinions on whatever issue you were talking about. While he made a great contribution to medicine in the town, he was regarded as something of an eccentric, who practised what he preached by living a healthy lifestyle and by running two miles every lunchtime, along the beach from the Busselton Health Centre to the Busselton jetty and back, throughout the year—rain, hail or shine.

Mrs Cullen was always a charming, friendly and warm person. Winemaker Denis Horgan—who I think is regarded as the doyen of winemakers in Western Australia—said of her recently:

She was extremely well known, nationally and internationally, was a great pioneer for West Australian quality wine and she made an enormous contribution to her community. She was very much loved and respected. Margaret River had lost a great ambassador—someone who displayed excellence in the outstanding wines that she made and the encouragement that she gave to others.

I endorse those remarks by Denis Horgan and express my sympathies to the Cullen family and the community of the south-west

following the loss of such a great supporter of that region.

**Hayes, Mr John Michael Patrick**

**Senator STEPHENS (New South Wales)** (12.55 p.m.)—Today I would like to recognise the life and contribution of John Michael Patrick Hayes, better known to us as Mike Hayes or the utterly notorious 'prickle farmer', who died just five days short of his 59th birthday, on 10 February, at home, quickly and quietly, with his partner Chris. I have wondered whether or not Mike would be turning in his grave about the debate we have been having in this place in the last few days.

Mike was well known to many people working in Parliament House—especially those in the press gallery from his time with the ABC—and the people of the Canberra region through his running commentary on the lives and the loves of the people of Gundaroo, which was broadcast on ABC Radio, and through his weekly column about the Prickle Farm, which featured later in his books of the same name. He was a hugely entertaining persona. He was certainly larger than life, dry, outrageously caustic and self-deprecating. He was also an extraordinarily astute observer of human nature. He was gruff and generous and he had a huge social and political conscience.

Recently, in an obituary in the *Sydney Morning Herald* for Mike, Ron Miller wrote:

What can you say about a man whose writing created a world that spoke to a whole generation of hobby farmers, put the phrase 'prickle farm' into the lexicon and put [the] village of Gundaroo on the world stage; whose musical talent should have made him rich; whose Easter jam sessions were legendary; whose choice of dress was somewhere between Johnny Cash and Hagrid; and whose barbecues almost without fail started out by thawing 15 pounds of chops on the hot-plate because he'd forgotten to take them out of the freezer?

Born in a caravan in Redding, England, Mike Hayes moved with his family to Australia because of his father Jack's tuberculosis. The family spent two years in Sri Lanka, his mother's birthplace, along the way. He grew up in Bacchus Marsh in Melbourne and began his career as a journalist with the Mel-

bourne *Age* before moving on to the ABC. He worked in Darwin, and from all reports wholeheartedly embraced the Territory lifestyle. Most people who remember the ABC's coverage of Cyclone Tracy would remember that Mike Hayes broke that story and provided the commentary on it while he was working there. He and his wife were then evacuated to Canberra, where he was to lead the ABC News team.

Mike met Janet in Canberra and was married at Gundaroo in 1980. He started writing the Prickle Farm stories for Australia-wide ABC Radio while at the ABC, but left in 1983 to work as a freelance writer and video producer. The Prickle Farm stories—stories of mayhem and mishap on a hobby farm—were, as one reviewer called them, 'tales of rebellious dunnies, chooks who thought they were sheep and a sheepdog with no instinct to muster, either sheep or chooks.' The radio series, the newspaper column and the books captured a lifestyle that was quintessentially Mike Hayes.

I first met Mike Hayes during the early 1980s. He was interested in the work that I was doing with rural adult literacy students. He provided copies of his prickle farmer stories for my classes and even recorded poetry for some of my students. He was interested in their situations and the challenges they faced, and he wove their problems into some of the prickle farmer stories. In 1990, as part of a project funded for International Literacy Year, Mike produced and starred in a promotional television advertisement for rural adult literacy classes. This, I have to say, was a challenging learning experience for me, working with someone of such creative talent who at the same time managed to create complete chaos around him. It took us quite a long time to shoot and finalise what was only a 30-second ad, but in the end it was a hugely effective campaign promoting enrolment in adult literacy classes.

Mike drew on his everyday experiences and his observations of the comings and goings of the village of Gundaroo. But, after a while, this must have started to wear very thin when people in the district began to recognise something of themselves in the weekly articles and broadcasts. Perhaps

sensing he was beginning to wear out his welcome, Mike and Janet moved from Gundaroo to Laggan in 1985, not far from Goulburn, where they lived until 1994. During that time, another community they were able to become involved with was the community of Crookwell, where Mike and Janet became very active and Mike continued to prick the social consciences of his neighbours.

In 1994 Mike and Janet and their children moved to a property on the outskirts of Kempsey and, in true Hayes style, soon became entangled in the community—Mike keeping up his writing, including his long-running column in the *Sun-Herald*, and continuing his involvement in environmental issues, while Janet became involved in local government and is now the mayor of Kempsey. At the time of his death, Mike was the project coordinator of the Yarrahapinni Wetland Rehabilitation Project, working to protect and restore wetlands just outside of Kempsey. Mike and Janet featured on the *Australian Story* program on the ABC in 2002, and the program was coincidentally replayed only days before his death.

He was a talented journalist, musician, writer and storyteller. Ron Miller recalled him as a ferocious writer of radio news who could turn out a bulletin single-handedly in less than an hour. He also noted that one of Mike's greatest contributions to the region was real news for real people. The termites in the main street trees in Cootamundra were just as important as anything that was happening in the ACT's House of Assembly. Miller also remembered that Mike Hayes was one of the worst typists in existence. Thank heavens for computers, because despite this typing impairment Mike Hayes wrote 10 books, including the Prickle Farm series, several collections of yarns from all over Australia, and of course we could not forget the book *Great Working Dog Stories*.

His was an original, intelligent and much loved voice in the world of Australian humour, and he was dedicated to the local stories about Australia and Australians. He was never averse to being the brunt of his own jokes. He used the prickle farmer tales as a vehicle for highlighting human idiosyncrasy and weakness, his own included. He will

certainly be remembered for his self-deprecating humour. Ron Miller said of him, 'When he talked about the rest of us in stories, like those in the Prickle Farm tales, it was to highlight our perfectly human foibles. It wasn't always a gentle prod, but it was usually accurate.' As well as being a journalist, producer and writer of some note, Mike was a great storyteller and in fact won the World Yarn Spinning Championship in Darwin in the 1980s. He was blessed with an extraordinary gift for capturing the humour of any situation.

Mike was also something of a legend in Australian music. He is included in the Australasian Country Music Hands of Fame. Mike was one of the pioneers of bluegrass in Australia. He and his brother formed a band called the Hayes Brothers and their Bluegrass Ramblers, which was Australia's first true bluegrass band, originating from and recording in Melbourne during the 1960s. While in Darwin, Mike played in a band called Brown Sugar, so named because its members were said to be coarse and unrefined. The significance of their groundbreaking work is now only just being realised, and the Hayes Brothers are now widely recognised for their contribution to bluegrass music in Australia. I hope Mike's family and friends can gain some comfort from knowing that his contribution to Australia's popular culture has ensured him a place in Australia's literary and musical history. His life and work have touched ordinary people in extraordinary ways, and we are all the better for it.

#### **Howard Government: Performance**

**Senator BARTLETT** (Queensland—Leader of the Australian Democrats) (1.05 p.m.)—I rise today to examine the record of the Howard government over seven years. A couple of weeks ago was the seventh anniversary of the election of the Howard government in 1996, and there was some noting of that event at the time. But when we as a parliament, as a Senate and as a community are debating probably the government's most significant and, in the Democrats' view, most flawed decision—to deploy Australian troops to war—it is important to also examine the record of the Howard government on

many other issues that have directly affected the lives of Australians.

We are in the situation even in this current year where the global budget of this nation is being forced into deficit by this government's gross overexpenditure in the defence area on the unjustified war against Iraq and on paying millions of dollars to keep out victims of the Iraqi regime who are seeking protection. It is a clear measure of the Prime Minister's hypocrisy—his so-called concern for the humanitarian wellbeing of the people of Iraq—that he has spent, and continues to spend, hundreds of millions of dollars and has diverted our naval vessels away from areas and activities that would be in Australia's interests and meet our security needs to instead focus on keeping out people who are simply seeking asylum. The government's record on asylum seekers and its blatant breaching of international law—the refugee convention, the human rights convention, the convention against torture and the convention on the rights of the child—are well recognised, have been debated significantly and have received a lot of attention. But I think many other aspects of the government's record also need focusing upon.

It should not be forgotten that 1996—seven years ago—also saw the election to the Australian parliament of Pauline Hanson. She of course is no longer in parliament. My strong advice, as a Queenslander, to the people of New South Wales is that they do not take the opportunity to resurrect her political and parliamentary career this weekend when they have a vote in the upper house for New South Wales. It was a bad idea for Queensland, speaking as a Queenslander, and I was very pleased that the Democrats were able to prevent her from being elected to the Senate at the last election—thanks to my efforts and those of people like Senator Boswell and others. Queensland has managed to make that wise choice, and I would urge the people of New South Wales to similarly make a wise choice this weekend and not elect Ms Hanson to the upper house in New South Wales. Even though it is seven years since she was elected to parliament and she is now long gone, many of her policies live on. Particularly in the refugee and immigration area,

many of the approaches that she advocated have been adopted by this government. Sadly, in that sense she has been successful and her legacy lives on.

We are still the only common law country without a bill of rights, and that has led to government legislation continuing to be passed and government actions that breach fundamental human rights continuing to be put in place. Over the past seven years legal aid and community legal centres have been starved of funds. The number of people being granted legal aid has declined and our legal system is continuing to fail to protect the rights of the disadvantaged.

Over the last seven years the government's record in the area of Indigenous Australians has also been severely flawed. One of the coalition's first acts upon taking government was to slash ATSIC funding by \$400 million. We should never forget the government's actions in setting to work on the Native Title Act and producing the 10-point plan, which created an inferior set of property rights for Indigenous Australians. This has seen the Native Title Act being unable to deliver on its fundamental purpose of providing justice to many Indigenous Australians. In the Democrats' view, it is time for the Native Title Act to be revisited, significantly re-examined and overhauled. Not only is it not working for Indigenous Australians; it is also not delivering certainty for any other Australians, whether in industry or on the land. It is failing all round and it has clearly failed Indigenous people, due in no small part to the amendments that were pushed through this place against the Democrats' views but with the strong backing of the Howard government.

In this area and at that time, we saw an example of the Prime Minister exercising one area where he does have talent: playing wedge politics, playing the race card, creating fear and misunderstanding, and playing on ignorance in the Australian community rather than overcoming it. We had the former minister, former Senator Herron, deny that there ever was a stolen generation and we had the Howard government remaining the only Australian government not to have apologised to the stolen generation. There

can be no doubt that the process of reconciliation has significantly stalled, in part because of the government's insistence on demeaning that process and focusing on other areas.

The unemployment rate for Indigenous people in Australia, at 26 per cent, is around four to five times more than that of the general community. Without ATSIC's Community Development Employment Program, it would be as high as 40 per cent. Indigenous Australians continue to be locked up at a rate that is 15 times higher than that of non-Indigenous Australians, and young Indigenous people make up half the population of our juvenile detention centres. For the first time since the creation of a ministerial portfolio for Indigenous affairs, we have a minister who is not solely devoted to that portfolio but has it as a secondary tag to his main ministry interest.

In the area of the environment, scientifically based reports from CSIRO and other bodies show that we are continuing to see an overall degradation of the environment in this country. Despite a few actions in a few areas, we are seeing a significant ongoing degradation in land quality and water quality in terms of things like salinity. The inability of this government to address the issue of water usage continues to mean a daily further degradation of significant parts of our environment. The government's failure to address what it acknowledges is a major environmental crisis—the ongoing enormous rates of land clearing, particularly in Queensland and to a lesser but still significant extent in New South Wales—also means there is ongoing environmental destruction and degradation. This is despite the fact that this government clearly has the power to do something about it and that it introduced significantly improved national environment laws—with significant improvements made to those laws by the Democrats. Those laws are of no use if the government has no political will or desire to enforce them. Unfortunately, that is the situation. Despite having more power than ever before to intervene in environmental matters, the federal government chooses not to do so and so ongoing environmental degradation continues to oc-

cur in many areas where it could easily be prevented.

We should not forget that this government is one of the few in the world to also back President Bush's approach, completely uncritically, in relation to the Kyoto protocol—an approach that has not even got unanimous support from the business community in Australia. Virtually no significant section of the community believes that we can ignore the issue of climate change, yet this government is continuing to fail to take even the most basic action such as supporting the ratification of the Kyoto protocol. We have had a continuing failure in many areas of international affairs, even disregarding the latest disgraceful action in relation to Iraq. This government's approach on many international conventions relating to human rights—indeed its approach to the United Nations and the United Nations committees that enforce human rights conventions—has been antagonistic time after time.

We have had a continuing drop in Australia's foreign aid budget. Our foreign aid budget is now the lowest it has been in 30 years, at only 0.25 per cent—or one-quarter of one per cent—of GDP, well below the UN quota of 0.7 per cent for international aid programs and well below the level of the budget of many other countries of equivalent wealth to, or even lower wealth than, Australia. We also have had our foreign aid program being used—or misused—in recent times to shamefully bribe other countries. An example was the 195 per cent increase in aid to Nauru after they agreed to accept asylum seekers as part of the shameful so-called Pacific solution.

In the seven years of the Howard government, over 15 per cent has been slashed from the higher education budget—a loss of billions of dollars that has resulted in increased student to staff ratios and a deterioration in the quality of education. It is not just universities and TAFEs that have suffered; we have also witnessed an obscene shift in school funding whereby some of the wealthiest private schools have received enormous increases in public funds while the public system has remained chronically underresourced.

Education begins with issues like child care, yet the government has dramatically reduced child-care funding by \$800 per person since 1996. There is now a drastic shortage of places available for children aged three to five and for after school care. Even parts of the business sector have suffered from the Howard government's destruction of education. For business, the successful research and development tax concession has been reduced from 150 per cent.

**Senator Ian Campbell**—It wasn't successful; it was totally rorted—you must be myopic, if not blind.

**Senator BARTLETT**—If Senator Ian Campbell thinks it is a good thing that business investment in R&D has declined so much that Australia is now near the bottom of the OECD in terms of business R&D then he can say so. But from the Democrats' point of view the fact that we have such low research and development funding in Australia is an absolute tragedy and clearly a blinkered approach if we are looking at the future of our country—rather than just the immediate, short-term budget bottom line—which the government are obviously not worried about anyway, given their willingness to waste hundreds of millions of dollars on the so-called Pacific solution and on unjust and unnecessary wars.

We should not forget the Prime Minister's role in ensuring the defeat of the opportunity for Australia to move forward, become a republic and have an Australian head of state. His clear role in making sure that that did not happen, ensuring that the entire process was organised in a way whereby the chances of success were virtually nil, will be part of his legacy. His legacy in that regard is a lost opportunity for Australia. There is no doubt at all—every opinion poll for many years shows this—that the majority of the Australian people want a republic. But this Prime Minister certainly worked to ensure that that was not able to occur. It will be long after the disappearance of this Prime Minister we again have such an opportunity to move forward as a nation.

The statistics are clear about the growing gap between the rich and the poor in Australia. On most indicators, rural Australians in



particular have gone backwards in the last seven years.

**Senator Ian Campbell**—The statistics were right in the Newspoll—‘Mr One Per Cent’.

**The ACTING DEPUTY PRESIDENT (Senator Collins)**—Senator Ian Campbell, I ask you to desist!

**Senator BARTLETT**—We have had the national competition policy implemented in such a way that population and wealth have continued to shift from the country areas to the cities. Non-metropolitan households earn \$153 a week less than city households and are 40 per cent more likely to rely on social security. Services to rural areas have fallen sharply. The number of bank branches in non-metropolitan areas has fallen by 18 per cent. Bank agencies have fallen by 51 per cent. The number of Australia Post full post offices in rural areas has fallen by 19 per cent. The number of Medicare offices fell by 11 per cent. And the gap continues to grow between Telstra’s performance in the city and the country. This government has, nonetheless, privatised just under half of Telstra—again in the face of strong opposition from the Democrats. Despite the complete failure of that policy, the government has an ongoing desire to privatise the rest of it.

Those many areas of failure of the Howard government over seven years should not be forgotten when we are looking at the historical record. We have a current crisis in relation to health. We have ongoing unwillingness to deal with issues of executive remuneration. We have growing problems in terms of housing affordability and yet no willingness from this government to increase the amount of funding provided under housing agreements. We have ongoing resistance to moves by the Democrats and others in the Senate to increase accountability, to ensure greater scrutiny to make our political system work more effectively. All of those things are a legacy of seven years of leadership by Mr Howard, culminating in his decision to commit Australian troops to war against the wishes of the vast majority of the Australian people. It is a poor record, and it is one that should not be forgotten. When we are looking back on the achievements and actions of

this government, this record should not be forgotten. (*Time expired*)

#### **Howard Government: Performance Fishing Industry: Queensland**

**Senator SANTORO (Queensland)** (1.20 p.m.)—One of the best things we can do in life—and, I would suggest to honourable senators, in this place—is to always give credit where credit is due. After listening to the speech just delivered by Senator Bartlett, I will say that I do not think he has done that, because there are a lot of good things that this government has done since 1996. I would submit, with respect, that most of what this government has done is good, and that has been accepted by the people of Australia at three consecutive elections.

Just to refresh Senator Bartlett’s memory—and the memories of people who may be listening out there in broadcast land and in the public gallery, so that they do not get totally and utterly depressed by what the honourable senator has said—we have had unparalleled economic growth, which has put us at the leading edge of economic performance measurements. We have had record employment growth. One of my colleagues sought to interject before, quoting a figure of one million jobs created—mainly by the private sector, not the public sector—since the Howard government was elected in 1996. We have had record low unemployment rates and high participation rates, which suggest a great degree of confidence on the part of people who want to be employed and who are seeking jobs.

We have had record funding for specific environmental projects—and I give credit to the Democrats for making a significant contribution to that. The government have responded generously, and we have had record funding for special environmental projects. Australia played a leading role in the East Timor solution, clearly defining itself as a nation most worthy of leading, particularly in our own region. We led that effort with distinction. There have been record infrastructure contracts with countries such as China. The figure escapes me at this point; it is something like \$1.7 billion, or a figure of that magnitude, which was the largest infra-



structure contract ever signed by any government of Australia with another country. We introduced a new tax system. Introducing a GST based tax system was a very unpopular move.

**Senator McGauran**—We must thank the Democrats.

**Senator SANTORO**—I give credit to the Democrats for some assistance in that area.

**Senator Ian Campbell**—Most of them.

**Senator SANTORO**—Most of them—I give credit to those Democrats who assisted us. These days Australia is still prospering. Business is still confident and still creating jobs at a record level; it is out there doing the job. In conclusion, addressing briefly one of the other points made by Senator Bartlett about the referendum—as honourable colleagues sought to interject—the people made a resounding decision in the way they voted, right across all states. In some states, like my own state of Queensland, they voted overwhelmingly against a republic. If the Democrats want to make that an issue or if indeed the Labor Party want to make it an issue—if they want to have another go—they should put that in their policy platforms at the next election and see how far that will get them. And they might as well throw in border protection and a few other things like that and see how far that gets them.

I have been distracted today—and I am pleased that I have been—but what I really want to talk about is the great fishing industry of Queensland. In particular, I wish to address the critical issue of the marine environment and declining fish stocks in North Queensland reef waters, which is very important to the future of the commercial fishing industry. It is as important to the industry that depends on it as it is to recreational fishers.

The statistics relating to the industry are very interesting, and they underscore the importance of the industry. There are fears in the industry that if the Queensland government were to reduce the coral reef fin fish fishery by almost one-third, as currently proposed, this could cost the state up to \$29.8 million in output forgone and could lead to the loss of as many as 325 full-time equiva-

lent positions in the industry. The coral reef fin fish fishery is estimated to be worth about \$98 million a year to Queensland, and it employs approximately 1,067 people, 544 directly.

The commercial fishing industry in the region earns Australia \$56 million a year in premium exports alone. I was reminded of these important matters and given an excellent briefing on the broad scope of the issue when I had talks in Cairns recently with Ecofish, a cluster of the Cairns Region Economic Development Corporation. When I was in Cairns I had the opportunity to meet with Ecofish executive officer, Darren Cleland, and with Simon Coolican, somebody who is heavily involved in the fishing industry, to discuss the position Ecofish has taken in relation to a draft coral reef fin fish management plan.

When we discuss environmental and resource issues, I believe it is important that we look at the big picture. The draft coral reef fin fish management plan now under discussion is an important step towards achieving the desirable consensus, the big picture consensus, that governments and communities in Australia should always set out to achieve. That consensus demands both sustainable fisheries and viable fish stocks. There are, of course, some divergent views on how to achieve that, and I will come to those in a minute.

I would like to say that I decided to raise this issue in the matters of public interest discussion precisely because it is very clearly in the public interest that the question of reef fishing is widely canvassed. On the economic side, there are fears in the commercial fishing industry—and onshore too, in the communities from which fishing crews are drawn and where they spend their money and contribute to the local economy—that severe or inappropriate restrictions on fishing may impact badly on local communities.

The industry want—and I find it entirely reasonable—support for a plan for fish management that is acceptable to the industry and which is, from their point of view, a sustainable investment proposition. It goes without saying that all of us share in the responsibility of managing the fragile marine

environment of the Great Barrier Reef—its corals and other marine life—and the health of its lagoon. That is why the Great Barrier Reef Marine Park Authority exists, after all. Australia is the custodian of a priceless and unique natural asset in the reef, the world's largest.

At the same time, the fishing industry must get a fair go. They fear they will not get one. It is important that they do for all sorts of reasons, not the least of which is natural justice. At this point in the process, Ecofish says that there are a number of key points on which the industry need to be heard in relation to the draft plan, and particularly in relation to any proposal that is to become the plan for fish management. The organisation totally rejects an effort management system based on what are called 'line units', which is basically a days based allocation of fishing licences.

The industry say that such a system is subject to significant and highly varied changes in the amount of time available to individuals who have a commercial fishing licence. Variables such as the weather and the sea state come into play in a way that simply cannot be planned for or, more importantly, built into a business plan. It would be entirely possible, they say, for a combination of uncontrollable circumstances to prevent seagoing by an individual in his or her boat, which means that they would lose perhaps a significant portion of their right to fish, for no return.

There are other reasons why a fisher may not be able to take out his boat on an allocated day or allocated days. For example, there could be a breakdown in the refrigeration equipment. It needs to be noted that many of our fishing fleets, not just in Queensland but right across Australia, are in fact ageing fishing fleets and that they are prone from time to time these days, increasingly in some cases, to break down. So there are reasons why that particular system may not work for individuals and for the industry as a whole.

Ecofish is instead seeking a system based on individual transferable quotas, a catch-weight based allocation, for coral trout, red throat emperor and general reef fish. This

sounds very sensible. Catchweight seems to me to be a far more reasonable measure of impact than days at sea, even though the general impact of high levels of human activity should also be brought into the calculations.

Ecofish are also seeking an increase in the annual total allowable catch to 3,500 tonnes, instead of the 3,061 tonnes that has been proposed, to protect incomes in the light of coral trout spawning, season closures, further closures of sensitive areas of the reef to commercial fishing and the presence of deep water species that are not at present fished in great commercial quantity. They also want an independent allocation panel.

Ecofish also feel that spawning closures have the capacity to impact negatively on the industry. The industry would prefer a species-specific closure system and, again, this seems to be an avenue well worth exploring. Also on the table from the point of view of Ecofish and the commercial industry is the draft plan's proposed treatment of the charter industry in a way that commercial operators believe is unfair to those who make their living out of fish, rather than those who fish for sport.

There are issues as well in the areas of minimum legal size limits for catch fish, bag limits and related matters. But it is in the structural adjustment that the real problem would appear to lie. According to Ecofish, if the coral reef fin fish fishery were to be cut by almost a third, as proposed in the draft plan, then, as I have already indicated, loss of output could be as high as \$29.8 million a year. It is worth repeating that the loss of jobs would be up to 325 full-time equivalent positions. Clearly, to a local economy, such as Cairns or Townsville, that would be an unacceptable outcome.

Sooner or later, of course, any regulatory plan comes down to a matter of dollars. And in this particular case, if it does come down to a set of rules and regulations where industries and individual livelihoods are as severely affected as I have indicated, then the issue of compensation needs to come into play and needs to be very seriously considered by governments at both state and federal levels. And in fragile environments and

threatened ecosystems, such the Great Barrier Reef lagoon, obviously there are critical environmental issues that also need to be considered. The size of the fish catch comes directly into play there.

However, the reef based commercial fishing industry has a good point when it says that government has, in the past, provided structural adjustment support to the east coast trawl fishery, to displaced Trinity Inlet fishers, to the dairy and tobacco industries and now to the sugar industry. The reef fishing industry provides a good service to a growing market for its product in the North, which is prime tourist territory as well as the centre of a substantial residential population.

There does appear to be widespread acceptance of the need to be ever more environmentally aware and non-intrusive in fragile marine communities. A management plan is obviously a good idea, as are reductions in the take of fish species. The issue for the industry is that while the Queensland authorities apparently are onside—and I give them credit for that—there is some doubt in the industry about where the Great Barrier Reef Marine Park Authority stands on the proposals in the draft plan. As with any project, but in particular projects that have a capacity to impact in a negative way on long-established individuals and small businesses, the devil is in the detail. The trick is to get it right, to strike the right balance. I intend to follow this issue with close attention.

I look forward to discussing this matter with my colleague in the other place Dr David Kemp, the Minister for the Environment and Heritage. I know that he takes a very close interest in these issues, in particular in striking a balance between the environmental imperative and the commercial imperative that I have been seeking to outline today. I also put it on the record that the Queensland government, a government of a different political colour from the one that I represent in this place, seems to be adopting a fairly sympathetic attitude to the representations of Ecofish. I am very pleased to be able to say that, and I look forward to working with the Queensland government, should the need arise, in order to come up with a sensible solution.

In preparing this speech, I sought the views of the Minister for Fisheries, Forestry and Conservation, my honourable friend Senator Ian Macdonald. The minister is a North Queenslander; thus he is close to the issue in both senses. He wants the Queensland industry to work out a management plan that fulfils the needs of all stakeholders—including the Queensland state government, NGOs and, most importantly, the general public—and also adopts the sound fishery management ecological sustainability principle. The industry proposal fits with the general preference of Commonwealth agencies for ITQs, individual transferable quotas, as they would provide far greater operational flexibility. This is extremely important for the fishing industry due to the vagaries of environmental fluctuations, such as weather, water temperatures and other natural considerations.

I intend to continue my discussions with Minister Macdonald, particularly from a Queensland perspective. I will seek to impress upon him the responsibility that is being displayed by the commercial fishing industry in Queensland. In fact, I was most impressed by the extremely good attitude of Ecofish and its representatives towards preserving the fish stock. Many a time when people are putting forward a case very specifically which is, in some cases, about an issue that may detrimentally affect their livelihoods, they take on extreme positions. In this particular case, I was impressed by Ecofish's very constructive attitude towards the necessity to preserve the natural environment and the natural resource that the fish within the Great Barrier Reef region represent. I was impressed with the fact that there appears to be a very real commitment by industry to work in partnership with other stakeholder groups to ensure that the fishery is based on a sustainable foundation.

#### **Education: Gifted and Talented Children**

**Senator TIERNEY (New South Wales)** (1.35 p.m.)—I rise to highlight the neglect of our gifted and talented children in the state of New South Wales. When I entered the Senate, the first question I asked at my first budget estimates hearing related to the Senate inquiry into the education of gifted chil-

dren. I innocently asked how many of the 17 recommendations had been implemented by the then ALP federal government in the three years since the report was tabled in the late eighties.

**Senator O'Brien**—Don't mislead!

**Senator TIERNEY**—Have a guess at the answer, Senator O'Brien. Out of 17, how many were implemented? One. One very minor recommendation was implemented; the rest were ignored. The federal ALP's lack of interest in this issue has been reflected recently in the state of New South Wales, when Mr Carr released his policy for gifted children in the lead-up to the March state election. What a cruel hoax this tries to play on the gifted children of New South Wales. By announcing that he was going to maintain the current number of selective high schools he guaranteed that the children of Western Sydney and regional NSW would continue to be disenfranchised from access to this form of education for the gifted. In contrast, a Brogden government promises to create six new partially selective high schools and one fully selective high school in areas where few are available, such as Western Sydney.

For gifted children remaining in comprehensive high schools, Bob Carr has promised to create special classes for the gifted. This was one of the recommendations of the Vinson report, which delivered a damning indictment on Bob Carr's eight-year stewardship of education in New South Wales. I am bringing this up in the Senate because Mr Carr is now proposing another educational hoax with his gifted children policy—more smoke and mirrors from the master magician. The key question is: what is the proposed budget for creating these special classes for the gifted in New South Wales schools?

**Senator O'Brien**—When are these costings going to appear?

**Senator TIERNEY**—I will conduct a quiz for you, Senator O'Brien. How much do you think he is putting into this? Is it \$100 million? Is it \$10 million? Is it \$1 million? Is it \$1? You are getting warm if you say it is \$1, because Bob Carr is going to provide for

the five to 10 per cent of the school population that is gifted or talented without spending an extra dollar. How can he do this? He must be a genius—truly gifted! Bob Carr, go to the top of the creative accounting class—again.

The proper provision of gifted education requires the inservice training of teachers, the administration of testing systems, the design of extension curriculum and the provision of enriching educational experiences. All this needs to be done with 55,000 gifted students, an estimated 2,000 teachers and 3,115 schools. Mr Carr proposes to do this, in his gifted education program, without expending one extra dollar. That is surprising seeing that he was supposed to be following the findings of the Vinson report. He obviously did not read the last section, which said that you would have to spend money to do this. As a matter of fact, it would need at least \$2 million over three years, but he is too miserable to spend even that.

The net result of this very cynical approach—announcing a policy for the gifted that really isn't a policy—is that there will be no real, gifted education in New South Wales or that what is delivered will, at best, be third rate due to a lack of teacher training and a lack of resources. Mr Carr seems to be the master of knee-jerk reaction policy. When compared to other states, per capita, the Carr government's spending on education is less than that of any other state. As a matter of fact, it is at the bottom of the class. New South Wales government spending on public schools is \$500 a head below the \$6,500 national average for primary school students, and \$400 below the \$8,500 average for high school students. Over the past decade, spending on state schools has fallen from 28 per cent of the state budget, when Mr Carr came to power, to 22 per cent of all government expenditure. He claims he is the education premier. What a joke, with figures like that! Coming sixth out of six, he is giving New South Wales a very low priority on education.

Before the education policy announcements last week, the Carr government did not even know how large the class sizes were in New South Wales public schools. Now, all

of a sudden, it is a huge priority for them. Why? It is because John Brogden has promised \$550 million and an extra 2,000 teachers to take kindergarten and years 1 and 2 classes down to an average of 21 students. If you really want to give kids a good start in their school lives this is exactly the way to do it.

But the Carr ALP government is now playing catch-up politics. Until the NSW opposition revealed its policy, the current state government in New South Wales had only approved \$5 million for class size reduction trials for 63 primary schools—only 63 schools out of over 3,000 schools are getting these trials. They are trialing this after eight years in government. Why are they changing? Why are they suddenly saying they are going to do something about it? There must be an election coming up. Again, they are playing catch-up politics.

This cynical contempt for education—in particular, gifted education—is completely in line with the Carr government's submissions and appearance before the Senate inquiry into gifted education that I established in 2001. Submissions came from all types of interest groups, including gifted education specialists, education authorities, teacher unions and parents and citizens associations. As well, there were many submissions from the parents of the gifted children. These were very valuable in filling out the picture and showing the human dimension of the problem we have with the poor provision of gifted education in New South Wales. There has been little progress over the last 20 years.

Gifted children have special needs in the education system. For many, these needs are not being met. Many suffer underachievement, boredom, frustration and psychological distress as a result. Many teachers feel that they lack expertise, that they lack confidence and that they lack the resources to meet the needs of gifted children. The main theme that emerged from the inquiry is the need for better teacher training—both pre-service and inservice—so that teachers are better able to identify the gifted and make provision for their special needs. Better curriculum support is also essential so that

teachers can differentiate the curriculum for the gifted.

You can imagine how frustrating it is for parents of gifted children when they cannot find the services they need to develop their child's special gifts—well, not in the New South Wales state education system. Parents have a difficult decision to make when it comes to which school to send their child to and whether that school will provide the services needed to stimulate their child. For some parents this has become a nightmare decision that has ended in disappointment. I have spoken to many of those parents. In one submission, the parents wrote:

Our daughter has been treading water for too long, can see the education system for what it is, has lost complete faith in it, lost interest in achieving and lost the love of learning.

And for a gifted child, to lose the love of learning is the worst thing that can happen. In fact, research shows that 40 per cent of gifted children become so frustrated with schooling—the fact that their needs are not being met—that they drop out, either mentally or physically, or become very troublesome in class. For children who have the potential to become the future leaders of our community, whether it be in research, science or the arts, this is a tremendous blow—not just to them, but to our whole nation.

The report that we delivered on gifted children, from the Senate, was damning of what had occurred, particularly in New South Wales. And now, 16 months later, the Premier, Bob Carr, says that he can fix all these problems, with his new policy, without spending one extra dollar. What a joke. It is clear from the submissions to the inquiry that the needs of gifted and talented students in the state of New South Wales are not being met.

**Sitting suspended from 1.45 p.m. to  
2.00 p.m.**

#### **MINISTERIAL ARRANGEMENTS**

**Senator HILL** (South Australia—Leader of the Government in the Senate) (2.00 p.m.)—by leave—I inform the Senate that Senator Ellison, the Minister for Justice and Customs, is absent today because he is attending the funeral of the late President of

Nauru. Senator Vanstone will answer questions relating to his portfolio.

### QUESTIONS WITHOUT NOTICE

#### Iraq

**Senator CHRIS EVANS** (2.00 p.m.)—My question is directed to Senator Hill in his capacity as the Minister for Defence. I refer to the minister's public comments regarding Australian terms of engagement in any war with Iraq. Can he explain the difference between Australian and United States rules of engagement? Is the minister, in fact, claiming that the United States is more willing to target areas with civilians than Australia? What is the process by which we rule out targets selected by the US Central Command? Do we have access to independent intelligence on targets, or do we base our assessments on US intelligence? Will RAAF aircraft be used to attack targets in built-up areas where the risk to civilians is obviously much higher?

*Senator Ian Macdonald interjecting—*

**Senator HILL**—The rules of engagement are set by Australia for Australian forces, and Australian commanders will have the responsibility of ensuring that they are adhered to. They do differ somewhat from the United States rules of engagement because Australia is subject to a number of conventions to which the United States is not. The Ottawa convention in relation to landmines is one, and protocol 1 of the Geneva convention is another.

Australians are also subject to a targeting directive that has been given by the Chief of the Defence Force and that is incorporated within the rules of engagement. Targets accepted by the ADF will have to be, in effect, cleared by ADF military commanders who will ensure that they meet the Australian rules of engagement and the targeting directive. The intelligence is, in some instances, partly Australian sourced, but it is reasonable to assume that it has been primarily obtained through other international sources. A great deal of effort has been put into verifying the intelligence upon which targeting decisions are made, in every effort to avoid mistakes. Civilian targets are not legitimate targets for Australian forces; I am sure the United States

would also say they are not legitimate targets for the US.

As I think I said yesterday, there are always grey areas in these matters, and that is why we need able commanders supported, if necessary, by good legal advice and very sound intelligence to best avoid mistakes being made. With the use of modern precision munitions and much better intelligence than has existed in the past, it should be possible to minimise civilian casualties. It is certainly the government's objective and that of the ADF to make every effort to minimise civilian casualties.

**Senator CHRIS EVANS**—I have a supplementary question, Mr President. I thank the minister for his answer. I am insulted by Senator Macdonald's interjection. I think the people of Australia are interested in the rules of engagement of the Australian defence forces.

**Senator Ian Macdonald**—Saddam Hussein will be interested in this answer as well.

**Senator CHRIS EVANS**—I know what you said and it shows a lot about you, Senator. My supplementary question is to the Minister for Defence.

**Senator Vanstone**—Mr President, I raise a point of order. Senator Ray, who I am sorry is not here, took a point of order in the last week and asked you to give consideration to whether ministers, when giving their answers, could make inferences about behaviour or views on the other side. Mr President, when you take up Senator Ray's suggestion, would you also do so in relation to inferences that are put into questions?

**The PRESIDENT**—There is no point of order, Senator Vanstone, but I hear what you say. Senator Evans, could you address your remarks through the chair.

**Senator CHRIS EVANS**—My supplementary question runs on from the last part of Minister Hill's answer, which related to precision munitions. Minister, 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?

**Senator HILL**—As I understand it, in any strike task that might be assigned and given to the ADF, the ADF is likely to be using laser-guided weapons. That is the preferred weapon for the targets that are likely to be assigned. Therefore, I assume the aircraft are fitted for that capability. In relation to whether all 14 aircraft are fitted, I will seek advice on that. That capability should best ensure accuracy in achieving the target, certainly with minimum civilian loss—hopefully, with no civilian loss.

**Senator Chris Evans**—What about US JDAM bombs?

**Senator HILL**—There is no suggestion I know of that we would use US JDAM bombs. (*Time expired*)

#### Iraq

**Senator FERGUSON** (2.07 p.m.)—My question is to the Leader of the Government in the Senate, Senator Hill. Will the minister inform the Senate how Australia's role in disarming Iraq will contribute to a safer global community?

**Senator HILL**—I thank Senator Ferguson for his question because that is the key question. This has obviously been a very difficult decision for the government to take, but we have taken it because we are convinced that Iraq represents a real and immediate threat to its own people, to its neighbours, to global security and therefore to Australia's fundamental interests. Of course, in this instance, the threat arises through a combination of Saddam himself, a ruthless and brutal dictator, and his weaponry which includes weapons of mass destruction.

From any brief examination of Saddam Hussein's form, one is touched by the fact that he is a dictator who has used chemical weapons on his own people—on unarmed men, women and children; who has invaded his neighbours; and who heads a regime which is a leading state sponsor of terrorism.

On any objective assessment, one must say that Saddam Hussein has form.

**Senator Sherry**—How many more countries are there on the list? There must be 50.

**Senator HILL**—It is true. I said that in this instance, the threat arises—

*Senator Sherry interjecting—*

**The PRESIDENT**—Order! Senator Sherry will come to order. Minister, would you please direct your comments through the chair instead of replying directly to interjections that are out of order.

**Senator HILL**—Mr President, I was making the point, albeit in response to an interjection, that it is true that the threat arises from the combination of the man himself and his record of brutal repression, and his capability to use weapons of mass destruction, in particular chemical and biological weapons, and because he is a man with an aspiration for nuclear weapons as well. When you match that capability for mass destruction with someone with his record, not only in relation to his neighbours but in relation to his own people, that is a matter of grave concern in terms of the security of the people of Iraq, of the people of his region and of the international community as a whole. That is absolutely the point.

**Senator Sherry**—What about the others on the list?

**Senator HILL**—Senator Sherry seems to understand the point. That is why the Australian government is prepared to join with others who are determined to see that he is disarmed in accordance with the many UN Security Council resolutions that have been passed over the last 12 years. The point is that the international community has recognised the danger of Saddam Hussein for years. That is why it has passed resolution after resolution demanding that he disarm.

*Senator Bolkus interjecting—*

**Senator HILL**—Demanding, it is true, for Senator Bolkus's benefit, not that he be replaced but that he no longer have the extraordinary capability that attaches to weapons of mass destruction. That is the very point. For 12 years the United Nations Security Council has passed these resolutions and

demand he disarm, but it has not been prepared to enforce them.

What is not in dispute is that he retains these weapons—chemical and biological weapons—and furthermore what is not in dispute is that he maintains a program to further develop these weapons. Rather than suggest that he will become less of a threat in the future, he therefore logically becomes a greater threat in the future as these weapons are further developed. The issue for the international—(*Time expired*)

#### **Iraq**

**Senator FAULKNER** (2.12 p.m.)—My question is directed to Senator Hill, in his capacity as Minister for Defence and Minister representing the Prime Minister. Is the minister aware that yesterday the US Department of Homeland Security raised the US national threat level from an elevated to high risk of terrorist attack stating:

The Intelligence Community believes that terrorists will attempt multiple attacks against US and Coalition targets worldwide in the event of a US-led military campaign against Saddam Hussein.

Doesn't this add official US government weight to Minister Abbott's acknowledgment yesterday that as a direct result of Australia's participation in the coalition forces about to attack Iraq—and I quote:

... there is an increased risk of terrorist attack here in Australia ...

Why hasn't the Howard government increased the level of threat assessment from terrorist attack here in Australia?

**Senator HILL**—Australia has been on a heightened alert to terrorist attack from 11 September 2001. That has continued and it has been mentioned often. The Australian people have been urged to be careful and to be aware.

*Senator Sherry interjecting—*

**Senator HILL**—Yes, they have been urged to be aware and to be careful and also to assist fellow Australians by being aware and careful. There has been no—

**Senator Conroy**—They will need a big fridge magnet now.

**Senator HILL**—The Labor Party believes that Australians should be kept in ig-

norance. I think the point of the question was, 'Shouldn't Australians be aware of what the appropriate threat level is and shouldn't the Australian government react to that threat level?' What I am saying is that not only are we keeping Australians aware, we are also maintaining the threat level consistent with the best advice that we have. The best advice that we have from our officials who specialise in this matter is that the current threat level is appropriate in the current circumstances and that there has not been a need to change that as a result of the Australian government's decision of yesterday.

**Senator FAULKNER**—Mr President, I ask a supplementary question. In the circumstances where the Prime Minister this morning stated that there is no intelligence suggesting that Australia should move to a higher level of alert, and you have confirmed a similar approach in the chamber this afternoon, will the minister assure the Senate that the Australian government will immediately establish on what basis the US Department of Homeland Security raised the United States national threat level and then publicly announced the views of the US intelligence community that terrorists will attempt multiple attacks against coalition targets worldwide? I would ask also if he would report back on this to the Senate as soon as possible.

**Senator HILL**—It should come as no surprise to Senator Faulkner that our officials responsible for giving best advice to the Australian government on terrorist threats and appropriate levels of threat within Australia confer with the US and other similar officials with similar tasks. I have said to Senator Faulkner that, having taken into account the best available evidence to our officials, which obviously includes what they get from officials of other countries, their view is that the current level of threat for Australia is appropriate in the current circumstances. For the government to take a decision other than in accordance with best advice would be a very strange one indeed.

#### **Iraq**

**Senator FERRIS** (2.16 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 the international agencies' reports that have condemned the Iraqi regime of Saddam Hussein? What information can the minister provide for the Senate about the treatment of women by Saddam Hussein in Iraq?

**Senator VANSTONE**—I can answer the question asked by Senator Ferris. The Saddam Hussein regime has been condemned by the UN Commission on Human Rights, Amnesty International and Human Rights Watch. But let me take the opportunity before continuing with my answer to encourage members opposite—and I am thinking particularly of Senator Carr—to look at Minister Ruddock's speech in the parliament yesterday and to look at what this government has done for Iraqi refugees before you next open your mouth so unwisely.

To go on with my answer, the former UN and rapporteur for human rights in Iraq, Max Van der Stoep, found the regime was of 'an exceptionally grave character—so grave that it has few parallels in the years that have passed since World War II'. So we might ask ourselves what Iraqi women make of opposition to dealing with Saddam Hussein's regime. One Iraqi woman, Nidal Shaikh Shalal, said:

The Iraqi woman has endured torture, murder, confinement, execution, and banishment, just like others in Iraqi society at the hands of Saddam Hussein's criminal gang.

Safia Al Souhail has called Saddam Hussein's Iraq a 'land of agony, dismay and fear'. She describes:

... a country where people are ethnically cleansed, prisoners are tortured in more than 300 prisons, rape is systematic, and decapitation of women and displaying of their heads on the walls and doors of their houses is an ongoing activity by the sons of the dictator.

As a result of the use of poison gas, women suffer from infertility and cancer, and their children are born suffering from birth defects.

*Opposition senators interjecting—*

**Senator VANSTONE**—Esra Naama from the Women for a Free Iraq describes her experience going into prisons liberated in 1991 during the uprising after the first Gulf War,

where they saw human meat grinders, chemical pools to dissolve human remains and rooms especially created for sexual abuse. She describes how many women entered those prisons when they were 14 and when they left many years later, had up to five children because of rapes perpetrated against them.

Rania Kaski, who lost 17 of her relatives as Hussein's victims, asks those who are opposed to war:

Are you willing to allow [Hussein] to kill another million Iraqis?

She continues:

The Iraqi people have been protesting for years against war—the war that Saddam has waged against them. Where have you been? Why is it now that you deem it appropriate to voice your disillusion with America's policy in Iraq when it is actually right now that the Iraqi people are being given real hope ...

What would senators opposed to taking action against Saddam Hussein to disarm him of weapons of mass destruction say to the residents of Halabja in North-East Iraq?

*Opposition senators interjecting—*

**Senator VANSTONE**—The residents of Halabja in North-East Iraq 15 years ago awoke to the roar of aircraft engines. The jets dropped on this village some of the most horrendous substances ever developed: sarin, tabun, mustard gas and VX. Clouds of gas paralysed and killed in seconds. Over 5,000 people were killed that day, 75 per cent of them women and children. Iraqi women have suffered unspeakable horrors at the hands of Saddam Hussein, and the sooner he is disarmed the better. (*Time expired*)

**Senator FERRIS**—Mr President, I ask a supplementary question. What other evidence can the minister provide about human rights abuse in this country of Iraq?

**Senator VANSTONE**—To Senator Ferris I say this: those who think this is a move taken by the one, two or three countries need to think again and look at the storehouse of information held in a range of countries around the globe that support action. They include: Afghanistan, Albania, Azerbaijan, Bulgaria, Colombia, the Czech Republic, Denmark, El Salvador, Eritrea, Estonia, Ethiopia, Georgia,

Hungary, Iceland, Italy, Japan, Latvia, Lithuania, the Netherlands, Nicaragua, the Philippines, Poland, Romania, Slovakia, Spain, Turkey and Uzbekistan. All are expecting to either participate in, or support, moves to disarm Saddam Hussein.

*Opposition senators interjecting—*

**Senator VANSTONE**—Many other nations are offering logistical support to allied troops in the gulf area. I would have thought it was obvious that with such an international coalition the evidence is very clear. (*Time expired*)

*Opposition senators interjecting—*

**The PRESIDENT**—Order! The noise level in the chamber today is over the top. I receive on a regular basis letters from people in the community complaining about the behaviour in this place. If senators would like to see some copies of those, they may recognise some of the people who are making the noises as they are described to me in the letters. I would ask you, please, to conduct yourselves in a much better fashion than you have so far in question time today.

#### **Australian Defence Force: Security**

**Senator FAULKNER** (2.22 p.m.)—My question is directed to Senator Hill, Minister for Defence. Can the minister confirm that security at Australian defence bases has been increased in recent days, while it was not increased after the Bali bombing? What is the current level of security on the five-point scale used? Why does the government consider that defence bases are now at a higher risk of attack?

**Senator HILL**—The Department of Defence took a decision to upgrade security at a number of its bases to the background of the government making a decision that it should engage in an international force to forcibly disarm Saddam Hussein. It upgraded the status from Safe Base Bravo, I think it was, to now Safe Base Charlie at 44 sites. It did so as a prudent reaction to the fact that the ADF is likely to be engaged in armed conflict. If I can interpret correctly the underlying motive of Senator Faulkner's question, I am advised by my department that that decision did not reflect an increased terrorist threat.

**Senator FAULKNER**—Mr President, I ask a supplementary question. In light of Mr Abbott's assessment that Australia is now a target because of our participation in the US led attack on Iraq, surely, Minister, that has had some impact on the increased security at defence bases. I think the Senate would appreciate some information from you today on what other changes the Australian government has made to its own security measures, such as at other government facilities, and whether this in fact includes increased close personal protection measures. If the government is increasing security measures in this way, Minister, why haven't the Australian public been told before today, as the US government did in its public announcement yesterday?

**Senator HILL**—It was obviously no surprise because Senator Faulkner asked me about the increased protection in relation to certain military establishments.

**Senator Faulkner**—I asked you. You made no public announcement.

**Senator HILL**—We do not normally announce these things in relation to military establishments. What the US government does is its business.

*Senator Faulkner interjecting—*

**Senator HILL**—I do not see what is funny about that. The Australian Defence Force decided to increase security from Safe Base Bravo to Safe Base Charlie at 44 bases as a prudent measure in response to a range of security contingencies which did not include any increased terrorist threat. The problem was of course that the supplementary was written before the answer was given. In relation to actions taken by other departments, I cannot give a comprehensive response. I know that the Protective Services have increased personal protection for certain individuals and some embassies are receiving further protection. (*Time expired*)

#### **Iraq**

**Senator BARTLETT** (2.26 p.m.)—My question is to the Minister for Defence, Senator Hill. One of the many pieces of information that the government has refused to release to date, despite repeated requests, is the projected costs of this war or even the

costs of the deployment and predeployment. The closest you have come is to say only that it will cost some hundreds of millions of dollars. The United States government has revealed that its estimated cost of the war at this stage is \$US90 billion or \$A151 billion. Minister, given that you did take a budget on this war to cabinet, will you now tell the Australian people what the projected costs of the deployment and of the war in Iraq will be to the taxpayer?

**Senator HILL**—The costs of the deployment will have to be covered by supplementary expenditure within the forthcoming budget. It is therefore being worked up in that context and it would be inappropriate for me to state a figure here today beyond that which I have previously said, and that is that the estimated cost is some hundreds of millions of dollars. The full cost is of course not fully known because the extent of the engagement is not known, but the government, which has a record of prudent financial management, is certainly working to best estimates in ensuring that the Defence Force is properly funded to meet its obligations.

**Senator BARTLETT**—Mr President, I ask a supplementary question. Why is it that the minister will not be open with the Australian people? Did he not take an estimated budget cost to cabinet before deployment was approved months ago? Why can he not release that figure to the Australian people as an estimate of the cost? Can he also indicate whether that cost will be by way of additional expenditure or will be met in part by cuts to other aspects of the Defence budget?

**Senator HILL**—There are clearly additional costs associated with a deployment such as this that could not sensibly be met by the existing Defence budget and will be met therefore by an appropriation in the forthcoming budget. The process for the determination of that is current and will be announced through the budget process by the appropriate person, which is the Treasurer.

#### **Iraq**

**Senator LUDWIG** (2.29 p.m.)—My question is to Senator Hill, the Minister for Defence. Can the minister confirm that the

Australian Defence national headquarters for the war with Iraq is based alongside the US central command of Tommy Franks in camp As Sayliyah, 12 miles south of Doha, the capital of Qatar? Is this not also the location of the coalition media centre, with its plasma screen TVs and the world map that omits Australia? Given that all of this information has been reported in the media, why is the government refusing to reveal the location of the Australian national headquarters and even the coalition media centre? Doesn't the government consider that the Australian public deserve the same information provided to Americans about the military deployment to the gulf?

**Senator HILL**—The short answer is that we have not disclosed the location of the headquarters because we have been asked by our host not to do so. It might come as a surprise to the opposition in this place that this is a government that respects the wishes of host governments in these circumstances. It is a fact that most countries of the gulf and in that region are, in fact, supporting the action against Saddam Hussein through providing basing, overflight rights and other methods of support—

*Opposition senator interjecting—*

**Senator HILL**—Kuwait. But because of the record of Saddam Hussein they are inclined not to say so publicly. They have therefore asked us not to say so publicly and we respect that wish.

**Senator LUDWIG**—Mr President, I ask a supplementary question. In light of that answer then, how can basic information on the deployment present a security risk? How can Australian troops located inside massive US military camps be at risk of attack when the location of the camp is publicised in the US media? Why haven't you asked the US—if that is the way you are going to present it—to allow that information to be made available, given that Tommy Franks's camp in As Sayliyah is clearly known?

**Senator HILL**—We believe it is in the security interests of Australia that Saddam Hussein be disarmed of his weapons of mass destruction. For us to contribute to an international effort to achieve that goal requires

the cooperation and support of states in the region. They have been prepared to give Australia that support on the basis that we do not disclose our presence. We respect their wishes.

#### **Iraq**

**Senator LEES** (2.32 p.m.)—My question is to Senator Hill, the Minister for Defence, and follows on from the question asked by Senator Bartlett a moment ago. In answer to Senator Bartlett, Senator Hill said he and the government do not fully know the cost of this war, which is to be expected as we do not know how long we are going to be involved in the war. However, I ask the minister: surely he does know how much has already been spent on forward deployment and on all the preparations that Australia has been undertaking for the past few months? Secondly, has Australia projected a likely monthly expenditure? The United States has said that it is prepared to spend up to \$20 billion a month on this war. Surely Australia has some forward projections as to the likely monthly expenditure.

**Senator HILL**—It is true that we have estimates we are working to, but the proper time and place for accountability in that regard is through the budget. To the extent that they will be funded in the forthcoming budget, they will be announced at that time and subjected to public scrutiny through the estimates committee. As suggested by one of my colleagues, Senator Bartlett might like to get the location of the estimates committees and he might come and make a contribution.

**Senator LEES**—Mr President, I ask a supplementary question. Given that the minister is so reluctant to tell us what it has cost or any likely costs as far as the war effort itself is concerned, I ask the minister: what preparations and plans is Australia making to right the damage done to Iraq, both by the previous war and sanctions, and now by this war? Can the minister give us some estimate of how much Australia is prepared to spend on actually rehabilitating Iraq after this is over?

**Senator HILL**—The honourable senator's question almost seems to imply that damage will be the responsibility of Australia.

Damage to Iraq is clearly the responsibility of Saddam Hussein. If he had ended his weapons of mass destruction program, as demanded by the international community, and had ended them peacefully there would be no further damage. Obviously we and others who are determined to disarm him do not wish to cause unnecessary damage to Iraq or to the Iraqi people. Unfortunately, through war, such damage is always caused, and because of our humanitarian instincts we will make a worthwhile contribution towards remedying such damage. The foreign minister has already announced some humanitarian support. As the Prime Minister said yesterday in his statement, this government is committed to making a significant contribution to the reconstruction of Iraq and to the support of the Iraqi people arising out of the conflict.

#### **Iraq**

**Senator KIRK** (2.35 p.m.)—My question is to Senator Hill, the Minister for Defence and the Minister representing the Prime Minister and the Minister for Foreign Affairs. Minister, what assessments has the government sought and received from Australian agencies in relation to the likely or possible humanitarian effects of the apparently imminent all-out military strikes on Iraq? How has the government factored the effect of high-tech war on the innocent Iraqi men, women and children—those who have already suffered so much under Saddam Hussein—into its decision to join with President Bush's blind rush to pre-emptive strike?

**Senator HILL**—I thank the honourable senator because she has been unusual on her side of politics for acknowledging that it is the Iraqi people that have suffered under Saddam Hussein. If you listen to the Labor opposition in this place, you would almost think that the suffering is the result of those who are determined to disarm him of his weapons of mass destruction. Obviously our agencies and other international agencies are concerned with what will be the consequences of this war.

**Senator Bolkus**—That's a blatant lie and you should retract it!

**The PRESIDENT**—Order!

**Senator HILL**—They ask the question but they do not want the answer.

**The PRESIDENT**—Senator Kirk has asked a question. Senators on my left should—

**Senator Cook**—He's lying! He has told a lie about the opposition! He should be pulled into line and sat down.

**The PRESIDENT**—Senator Cook, withdraw that imputation.

**Senator Cook**—If I used an unparliamentary word, I withdraw the word, but not the implication of the word. He's a liar.

**Senator Alston**—Mr President, I raise a point of order. I am not sure whether you heard Senator Cook's passing reference at the end. He simply sat down and said, 'He's a liar.' I would have thought that his defiance of your ruling is certainly something that he knows is disorderly, and he ought to be required to withdraw it.

**The PRESIDENT**—I thought I heard Senator Cook say he had withdrawn the word.

**Senator Alston**—It may have been sotto voce, but he managed to get in 'He's a liar' just as he was sitting down. I trust he will not deny that for a moment.

**Senator Vanstone**—Mr President, on the same point of order: the record should show that Senator Cook said, 'If I used an unparliamentary word'—and with his length of service he knows full well that he did—'I withdraw the word.' But I heard him say that he would not withdraw the inference. It is actually the inference that is against the standing orders. The word is, in a sense, irrelevant: it is just the package for the inference that has to be withdrawn. He further went on and confirmed his view he wanted to put with respect to Senator Hill. In other words, Mr President, he has basically told you to get lost.

**The PRESIDENT**—I do not recall that but, Senator Cook, I would ask you to withdraw the unparliamentary language that you used. You know that is against standing orders.

**Senator Cook**—Mr President, if I have used unparliamentary words, I withdraw them.

**The PRESIDENT**—No. You have used unparliamentary language and you have withdrawn. Senator Hill, I think you were trying to answer a question from Senator Kirk.

**Senator HILL**—I am sorry I have upset Senator Cook. I was struck by a Labor senator acknowledging that the Iraqi people have principally suffered as a result of Saddam Hussein.

**Senator Jacinta Collins**—That's rubbish and you know it!

**Senator HILL**—I was struck by it; it did strike me as unusual. But the point about high-tech weaponry is that it should result in less destruction than has historically been the case in military conflict. The use of precision weapons directly targeted, according to good intelligence, at military targets should result in a lot less in terms of civilian loss, whether it is infrastructure or personal loss, than has historically been the case. It is certainly our objective and the objective of other coalition partners to absolutely minimise that damage and therefore, in terms of infrastructure that will need to be repaired, to minimise the infrastructure that will be damaged. There have been assessments by our agencies and other agencies but they, naturally enough, are not precise about what might need to be repaired and what might be the sorts of costs and the types of efforts that should be put in after such a conflict—what is known as phase 4. What I said before in the Senate today is that Australia is committed to playing its part for good humanitarian reasons in that repair task.

**The PRESIDENT**—Senator Kirk, I believe you have a supplementary question. I would ask your colleagues to let you ask this question with some degree of silence.

**Senator KIRK**—Mr President, I ask a supplementary question. What response does the government have to the specific charge from former ONA analyst Andrew Wilkie that there is no humanitarian justification for commencing war in Iraq when the war will

bring much greater humanitarian suffering to the ordinary people of Iraq?

**Senator HILL**—I heard Mr Wilkie's comment, but the problem with Mr Wilkie's comment is: what is the alternative? He said that a conflict will bring humanitarian suffering—obviously conflicts always do. But in this instance we have a dictator who, now for some decades, has brought great suffering and great damage to his people, which is continuing. Do you turn your back and allow that suffering to continue, or do you confront it in an effort—incidental though it might be, because our primary task is to end the weapons program—to give the people of Iraq a better chance for a good future without the sort of oppression and cruelty to which they have suffered for so long under Saddam Hussein?

#### Drought

**Senator SANTORO** (2.42 p.m.)—My question is to the Minister representing the Minister for Agriculture, Fisheries and Forestry, Senator Ian Macdonald. Will the minister outline what assistance the Commonwealth is providing to farmers dealing with the drought? Will the minister also outline if there is any other assistance the states are providing to those farmers?

**Senator IAN MACDONALD**—While the focus of government at the moment is obviously on matters of security and protection of Australians as well as human rights, certainly normal governance must go on. The government continues to address those issues that confront us domestically. That is why I am delighted that Senator Santoro has raised this issue. It is very important right across Australia—particularly to our state of Queensland, Senator Santoro.

I am able to advise Senator Santoro that more than 7,300 farmers are currently receiving either income support grants, EC relief payments or interest rate relief. The Commonwealth expenditure to these needy farmers amounts to some \$71 million so far. The number of recipients and the level of the Commonwealth's commitment are expected to rise quite sharply in the next few months as new applications are processed. The bottom line is that the Commonwealth drought

assistance package and existing EC arrangements could cost the Commonwealth, and we have forward budgeted for, some \$900 million over the three-year period. This is 10 times more than the combined total of the state government drought relief, which currently totals around \$94 million.

This system of drought relief could have been handled much better by the states and, I might say, by the Commonwealth if the proposal put by Minister Truss for reform of drought relief payments had been accepted, adopted and taken up by the state Labor governments. Unfortunately, the state Labor governments are unwilling to make any positive change, and that is particularly so in Queensland and New South Wales. New South Wales prefers to maintain the current situation, which provides very little support for the farming communities and continues to ignore farmers. They want to maintain a system which allows the state governments to put up applications, many of which they know have no chance of succeeding, but they want to be able to play politics for it. They want to put up the applications, know that the Commonwealth will have to knock them back under the guidelines and then use this to politically point-score.

That is what the Labor governments are doing. In fact, the New South Wales Farmers Association is awake to the New South Wales government. The New South Wales Farmers Association issued a press release just recently showing that, of the \$43 million the New South Wales government has spent on drought to February, more than \$14 million has gone to staff salaries—bureaucrat salaries—and almost \$1 million has been spent on a departmental web site, would you believe. Under the New South Wales government, it is estimated that only \$11 million has actually gone to farmers. So \$14 million went to bureaucrats and \$11 million for farmers. If the state is so badly hit—and it is, and the New South Wales government knows it—why is it estimating that, of the \$106 million that it expects drought relief might gain or need by 30 June, only \$36 million will actually reach farmers and \$27 million will be spent on bureaucrats' salaries? This is the way the Labor Party approaches drought

relief. It has no interest at all. Country Labor is an absolute joke in New South Wales, as it is everywhere. (*Time expired*)

#### **Defence: Equipment**

**Senator HOGG** (2.46 p.m.)—My question is to Senator Hill, the Minister for Defence. Is the minister aware that the US has made public its decision to allocate four protective suits to its soldiers in the gulf to protect them against the threat of chemical or biological weapons? Isn't it a fact that, once a person in a suit is exposed to chemical or biological agents, the suit cannot be reused and must be replaced within 24 hours, which is why the US has issued multiple suits? Can the minister confirm how many suits have been issued to Australian defence personnel in the gulf? Do our personnel have multiple suits in case of a series of CBR attacks?

**Senator HILL**—All I can say without notice is that our forces have been equipped with the appropriate clothing to meet an anticipated threat, principally of chemical weapons but also to some extent of biological weapons, although that is largely answered through vaccinations and the like. I am assured that they are adequately suited to provide this protection. In terms of the number of suits with which they are provided, I will have to seek further information.

**Senator HOGG**—Mr President, I ask a supplementary question. Can the minister confirm that US troops have been issued with the new joint service lightweight integrated suit technology? Have Australian troops been issued with the same suit or have our personnel been issued with an older suit, which the US call a battledress overgarment or BDO? Haven't some of these suits been found to be defective?

**Senator HILL**—Obviously we would not purchase suits that are defective. The goal is to protect Australian service personnel. Suits, to the extent that they were not held in the inventory of the Australian Defence Force, were purchased for that objective. Whether they are the lightweight variety or the medium-weight variety I do not know, and I will seek that sort of technical information for the benefit of Senator Hogg.

#### **Iraq**

**Senator BARTLETT** (2.49 p.m.)—My question is to the Minister representing the Prime Minister, Senator Hill. Can the minister indicate whether the government is of the view that its action in deciding to attack Iraq is in accord with the right of self-defence under article 51 of the UN Charter, as was suggested by the so-called group of international lawyers in the *Australian* newspaper yesterday?

**Senator HILL**—We made public the legal advice upon which the Australian government is acting. That advice is that there is adequate legal authority in the terms of a range of UN Security Council resolutions made under chapter VII that require Saddam Hussein to disarm. To the background of his breach of those resolutions, nation-states are entitled to see that they are enforced. If I am paraphrasing the legal advice, I am a little surprised that I am being asked the question, because copies of it were made available to all honourable senators, including Senator Bartlett, and he can read the document as well as I can.

**Senator BARTLETT**—Mr President, I ask a supplementary question. Minister, the reason I asked you that question was that the legal advice you tabled does not go to the issue of whether or not the government believes its actions are consistent with the rights of self-defence under article 51. It is an important matter of law in terms of whether or not the government believes that that is a valid interpretation of the UN Charter. In relation to the advice that was tabled, why is it that the government is relying on advice that states explicitly that resolution 1441 provides authorisation for an attack on Iraq when even the US and UK ambassadors to the UN quite clearly stated when that resolution was passed that it did not provide authorisation for attack?

**Senator HILL**—I am glad that Senator Bartlett has worked out that we are not relying on the defence of self-defence as provided in the UN Charter. We are enforcing Security Council resolutions under chapter VII. In relation to resolution 1441, if Senator Bartlett goes back and rereads the advice he will see that that is one of a series of resolu-

tions upon which the advice is based. Primarily, that resolution reinforces the previous resolutions which demand the disarmament of Saddam Hussein and which, of course, Saddam Hussein accepted post-1991 but subsequently breached. It is the re-statement of that obligation which is the primary legal basis of the action. So it is not a self-defence action under the charter; it is an action to enforce the Security Council's obligations under the charter. (*Time expired*)

#### **National Security**

**Senator FAULKNER** (2.52 p.m.)—My question is to Senator Hill representing the Prime Minister. Minister, given that the United States Department of Homeland Security has indicated public concerns that terrorists will attempt multiple attacks against coalition targets world wide, given that Minister Abbott has said there is an increased risk of terrorist attacks here in Australia and given that you have announced today that there is now increased security at 44 defence bases in Australia, that there is increased security at embassies in Australia and that the government is enhancing close personal protection measures, how does the government justify the Prime Minister's statement that there is no intelligence suggesting that we should move to a higher level of alert in Australia?

**Senator HILL**—This is the third time the question has been asked in slightly different form, and I will provide the same answer that I provided on the two previous occasions. Since the forward deployment of Australian forces was announced, the government's advice is that no intelligence has been received that requires the raising of the overall threat level in Australia.

**Senator FAULKNER**—Mr President, I ask a supplementary question. Can the minister now indicate to the Senate why those increased security measures were made at defence bases, which is within this minister's responsibility? If it was not on the basis of an increased risk of terrorist attack, on what basis was that decision made, given the circumstances of the US Department of Homeland Security's announcement, Minister Abbott's statement in the House of Representatives yesterday and the other measures that

have been taken at embassies and in relation to close personal protection? If it is not a risk of terrorism, if the Prime Minister is right about this, what is the reason for these measures having been taken? What is the reason for a lack of action on the part of the Prime Minister and the government?

**Senator HILL**—The advice of my department, as I said in answer to a previous question, is that the decision of the Department of Defence is: 'A measured response to a range of security contingencies that may eventuate if the ADF becomes engaged in combat operations. The move does not reflect an increased terrorist threat.'

#### **Information Technology**

**Senator EGGLESTON** (2.55 p.m.)—My question is to the Minister for Communications, Information Technology and the Arts, Senator Alston. Will the minister please outline to the Senate how the government's commitment to the development and use of information and communications technologies has helped transform Australia's major industries and contributed to our impressive economic growth in recent years? Is the minister aware of any alternative policies?

**Senator ALSTON**—One thing that is very well understood around the world these days is that Australia's economic growth performance has been outstanding. If you look at the OECD tables, you will find that we are world's best outperformers. What is not quite as readily understood is that the reason we have a very healthy fundamental economy with low interest rates, low levels of inflation and government debt at record low levels is, in part, the transformational effect of ICT. There are those who think we still rely heavily on resources, that we are an old economy, as it used to be described. The reality is quite different. One of the reasons the Prime Minister identified four national research priorities last year—and one of those included the transformational effects of frontier technologies—is that areas of traditional activity, like insurance, banking, finance, mining and the wine industry, have been transformed by lower cost structures and by the use and intelligent application of IT.



The OECD is probably best qualified to make judgments about these things. What they told us recently was that Australia's investment in ICT had contributed almost half of one per cent per annum to our economic growth between 1990 and 1995 and almost 0.7 per cent between 1995 and 2001. That points to an outstanding performance in ICT uptake. The government's innovation action plan released more than two years ago, which the opposition have still not signed on to, is also seen as a very key plank in ensuring we are able to take advantage of new technologies.

**Senator Lundy**—What about production?

**Senator ALSTON**—I am asked about alternative policy approaches, and one only has to look at the Luddite approach of Senator Lundy to understand that the opposition still does not get it. What Senator Lundy said recently about the ICT—

*Opposition senators interjecting—*

**Senator ALSTON**—They do get excited, don't they! I am surprised that Senator Lundy excites so much interest on the other side; I thought it was generally hostility, not enthusiasm. Nonetheless, I supposed it is best to be noticed, isn't it? Just so your colleagues notice this one, Senator Lundy: what Senator Lundy said recently in terms of the ICT trade deficit was that this is a shocking result and that Australia's shocking status as a net importer of ICT goods is, in fact, beneficial to our economic development. In other words, anyone who argues that somehow there is a basis for justifying a trade deficit in this area is fundamentally wrong. Well, Senator Lundy is fundamentally wrong because, as recently as a couple of weeks ago, the OECD said:

It is primarily the use of ICT and not so much its production that counts for its effect on productivity and economic growth. This is demonstrated by the examples of Australia and Japan. Whereas the former has a very small ICT producing sector and benefited markedly from ICT capital services, the latter has one of the largest ICT hardware producing sectors of the OECD countries but did not exhibit above average productivity or GDP growth contributions to ICT.

It is all there, Senator Lundy. All you have to do is listen, read and understand. The fact is

that Australia is a very successful economy because—(*Time expired*)

**Senator EGGLESTON**—Mr President, I ask a supplementary question. Could the minister further explain how the ICT industry has contributed to Australian export development?

*Senator Lundy interjecting—*

**Senator ALSTON**—Senator Lundy thinks that she is the member for Canberra, so she has to get all these little stories in the *Canberra Times*, such as, 'We are going to encourage SMEs to get more of the government contracts.' Before the last election, she said that they were going to guarantee them 50 per cent of the contracts. Within 24 hours that was cancelled—the deal was off and she did not say it again. But she has been out there saying it again recently. Of course, she now has to concede what we have been saying all along: that value for money has to be the bottom line. You cannot have it both ways. You cannot say that you are going to give special treatment to SMEs on the one hand and then say that you will insist on value for money on the other hand. These sorts of contradictions are fundamental. That is why, when Senator Carr puts out a discussion paper on science policy, it sinks without trace, because Mr Emerson said that if you are so vague and unqualified no-one takes the slightest notice. (*Time expired*)

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

## ANSWERS TO QUESTIONS ON NOTICE

### Question No. 1154

**Senator ALLISON (Victoria)** (3.02 p.m.)—Pursuant to standing order 74(5), I ask the Minister for Defence for an explanation as to why an answer has not been provided to question on notice No. 1154, which I asked on 6 February this year.

**Senator HILL (South Australia—Minister for Defence)** (3.02 p.m.)—I throw myself on the mercy of the Senate. I have no idea what question No. 1154 refers to.

**Senator ALLISON (Victoria)** (3.02 p.m.)—I move:

That the Senate take note of the minister's failure to provide either an answer or an explanation.

I am surprised that the Minister for Defence does not know what this is about since this was the subject of a speech I gave earlier today in this place, during which I gave the date of the questions and talked about them at some length—which obviously I will be forced to do again. My questions related to whether or not Australian troops, when they reach Iraq, will face a war in which nuclear weapons are being used. I asked the government to confirm that President Bush had been quoted as saying in the United States that the US administration would use nuclear weapons 'if necessary'. As I said earlier today, we are entitled to know whether 'if necessary' means that it is necessary or not, and our troops are entitled to know that going into this war against Iraq may be extremely dangerous and no end of suits will protect them from might occur if it is a nuclear war.

On 28 January, American nuclear weapons analyst William Arkin, who is a senior fellow at the Centre for Strategic Education at John Hopkins University, said that the US Strategic Command is compiling potential target lists, with planning focused on roles for nuclear weapons against underground facilities and to stop chemical or biological attack. When asked about this report, White House spokesperson Ari Fleischer said that all military options are available. The minister did not answer this question and did not answer the question that I posed earlier today, even though I gave him a couple of opportunities, by calling a quorum, to come to the chamber and do so. I suggest that the Australian people are interested in the answers to these questions, which for six weeks have not been forthcoming.

I also asked for details to be provided on what advice the government has been given by the US administration about these proposals to use nuclear weapons in an attack on Iraq. We would like to know. The Prime Minister keeps saying that he believes that nuclear weapons will not be used, despite the enormous amount of evidence that is coming out of the United States to suggest that they will. The Prime Minister has a belief that

nuclear weapons will not be used, but this is not supported by anything which has been provided by the government to suggest otherwise.

The STRATCOM review in the US says that nuclear weapons 'could be employed against targets able to withstand non-nuclear attack'. My question was: what has the United States administration said about this possibility? Which, if any, of the following circumstances would cause Australia to decline to send troops to or withdraw troops from combat in Iraq: the use by the US administration of depleted uranium in warheads—and we know the problems that that caused in Iraq in the Gulf War; the use of nuclear so-called bunker busters—a cute name but we all know that that means a small nuclear weapon; the use of other nuclear weapons; or the use of nuclear weapons in retaliation against Iraq's use of chemical or biological weapons? These are questions that have not been answered in this place or more publicly.

If no decision has yet been made about the circumstances in which our troops will be brought back, when will it be made and by what process? What advice has the government received from the US administration about a reported increase in US nuclear capability? If no advice has been received, what analysis has this government done about increased nuclear capacity? The US administration announced in January that it intended 'to shatter Iraq physically, emotionally and psychologically', using at that stage '800 cruise missiles in two days'. We now know that it is 3,000 cruise missiles over 48 hours. That is 15 times as many as were used in the whole of the 40 days of the Gulf War in 1991. We would like to know whether those cruise missiles will include depleted uranium and, if so, how much. Will they all be constructed in that way? What will they target?

The Prime Minister said on 30 January, 'Australia doesn't have chemical or biological or nuclear weapons and we don't want them'—we certainly do not—'we don't have them. And we don't think other countries, other than those authorised by international

agreement should have them.' I asked: what concerns has the government expressed about the spread of nuclear weapons to Israel? The answer is never provided in this place. What steps has the government taken to disarm Israel of nuclear weapons—or Pakistan, or those many other countries who have nuclear weapons and who present a far greater threat to world peace than does Iraq? And what analysis has the government prepared for the implications of world peace and progress on international treaties such as the nuclear non-proliferation treaty of the US move to group nuclear weapons with conventional weaponry?

Those are important questions and I am disappointed that the minister has chosen to ignore them totally, to not come into this place prepared to answer them or to provide the answers within 30 days, as he is required to do. I asked him questions on 12 March about subsequent developments with regard to nuclear weapons but they have not been answered either. My colleague Senator Bartlett, on 21 February, asked a series of questions—some 80 questions—about this war on Iraq but they have not been answered either. Minister, you might note that they are Nos 1173 and 1174. I ask that those questions be answered expeditiously because we are now at war with Iraq. The questions that have been put on notice to you, Minister, are important ones that ought to be answered. The Australian public has a right to know.

Question agreed to.

### PETITIONS

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

#### **Military Detention: Australian Citizens**

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

The Petition of the undersigned shows:

- that the treatment of David Hicks is not in accordance with Geneva Convention Guidelines applying to prisoners of war

Your petitioners ask that the Senate should:

- ensure that Australian citizen, David Hicks', rights are met under the guidelines of the Geneva Convention as it applies to prisoners of war

- send a deputation to George W. Bush asking that David Hicks be returned to Australia
- ensure that David Hicks be entitled to a civil trial, in Australia, if he is charged with any crime

by **Senator Kirk** (from 1,664 citizens).

#### **Iraq**

To the Australian Senate:

We the undersigned oppose the Australian Defence Forces being used in a war that has not been sanctioned by the United Nations.

We call upon you to support and explore all options for the resolution of conflict before committing Australia to war or violence.

by **Senator Mackay** (from 123 citizens).

#### **Iraq**

To the Australian Senate:

We the undersigned call upon the Australian Government not to involve Australia in a war against Iraq.

There is no clear evidence that Iraq poses an immediate threat to Australia or any of our allies. There is no established link, between Iraq and the shameful attacks of September 11, 2001.

Democracy in Iraq cannot be enforced by war. Australia must play a part in diplomatic and peaceful solutions to this conflict, and, must help the Iraqi people move, towards democracy.

There is no need for Australia to support or be involved in this conflict. We call upon you to put the interests of peace and the world community above those of the United States.

by **Senator Nettle** (from 10,958 citizens).

#### **Tasmania: Telephone Directories**

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

The Petition of the undersigned draws the attention of Senators to the fact that Tasmania has three separate regional telephone directories (combined White and Yellow Pages). Considering Tasmania's small population we the undersigned believe this situation is both impractical and unnecessarily costly to the consumer.

Your Petitioners request that the Senate ask The Minister for Communications, Information Technology and the Arts to consider the proposal of merging Tasmania's existing three telephone directories into two state-wide books; one for the White Pages and the other for the Yellow Pages.

by **Senator Sherry** (from 11 citizens).

Petitions received.

### IRAQ

**Senator BROWN (Tasmania)** (3.10 p.m.)—by leave—I note that one of those petitions has more than 10,000 signatures against the war in Iraq. That petition is presented by Senator Nettle; it should be recorded as such.

### QUESTIONS WITHOUT NOTICE: ADDITIONAL ANSWERS

#### Goods and Services Tax: Subcontractors

**Senator IAN CAMPBELL (Western Australia—Parliamentary Secretary to the Treasurer)** (3.10 p.m.)—On 5 March Senator George Campbell asked Senator Coonan a question relating to some tax issues. On behalf of Senator Coonan, I seek leave to incorporate some additional information in *Hansard*.

Leave granted.

*The answer read as follows—*

Where an Australian subcontractor supplies goods to another party in Australia as part of a contract with an overseas prime contractor, the subcontractor is required to charge GST to the prime contractor.

Where an overseas prime contractor engages a non-resident subcontractor for the supply of goods to a party in Australia, the non-resident contractor will not charge Australian GST to the prime contractor. However, when the goods are brought into Australia, GST will be charged at importation.

In each case the GST amount charged to the party in Australia will be identical.

When turnover in Australia is less than \$50,000, it is a commercial decision for the prime contractor as to whether they register and claim input tax credits. Once they are registered for GST they will have to charge GST on taxable supplies that they make, but they will also be able to claim input tax credits. If an overseas prime contractor is uncertain of the requirements and implications of GST registration they can make use of the ATO's education and advisory services or seek a private ruling.

The GST has been in effect since 1 July 2000. It is not correct to assert that the Australian Taxation Office (ATO) has been aware of the concerns of industry for at least 3 years. I am advised that industry first raised their concerns with the ATO in the second half of 2001.

Initially industry had concerns that there was a difference in the impacts of GST, but, as I have

explained this is not the case. Subsequently industry representatives have raised a concern that the obligations that accompany being registered for GST may discourage an overseas prime contractor from dealing with Australian subcontractors.

At a meeting of industry representatives and the ATO in May 2002 a number of possible responses to industry concerns were identified. The options have not yet been fully explored but the ATO has been available and willing to progress these matters with industry. There have been subsequent meetings and late in 2002 industry representatives added another option to the list of possibilities to be explored.

I am advised that the ATO remains available to progress matters in partnership with industry to ensure that any response is both acceptable to industry and conforms to the law.

### NOTICES

#### Presentation

**Senator Heffernan** to move on the next day of sitting:

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

**Senator Heffernan** to move on the next day of sitting:

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.

**Senator Allison** to move on the next day of sitting:

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.

**Senator Conroy** to move on the next day of sitting:

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 Stott Despoja** to move on Tuesday, 25 March 2003:

That—

- (a) the Senate notes that:
  - (i) the Victorian Legislative Assembly recently changed its rules to allow breastfeeding in the chamber at the Speaker's discretion, and
  - (ii) on 13 March 2003, the Australian Capital Territory's Legislative Assembly changed its standing orders to allow breastfeeding in the chamber, becoming the first state or territory legislature to allow breastfeeding without the need to seek permission from the Speaker; and
- (b) standing order 175 not apply in respect of a senator breastfeeding an infant.

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

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.

**Senator Lees** to move on the next day of sitting:

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.

**Senator Lees** to move on the next day of sitting:

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 ggalitres 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 gegalitres 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 gegalitres 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.

### COMMITTEES

#### Selection of Bills Committee

##### Report

**Senator FERRIS (South Australia)** (3.11 p.m.)—I present the third report for 2003 of the Selection of Bills Committee.

Ordered that the report be adopted.

**Senator FERRIS**—I seek leave to have the report incorporated in *Hansard*.

Leave granted.

*The report read as follows—*

#### SELECTION OF BILLS COMMITTEE

##### REPORT NO. 3 OF 2003

1. The committee met on Tuesday, 18 March 2003.
2. The committee resolved to recommend—That the—
  - (a) Health Legislation Amendment (Private Health Insurance Reform) Bill 2003 be referred immediately to the Community Affairs Legislation Committee for inquiry and report on 13 May 2003 (see appendix 1 for statement of reasons for referral);
  - (b) Late Payment of Commercial Debts (Interest) Bill 2003 be referred immedi-

ately to the Economics Legislation Committee for inquiry and report on 11 August 2003 (see appendix 2 for statement of reasons for referral);

- (c) provisions of the Taxation Laws Amendment Bill (No. 4) 2003 be referred immediately to the Economics Legislation Committee for inquiry and report on 16 June 2003 (see appendix 3 for statement of reasons for referral);
- (d) provisions of the Taxation Laws Amendment Bill (No. 8) 2002 be referred immediately to the Economics Legislation Committee for inquiry and report on 16 June 2003 (see appendix 4 for statement of reasons for referral);
- (e) provisions of the Terrorism Insurance Bill 2002 be referred immediately to the Economics Legislation Committee for inquiry and report on 30 April 2003 (see appendix 5 for statement of reasons for referral);
- (f) Workplace Relations Amendment (Protecting the Low Paid) Bill 2003 be referred immediately to the Employment, Workplace Relations and Education Legislation Committee for inquiry and report on 5 May 2003 (see appendices 6 and 7 for statements of reasons for referral);
- (g) order of the Senate of 5 March 2003 adopting the committee's 2nd report of 2003 be varied to provide that the provisions of the Dairy Industry Service Reform Bill 2003 and the Primary Industries (Excise) Levies Amendment (Dairy) Bill 2003 be referred immediately to the Rural and Regional Affairs and Transport Legislation Committee for inquiry and report on 26 March 2003 (see appendices 8 and 9 for statements of reasons for referral); and
- (h) following bills not be referred to committees:
  - Family and Community Services Legislation Amendment (Disability Reform) Bill (No. 2) 2002 [No. 2]
  - Workplace Relations Amendment (Protection for Emergency Management Volunteers) Bill 2003.

*The committee recommends accordingly.*

3. The committee *deferred* consideration of the following bills to the next meeting:

*Bill deferred from meeting of 20 August 2002*

Occupational Health and Safety (Commonwealth Employment) Amendment (Employee Involvement and Compliance) Bill 2002.

*Bills deferred from meeting of 19 November 2002*

Workplace Relations Amendment (Award Simplification) Bill 2002

Workplace Relations Amendment (Choice in Award Coverage) Bill 2002.

*Bill deferred from meeting of 3 December 2002*

Environment Protection and Biodiversity Conservation Amendment (Invasive Species) Bill 2002.

*Bills deferred from meeting of 4 March 2003*

Family Law Amendment Bill 2003

Workplace Relations Amendment (Compliance with Court and Tribunal Orders) Bill 2003.

(Jeannie Ferris)

Chair

19 March 2003

Appendix 1

**Proposal to refer a bill to a committee**

**Name of Bill:**

Health Legislation Amendment (Private Health Insurance Reform) Bill 2003

**Reasons for referral/principal issues for consideration:**

To examine the provisions of the Bill which provide wide discretion to the Minister on the operation of the industry; to determine the fiscal implications of the proposed legislation of Lifetime Health Cover as a vehicle for industry advertising; to determine the fiscal implications of the community rating amendments.

**Possible submission or evidence from:**

Institute of Actuaries Australia Association

Deloitte Trowbridge Consulting

KPMG

Health Insurance Restricted Membership Association Australia

Individual large health funds

Australian Consumers Association

Institute of Governance, University of Canberra

**Committee to which bill is to be referred:**

Community Affairs Legislation Committee

**Possible hearing date(s):**

**Possible reporting date:**

As soon as practicable  
(signed)

Senator Lyn Allison

Whip/Selection of Bills Committee member

Appendix 2

**Proposal to refer a bill to a committee**

**Name of bill(s):**

Late Payment of Commercial Debts (Interest) Bill 2003

**Reasons for referral/principal issues for consideration**

To explore:

Cash flow problems for small business resulting from big business failure to pay on time.

Small business concerns about difficulty in being paid on time; and

Community expectations of the bill

**Possible submissions or evidence from:**

VACC

ACCI

CPA Australia

MTAA

COSBOA

NARGA

Gerry Raleigh Fax: (03) 9872 4628

OSB

**Committee to which bill is referred:**

Economics Legislation Committee

**Possible hearing date:** June 2003

**Possible reporting date(s):** July 2003

(signed)

Senator Sue Mackay

Whip/Selection of Bills Committee Member

Appendix 3

**Proposal to refer a bill to a committee**

**Name of bill(s):**

Taxation Laws Amendment Bill (No. 4) 2003

**Reasons for referral/principal issues for consideration**

Schedule 7—Worker Entitlement Funds

Treasurer's power to declare a fund not to be an approved fund.

Restrictions on the use of an approved fund's surplus for training and other employment related functions.

**Possible submissions or evidence from:**

Worker entitlement funds

Employers

Unions

Treasury

Australian Taxation Office

Department of Employment and Workplace Relations

**Committee to which bill is referred:**

Economics Legislation Committee

**Possible hearing date:** Budget week 2003

**Possible reporting date(s):** 16 June 2003

(signed)

Senator Sue Mackay

Whip/Selection of Bills Committee Member

---

Appendix 4

**Proposal to refer a bill to a committee**

**Name of bill(s):**

Taxation Laws Amendment Bill (No. 8) 2003

**Reasons for referral/principal issues for consideration**

Schedule 5—Petroleum Resource Rent Tax

- (1) The validity of the government's argument for effectively bringing forward deductions against PRRT for closing a facility when it is not going to be closed but instead converted for use as an infrastructure facility.
- (2) The equity of apportionment of PRRT liability where a facility has joint use with other fields

**Possible submissions or evidence from:**

Australian Petroleum Exploration Association

Offshore oil producing companies

Treasury

Department of Industry, Science and Resources

**Committee to which bill is referred:**

Economics Legislation Committee

**Possible hearing date:** Budget week 2003

**Possible reporting date(s):** 16 June 2003

(signed)

Senator Sue Mackay

Whip/Selection of Bills Committee Member

---

Appendix 5

**Proposal to refer a bill to a committee**

**Name of bill(s):**

Terrorism Insurance Bill 2002

**Reasons for referral/principal issues for consideration**

To examine the operation of the proposed scheme including coverage, premium levels, impact on the insurance industry and property owners.

**Possible submissions or evidence from:**

COSBOA

Insurance Council

Association of Risk and Insurance Managers of Australia

Treasury

**Committee to which bill is referred:**

Economics Legislation Committee

**Possible hearing date:**

**Possible reporting date(s):** 30 April 2003

(signed)

Senator Sue Mackay

Whip/Selection of Bills Committee Member

---

Appendix 6

**Proposal to refer a bill to a committee**

**Name of bill(s):**

Workplace Relations Amendment (Protecting the Low Paid) Bill 2003

**Reasons for referral/principal issues for consideration**

- (1) who in the Australian community depends on the Safety Net Review
- (2) the effect of the bill on the material needs of more people
- (3) previous consideration by the AIRC of the Safety Net Review
- (4) the probable effect of the legislation on the AIRC's consideration of the Safety Net Review

**Possible submissions or evidence from:**

Unions and employer groups, legal groups, academics, government departments

**Committee to which bill is referred:**

Employment, Workplace Relations, and Education Legislation Committee

**Possible hearing date:** 14-17 April 2003

**Possible reporting date(s):** 5-9 May 2003



**Note:** as to hearing and reporting dates, the AIRC will be hearing the Safety Net Review in the week March 31—April 4, so relevant parties would be free to participate in the committee's inquiry after that.

(signed)

Senator Sue Mackay

Whip/Selection of Bills Committee Member

Appendix 7

**Proposal to refer a bill to a committee**

**Name of Bill**

Workplace Relations Amendment (Protecting the Low Paid) Bill 2003

**Reasons for referral/principal issues for consideration:**

Examine the provisions of the bill in the context of the debate about whether current AIRC living wage processes are adequate and whether cost of living wage increases to employers is high and the disposable income benefits to low-income workers is low, and examine whether the adequacy of the bill without making the welfare/tax intersection less onerous.

**Possible submission or evidence from:**

ACTU

ACCI

AIG

BCA

NATSEM

ACOSS

Federal departments of Treasury; Family & Community Services; and Employment and Workplace Relations

Specialist academics in the tax and welfare field

**Committee to which bill is to be referred:**

Employment, Workplace Relations and Education Legislation Committee

**Possible hearing date(s):**

**Possible reporting date:** As soon as practicable

(signed)

Senator Lyn Allison

Whip/Selection of Bills Committee member

Appendix 8

18 March 2002

Senator Jeannie Ferris Chair

Selection of Bills Committee

Attention: Dr Rosemary Laing

Dear Senator Ferris,

I ask that the Committee reconsider the Dairy Industry Services Reform Bill and related bill at this afternoon's meeting so that a possible referral of the bills to the Rural and Regional Affairs and Transport Legislation Committee can be considered.

(signed)

Lyn Allison

Australian Democrats Whip

Appendix 9

**Proposal to refer a bill to a committee**

**Name of Bill:**

Dairy Industry Services Reform Bill 2003

Primary Industries (Excise) Levies Amendment (Dairy) Bill 2003

**Reasons for referral/principal issues for consideration:**

Examine the provisions of the bill proposing the establishment of the Dairy Australia Company and whether it is in the best interests of the dairy industry; the level of support within the industry for the new arrangements, in particular accountability provisions; and whether alternative models/provisions may be more appropriate to the industry in the context of restructuring.

**Possible submission or evidence from:**

President, Australian Dairy Farmers Federation, President, Australian Milk Producers Association Dr M McGovern, Faculty of Business, Qld University of Technology Australian Dairy Corporation, Dairy Research and Development Corporation

**Committee to which bills to be referred:**

Rural and Regional Affairs and Transport Legislation Committee

**Possible hearing dates:**

**Possible reporting date:** As soon as practicable

(signed)

Lyn Allison

Whip/Selection of Bills Committee member

**BUSINESS**

**Rearrangement**

**Senator IAN CAMPBELL** (Western Australia—Manager of Government Business in the Senate) (3.11 p.m.)—by leave—I move:

That, on Wednesday, 19 March 2003—

- (a) the hours of meeting shall be 9.30 am to 6.30 pm, and 7.30 pm to 11.40 pm;
- (b) the routine of business from 7.30 pm shall be consideration of the order of the day relating to Iraq;
- (c) if a division is called for after 7.30 pm, the matter before the Senate shall be adjourned until the next day of sitting at a time fixed by the Senate; and
- (d) the question for the adjournment shall be proposed at 11 pm.

**Senator ALLISON (Victoria)** (3.12 p.m.)—The Democrats have said for some time that the number of sitting days in this year, and particularly in these first six months, is inadequate given the workload this place has to get through before the end of June. We remind the government again that one of the reasons why we are sitting late is that there is insufficient time in the remaining days and weeks of this first half of the year to get through that business. I also remind the government that it means that staff in this place will be here until very late tonight. We think that is an undesirable outcome for them and it is a reflection of the fact that the government has so poorly planned this part of the year. We again urge the government to consider extending sitting times for this first half of the year in order to get through the business before us.

Question agreed to.

#### LEAVE OF ABSENCE

**Senator FERRIS (South Australia)** (3.13 p.m.)—I move:

That leave of absence be granted to Senator Knowles for the period 18 March 2003 to the end of the autumn sittings, on account of ill health.

Question agreed to.

#### COMMITTEES

##### Employment, Workplace Relations and Education Legislation Committee

##### Extension of Time

**Senator FERRIS (South Australia)** (3.14 p.m.)—by leave—At the request of the Chair of the Employment, Workplace Relations and Education Legislation Committee, Senator Tierney, I move:

That the time for the presentation of the report of the committee on the provisions of the Workplace Relations Amendment (Termination of Em-

ployment) Bill 2002 be extended to 26 March 2003.

Question agreed to.

#### NOTICES

##### Postponement

Items of business were postponed as follows:

Business of the Senate notice of motion no. 1 standing in the name of the Leader of the Australian Democrats (Senator Bartlett) for today, relating to the disallowance of items [2356], [2357] and [2358] of Schedule 2 to the Migration Amendment Regulations 2002 (No. 10), postponed till 25 March 2003.

Business of the Senate order of the day no. 2, relating to the reference of matters to the Foreign Affairs, Defence and Trade References Committee, postponed till 24 March 2003.

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 20 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 20 March 2003.

General business notice of motion no. 399 standing in the name of the Leader of the Australian Democrats (Senator Bartlett) for today, opposing war on Iraq without an authorising United Nations resolution, postponed till 20 March 2003.

#### IRAQ

**Senator ALLISON (Victoria)** (3.15 p.m.)—I move:

That there be laid on the table by the Minister for Defence, no later than 4 pm on 20 March 2003, all documents commissioned by the Australian Government and its agencies and the United Nations that provide comments on, or formal legal advice regarding, the legality of involvement in a war with Iraq where there is no resolution subsequent to Resolution 1441.

Question agreed to.

#### COMMITTEES

##### Finance and Public Administration References Committee

##### Reference

**Senator FORSHAW (New South Wales)** (3.16 p.m.)—I move:

That the following matters be referred to the Finance and Public Administration References Committee for inquiry and report by 8 October 2003:

- (a) the adequacy and appropriateness of the framework for employment and management of staff under the *Members of Parliament (Staff) Act 1984* (the MoPS Act);
- (b) the role and functions of MoPS staff in assisting and advising their employers and interacting with the Australian Public Service and other stakeholder groups;
- (c) the remuneration and conditions of employment of MoPS staff;
- (d) the means by which MoPS staff are accountable to government, the Parliament and the public;
- (e) suitable means by which the accountability of MoPS staff could be enhanced;
- (f) the merits of introducing a code of conduct for MoPS staff reflecting the Values and Code of Conduct of the *Public Service Act 1999*, the key elements such a code should contain and the process by which such a code should be developed and introduced;
- (g) suitable means by which the accountability of the Government for the employment of MoPS staff can be enhanced;
- (h) the role of departmental liaison officers and their interaction with MoPS staff and departments; and
- (i) appropriate amendments to the MoPS Act flowing from the above.

Question agreed to.

#### INDIGENOUS AFFAIRS: COPYRIGHT

**Senator RIDGEWAY** (New South Wales) (3.16 p.m.)—by leave—I move the motion as amended:

That the Senate—

- (a) notes the outcome of recent action against the International Olympic Committee for using the work of Indigenous artists during the Sydney Olympics without permission and, in particular, that the Olympic Museum Foundation has:
  - (i) issued an apology to Sam Tjampitjin, Richard Tax Tjupurulla and Mary

Kemarre, acknowledging that they are the authors and copyright owners of works displayed on the Museum website from July to 12 December 2000 without proper licence,

- (ii) asked any persons who downloaded the artistic works in any digital form to delete it immediately from their computer hard drives, and
  - (iii) sincerely apologised for any harm or inconvenience their actions may have caused to the artists, regretting any cultural or other harm that may have been occasioned by their families and clans;
- (b) further notes that:
- (i) Indigenous cultural expression is a fundamental part of Indigenous heritage and identity, and unauthorised use of Indigenous art and cultural expression can be inappropriate, derogatory, and culturally offensive,
  - (ii) individual Indigenous artists are custodians of the knowledge and wisdom their work incorporates and reflects and Indigenous moral rights are therefore collective rights that are inalienable from their community of origin, and
  - (iii) Indigenous artists are particularly vulnerable under Australian law, which offers virtually no protection for the moral rights owned collectively by Indigenous communities; and
- (c) urges the Government to take immediate action to amend the *Copyright Act 1968* to ensure the adequate recognition and protection of Indigenous collective moral rights.

Question agreed to.

#### DISABILITY SERVICES

**Senator BROWN** (Tasmania) (3.17 p.m.)—I move:

That the Senate calls on the Commonwealth Government:

- (a) to demonstrate leadership in cooperation with the states in addressing the unmet need for disability services, recognising that the Australian Institute of Health and Welfare report, *Unmet Need for Disability Services: Effectiveness of Funding and Remaining Shortfalls*, July

2002, identified that 12 500 people still need accommodation and respite services, 8 200 places are needed for community access services and 5 400 people need employment services;

- (b) to publicly release the offers made by the states and the Commonwealth for the next 5 years in the negotiations to date, recognising the failure of the Commonwealth and state governments to reach agreement in the current round of negotiations on a new Commonwealth state and territories Disability Services Agreement;
- (c) to immediately double its offer of new funding; and
- (d) in consultation with the states, to develop and implement a comprehensive plan beyond the current negotiations to address the unmet need for services over the next 5 years.

Question negatived.

**Senator BROWN**—Mr Deputy President, I ask that I and my colleague Senator Nettle both be recorded as supporting that motion.

#### **TAXATION: FRINGE BENEFITS**

**Senator NETTLE** (New South Wales) (3.18 p.m.)—I move:

That the Senate—

- (a) notes that the current fringe benefits tax on employer-provided cars is calculated so that the more you drive the less tax you pay, leading to many unnecessary kilometres being driven in order to avoid tax;
- (b) notes that employer-provided car parking is exempt from fringe benefits tax but employer-provided public transport passes and bicycles are not;
- (c) condemns the Australian Government for supporting policies that are clearly biased against public transport in favour of cars;
- (d) expresses grave concern about the environmental damage resulting from these circumstances;
- (e) notes that the Government has already had an opportunity to address this situation by adopting the Ralph report's recommendation, and condemns the Government for failing to act upon that recommendation; and

- (f) calls on the Australian Government to amend the *Fringe Benefits Tax Assessment Act 1986* to encourage the use of more sustainable transport.

Question negatived.

#### **HEALTH: PHARMACEUTICAL BENEFITS SCHEME**

**Senator NETTLE** (New South Wales) (3.19 p.m.)—I move:

That the Senate—

- (a) notes that the Pharmaceutical Benefits Scheme (PBS) is being discussed as part of the negotiations that commenced this week on a free trade agreement between Australia and the United States of America;
- (b) further notes that United States drug companies are pushing for substantial changes to the PBS that would lift their profits and increase the cost to the public of supplying subsidised prescription medicines to Australians;
- (c) affirms that the PBS is a vital component of Australia's public health system; and
- (d) calls on the Australian Government to withdraw the PBS from the free trade negotiations.

Question agreed to.

#### **COMMITTEES**

##### **Economics Legislation Committee**

##### **Meeting**

**Senator FERRIS** (South Australia) (3.19 p.m.)—by leave—At the request of the Chair of the Economics Legislation Committee, Senator Brandis, I move the motion as amended:

That the Economics Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Monday, 24 March 2003, from 4.30 pm, to take evidence for the committee's inquiry into the Corporations (Fees) Amendment Bill 2002 and 2 related bills.

Question agreed to.

##### **Legal and Constitutional Legislation Committee**

##### **Extension of Time**

**Senator FERRIS** (South Australia) (3.20 p.m.)—At the request of the Chair of the Legal and Constitutional Legislation Committee, Senator Payne, I move:

That the time for the presentation of reports of the Legal and Constitutional Legislation Committee be extended as follows:

- (a) in respect of the 2002-03 additional estimates—to 20 March 2003;
- (b) annual reports tabled by 31 October 2002—to 15 May 2003; and
- (c) Customs Legislation Amendment Bill (No. 2) 2002—to 25 March 2003.

Question agreed to.

#### **ASIO, ASIS and DSD Committee**

##### **Meetings**

**Senator FERRIS** (South Australia) (3.21 p.m.)—At the request of Senator Ferguson, I move:

That the Parliamentary Joint Committee on ASIO, ASIS and DSD be authorised to hold private meetings otherwise than in accordance with standing order 33(1) during the sitting of the Senate on the following days:

- (a) Thursday, 20 March 2003, from 11 am to noon; and
- (b) Thursday, 27 March 2003, from 11 am to noon,

in relation to its inquiry on the review of agency security arrangements.

Question agreed to.

#### **TOBACCO ADVERTISING**

**Senator ALLISON** (Victoria) (3.21 p.m.)—I move:

That the Senate—

- (a) notes that:
  - (i) the press coverage for the Australian Grand Prix in Melbourne on 8 March and 9 March 2003 again provided tobacco companies with unparalleled advertising opportunities, and
  - (ii) this will be the eighth year that the race has made an operating loss, and again Victorian taxpayers will underwrite the event;
- (b) urges the Federal Government to:
  - (i) bring forward the removal of the exemption for tobacco advertising at the Grand Prix from October 2006 to January 2005, in line with the recent decision of the European Commission,
  - (ii) progressively tighten conditions on tobacco advertising up until the removal of the exemption, and

- (iii) ban incidental advertising of tobacco products outside the confines of the Grand Prix from 2004; and
- (c) urges the Victorian Government to:
  - (i) investigate alternative venues for the Grand Prix,
  - (ii) make public the contract signed with the Grand Prix Corporation, and
  - (iii) reveal the extent to which it subsidised the Grand Prix in 2003.

Mr Deputy President, I seek leave to table the tobacco advertising clippings from newspapers over recent weeks.

Leave granted.

Question negatived.

#### **TOBACCO SPONSORSHIP**

**Senator ALLISON** (Victoria) (3.22 p.m.)—I move:

That there be laid on the table, no later than 4 pm on 20 March 2003, the letter dated 2 December 2002 from the Minister for Health and Ageing to the European Commission on the matter of the European Union's decision to phase-out tobacco sponsorship of formula one races in 2003.

Question agreed to.

#### **DEFENCE: CLUSTER BOMBS**

**Senator NETTLE** (New South Wales) (3.22 p.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 unacceptably dangerous to the safety of civilians as the use of anti-personnel landmines, which are banned under the Ottawa 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.

*A division having been called and the bells being rung—*

**Senator Nettle**—Mr Deputy President, I seek leave for the division to be called off.

**The DEPUTY PRESIDENT**—Is leave granted?

**Senator Ian Campbell**—I would like an explanation because senators have just spent the last four minutes coming to the chamber.

**Senator Chris Evans**—There is some confusion about how we are all voting.

Leave granted.

## NOTICES

### Postponement

**Senator NETTLE** (New South Wales) (3.28 p.m.)—by leave—I move:

That general business notice of motion No. 390 be postponed till the next day of sitting.

Question agreed to.

### ENVIRONMENT: GENETICALLY MODIFIED CROPS

**Senator STOTT DESPOJA** (South Australia) (3.30 p.m.)—I move:

That the Senate—

(a) notes:

- (i) the recent \$US3 million fine imposed by the United States Department of Agriculture on ProdiGene, a biotechnology company, for contamination of soybeans meant for human consumption with genetically-engineered corn containing a vaccine,
- (ii) that 500 000 bushels of food crop must now be destroyed,
- (iii) that research into such pharma-foods (genetically-engineered crops containing vaccines, medicines and drugs) is occurring in Australia, and
- (iv) that pharma-foods, because they contain drugs, may create serious health and safety issues in Australia, including by misuse and contamination; and

- (b) urges the Government to prevent the commercial release of pharma-foods in Australia until all issues relating to health, safety, environment and contamination are fully resolved.

Question agreed to.

## COMMITTEES

### Employment, Workplace Relations and Education Legislation Committee

#### Extension of Time

**Senator FERRIS** (South Australia) (3.30 p.m.)—At the request of the Chair of the Employment, Workplace Relations and Education Legislation Committee, Senator Tierney, I move:

That the time for the presentation of the report of the Employment, Workplace Relations and Education Legislation Committee on annual reports tabled by 31 October 2002 be extended to 26 March 2003.

Question agreed to.

### BUDGET

#### Consideration by Legislation Committees

##### Additional Information

**Senator FERRIS (South Australia) (3.31 p.m.)**—On behalf of the Chair of the Employment, Workplace Relations and Education Legislation Committee, Senator Tierney, I present additional information received by the committee relating to hearings on the budget supplementary estimates for 2002-03.

### COMMITTEES

#### Public Works Committee

##### Report

**Senator FERRIS (South Australia) (3.31 p.m.)**—On behalf of Senator Ferguson, I present the 66th annual report of the Parliamentary Standing Committee on Public Works. I move:

That the Senate take note of the report.

I seek leave to incorporate Senator Ferguson's tabling statement in Hansard.

Leave granted.

*The statement read as follows—*

In accordance with Section 16 of the Public Works Committee Act 1969, I present the Sixty-sixth Annual Report of the Joint Statutory Committee on Public Works. This Report gives an overview of the work undertaken by the Committee during 2002.

The reporting year was a relatively quiet one for the Committee, with only three reports being tabled, including the Sixty-fifth Annual Report.

Works reported on by the Committee in 2002 included the construction of Common Use Infrastructure on Christmas Island and works relating to the re-development of RAAF Base Williamtown, near Newcastle, New South Wales, incorporating facilities for the Airborne Early Warning and Control Aircraft.

The Christmas Island works comprised an upgrade of existing airport facilities on the island, with the intention of improving services for the local community as well as providing support for the proposed Asia Pacific Space Centre space launch facility.

The works at RAAF Base Williamtown were intended to establish a basis for redevelopment of aging Base infrastructure and to provide facilities for the new Airborne Early Warning and Control

Facility, which is anticipated to commence operations out of Williamtown from January 2004.

The value of the works inquired into by the Committee during 2002 amounted to just over two hundred million dollars.

In August 2002, members of the Committee attended a building and construction sector industry liaison visit in Melbourne, organised by the Association of Consulting Engineers Australia. The day's program covered a range of issues of particular interest to the Committee and provided valuable insight into the operations of, and issues confronting, the building and construction sector. Topics covered during the day included the construction project process, financing arrangements in the building and construction industry, project delivery options, risk management and insurance issues and environmentally friendly design.

Committee members also attended the Annual Conference of Australian Parliamentary Public Works and Environment Committees in Adelaide. The Conference brought together parliamentarians and key staff from public works and environment committees throughout Australia. The topic of this year's conference : Water—Engineering Solutions and Environmental Consequences; was particularly appropriate and timely given the drought conditions prevailing throughout large sections of the country.

A number of significant issues arose out of the Committee's deliberations throughout 2002. Among these were:

- the exemption of works on the grounds of urgency;
- the Public Works Committee Act 1969;
- the definition of 'value for money' in public works;
- the reporting of works estimated to cost between two and six million dollars (known as medium works); and
- the definition of a 'work' under the Act.

In March 2002, the construction of a purpose-built immigration reception and processing centre on Christmas Island was exempt from Committee scrutiny on the grounds of urgency. Committee members were concerned that the frequent exemption of works on such grounds may set a precedent whereby projects are allowed to bypass appropriate scrutiny. At the time of drafting of the Sixty-sixth Annual Report in February 2003, members noted that very little progress had been made on the Christmas Island facility.

As in previous years, the Committee considered how best to adapt its role in view of the changing nature of Commonwealth property procurement

and public works functions. The Committee determined that the optimum solution lay in amendment of the Public Works Committee Act 1969. Whilst acknowledging that some improvements in Committee operations were necessary, the Minister for Finance and Administration responded that he believed these could be achieved without altering the legislation.

The Committee also examined the term 'value for money' as it relates to Commonwealth procurement practices. The Committee was pleased to note that both the *Commonwealth Procurement and Best Practice Guidance* and the 1997 *Australian Procurement Construction Council National code of Practice for the Construction Industry* include social, environmental and training considerations in their definition of 'value for money'.

The Committee was seriously concerned to note an increasing tendency among some Commonwealth agencies to divide a single project, costing more than \$6 million, into smaller components, thereby bringing the project under the \$6 million threshold for referral to the Public Works Committee. Other projects put before the Committee as medium works lacked adequate contingency and escalation allowances.

A related trend observed during 2002 was the omission from project costs of specific budget items that the referring agency believed did not constitute a work under Section 5 of the Public Works Committee Act 1969.

The Committee was unanimous in its view that such treatment of works as allows them to bypass referral to the Committee is a serious impediment to the fulfilment of the Committee's statutory obligation to scrutinise and ensure value for money in the expenditure of public funds.

Where it appears that works have been disaggregated or inadequately costed, the Committee may invoke its powers to investigate the proposed work. The Committee has advised the Department of Finance and Administration that all medium works undertaken by Commonwealth agencies are to be referred to the Department and a schedule of these is to be provided to the Committee every six months.

The Committee believed that some of the errors noted in the referral of works lay in the difficulty experienced by agencies in the interpretation of the Act. The Committee noted that the Act leaves a wide margin for the interpretation of what constitutes a 'work' and has to this end suggested amendments to minimise this confusion.

2002 also saw the departure from the Committee of Senator Paul Calvert who was elevated to the

position of President. His good humour and dedication are missed by his Public Works colleagues who continue to wish him all the best in his new role. In his place, the Committee welcomed Senator Richard Colbeck.

At this point, I would like to extend my thanks to all of the members of the Committee for their continued hard work and support and would also like to record the Committee's appreciation for the assistance provided by the staff of the Secretariat.

I commend the Report to the Senate.

Question agreed to.

### Scrutiny of Bills Committee

#### *Alert Digest*

**Senator MACKAY (Tasmania)** (3.32 p.m.)—On behalf of the Chair of the Scrutiny of Bills Committee, Senator McLucas, I lay on the table Scrutiny of Bills *Alert Digest* No. 3 of 2003, dated 19 March 2003. I seek leave to have the tabling statement incorporated in *Hansard*.

Leave granted.

*The statement read as follows—*

This week the committee is tabling only an Alert Digest rather than both an Alert Digest and a Report. The reason for this is that none of the bills which are the subject of replies received from Ministers in response to committee comments have yet been introduced in the Senate.

The most common comment in the Alert Digests tabled by the committee is that the explanatory memorandum for a bill does not explain the background and reasons for measures which on their face might affect personal rights or parliamentary propriety. The result is that explanatory memoranda are less useful than intended and the committee is obliged to initiate correspondence with Ministers.

These problems are by no means universal, with many comments in Alert Digests noting an apparent concern which was met by a full explanation in the explanatory memorandum. Nevertheless the committee was disappointed at the standards of some explanatory memoranda.

The requirements for explanatory memoranda are set out in the Legislation Handbook, which is produced by the Department of the Prime Minister and Cabinet and which is intended to guide departmental officers through all the procedures involved in making a Commonwealth Act. The Legislation Handbook devotes a chapter to the explanatory memorandum and to the second



reading speech, which it describes as the support material for a bill. All agencies are expected to comply with the provisions of that chapter.

The Legislation Handbook requirements, if observed, form a basis for acceptable explanatory memoranda and the committee endorses them. The explanatory memorandum is intended to accompany a bill with the purpose of assisting parliamentarians, officials and the public to understand the intention and detailed operation of the bill. The Acts Interpretation Act 1901 provides that in certain circumstances a court may use the explanatory memorandum to interpret legislation.

The Legislation Handbook notes that explanatory memorandum must be written in plain English and should focus on explaining the effect and intent of the bill rather than merely repeat its provisions. It should include a general outline, incorporating a brief but clear statement of the purpose and objective of the bill, an explanation of why the bill is required, the effect of the principal provisions, the policy background, a formal impact statement and, where required, a full regulation impact statement.

An explanatory memorandum must also include notes on the individual clauses of bills, which the Legislation Handbook emphasises should not just repeat the words of a provision. Instead, the notes should explain the purpose of the clause and relate it to other parts of the bill. Where appropriate the notes on clauses should give instances of its intended effect and the problem which it is intended to address.

The Legislation Handbook properly refers to the Scrutiny of Bills Committee and its role in relation to the passage of a bill. Again very properly it provides that where a measure in a bill is likely to be commented upon by the committee, the reasons for proceeding in this way should be explained in the explanatory memorandum. The Legislation Handbook gives examples of several practices which attract adverse comment from the committee.

The Legislation Handbook, like the Scrutiny of Bills Committee, observes that there has been some disappointment with the standard of explanatory memoranda. As noted above, the committee continues to encounter cases where explanatory memoranda do not conform to the stated requirements. These defects relate to all of the committee's terms of reference. For instance, the committee has commented many times on provisions for retrospective commencement or application which are not accompanied by a clear assurance in the explanatory memorandum that this will have no adverse effect, if that is the case. Other deficiencies include failure to justify provi-

sions which on their face breach personal rights or parliamentary propriety.

In some cases this failure is an omission of any reference at all to the relevant provision, while in others there is only a brief inadequate explanation. Both these types of cases then result in subsequent correspondence between the committee and the Minister, correspondence which might have been avoided had there been an appropriate explanatory memorandum to accompany the bill.

One recent instance of these defects is the Explanatory Memorandum for the Family Law Amendment Bill 2003, part of which was to commence with more than two years retrospectivity. The Explanatory Memorandum, however, merely notes this retrospectivity (with references to numbering which are not in accordance with later numbering in the Explanatory Memorandum or in the bill itself) without giving any real reasons for it or providing an assurance that it will have no adverse effect. The Explanatory Memorandum then goes on to advise that the effect of the actual provisions is described later in the document, but in fact the retrospectivity is still not explained and no assurances given. The bill also applies a number of amendments to all marriages, including those dissolved before the commencement of the provisions, again without adequate explanation in the Explanatory Memorandum.

The committee has therefore written to the Acting Parliamentary Secretary to the Prime Minister about these issues, observing that the problem does not appear to be with either the general principles contained in the Legislation Handbook or in the Legislation Circulars which supplement those principles. The disappointing standards of some explanatory memoranda seem instead to flow from failure to comply with those instructions. The letter then suggests that it might be appropriate to issue a more detailed Legislation Circular, setting out in fuller terms the types of matters which an explanatory memorandum should comprehensively address. The committee also asked whether agencies could be directed to ensure that the Circular is brought to the attention of the areas responsible for developing legislative proposals and drafting explanatory memoranda.

The committee believes that these measures, if implemented, will effect improvements in the standard of explanatory memoranda, thus enhancing their intended role in assisting parliamentarians, administrators, the courts and the public. They should also reduce the problem noted above of the committee having to initiate correspondence with Ministers when its concerns

could have been met by a proper explanatory memorandum.

The committee also sent a copy of the letter to the First Parliamentary Counsel for information and any comments which she might have. The committee understands that the Office of Parliamentary Counsel may not have a direct role in the development of explanatory memoranda but we would be most grateful for any suggestions from that organisation.

The committee will report in more detail after it has received replies to these letters.

### **Treaties Committee**

#### **Report**

**Senator BUCKLAND (South Australia)** (3.32 p.m.)—On behalf of Senator Kirk and the Joint Standing Committee on Treaties, I present the 51st report entitled *Treaties tabled on 12 November and 3 December 2002*, together with the *Hansard* record of proceedings and minutes of proceedings. I move:

That the Senate take note of the report.

I seek leave to incorporate the tabling statement in *Hansard*.

Leave granted.

*The statement read as follows—*

This is the first report of the Committee for 2003, a year that promises to be an interesting and busy one as reflected by the Committee's current inquiry into the proposed ratification of a Free Trade Agreement with Singapore and the recent signing of an international unitisation agreement with East Timor that will be considered by the Committee in due course.

Report 51 contains the results of an inquiry conducted by the Joint Standing Committee on Treaties into three treaty actions tabled in the Parliament on 12 November and 3 December last year:

- Amendments, done at Bonn, Germany on 24 September 2002, to Appendices I and II on the Convention on the Conservation of Migratory Species of Wild Animals, done at Bonn on 23 June 1979;
- Amendment, done at Cambridge, United Kingdom on 14 October 2002, to the Schedule to the International Convention for the Regulation of Whaling, done at Washington on 2 December 1946; and
- Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, done at Vienna on 5 September 1997.

A further treaty was tabled on 3 December 2002:

- International Treaty on Plant Genetic Resources for Food and Agriculture (Rome 3 November 2001).

The Committee has informed the Minister for Foreign Affairs and the Minister for Agriculture, Fisheries and Forestry that additional time is required beyond the usual 20 sitting day period to consider the proposed treaty action.

The additional time will allow the Committee to consider concerns raised by key industry stakeholders, such as the Grains Council and Seed Industry Association of Australia, on the detailed financial, technical and policy implications of ratifying the Treaty.

Returning to the report, Report 51 deals with:

- The Amendments to the Convention for the Conservation of Migratory Species of Wild Animals include the listing, on Australia's proposal, of six species of great whale, the orca and the great white shark as species to be protected under the terms of the Convention.

These species are the only species among those nominated for which Australia is a range state. They are already protected under the Environmental Protection and Biodiversity Conservation Act 1999.

The inclusion of the species in the Appendices to the Convention will promote their protection in two ways.

First, it obliges other contracting parties to enact domestic measures for the protection and conservation of these species.

Second, the Convention obliges contracting parties to enter into agreements with other parties for the conservation and protection of these species. Thus, the Convention provides a framework that will promote Australia's policy of establishing a South Pacific Whale Sanctuary.

- The Amendment to the Schedule to the International Whaling Convention maintains the ban on commercial whaling and permits Aboriginal whalers in Alaska and Russia to continue their hunt for bowhead whales.

The treaty action accords with Australia's long-held position on the banning of commercial whaling while allowing for the limited hunting of whales by Aboriginal subsistence cultures to meet demonstrated dietary needs.

- The Joint Convention on the Safety of Spent Fuel Management and Radioactive Waste Management provides for an internationally recognised best practice approach for the treatment, transboundary movement, storage

and disposal of spent fuel and radioactive waste.

The Joint Convention is incentive based and provides principles for the safe management of nuclear wastes through the exchange of information between contracting parties.

The international exchange of information on the safe management of spent fuel and radioactive waste will serve Australia's national interest in two ways.

First, as a major exporter of uranium, Australia has a significant interest in the international implementation of best practice in managing spent fuel and radioactive waste on the widest possible scale. This goal is facilitated by the provision of national reports by contracting parties that address policy and practice of management of spent fuel and radioactive waste at specified periodic meetings.

Second, the compilation of the national report in Australia will ensure that all domestic jurisdictions meet international best practice standards in their management of radioactive waste. During the course of its inquiry into ratification of the Joint Convention, the Committee became aware of the lack of a uniform national approach to the management of radioactive waste. It is confident that ratification of the Joint Convention will promote steps currently being taken to redress this situation.

It is the view of the Committee that it is in the interest of Australia for the treaties considered in Report 51 to be ratified (where treaty actions had not already entered into force), and the Committee has made its recommendations accordingly.

I commend the report to the Senate.

**Senator BARTLETT** (Queensland—Leader of the Australian Democrats) (3.33 p.m.)—I note this is a positive report, as the Treaties Committee ones often are, about some positive actions from the government, including in relation to some environmental issues. I think that should be noted, but I will expand on that at a later date. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

## DOCUMENTS

### Commonwealth Day

**The DEPUTY PRESIDENT**—I present a message for Commonwealth Day 2003 from Her Majesty The Queen, Head of the Commonwealth.

### Sport and Recreation: Swimming Australia

**The DEPUTY PRESIDENT**—I present a response from the Premier of New South Wales, Mr Carr, to a resolution of the Senate of 11 December 2002 concerning the protection of unsupervised children.

### Auditor-General's Reports

#### Report No. 33 of 2002-03

**The DEPUTY PRESIDENT**—In accordance with the provisions of the Auditor-General's Act 1997, I present the following report of the Auditor-General: Report No. 33 of 2002-03—*Performance Audit—Management of e-business in the Department of Education, Science and Training*.

#### Indexed List 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—

Aboriginal and Torres Strait Islander Commission.

Australian Taxation Office.

Department of Defence.

Department of Health and Ageing.

Environment and Heritage portfolio agencies—

Australian Antarctic Division.

Australian Greenhouse Office.

Bureau of Meteorology.

Department of the Environment and Heritage.

Great Barrier Reef Marine Park Authority.

National Oceans Office.

Office of the Renewable Energy Regulator.

Sydney Harbour Federation Trust.

Treasury portfolio agencies—

Australian Accounting Standards.

Australian Bureau of Statistics.

Australian Competition and Consumer Commission.

Australian Competition Tribunal.

Australian Office of Financial Management.  
 Australian Prudential Regulation Authority.  
 Australian Securities and Investments Commission..  
 Australian Taxation Office.  
 Axiss Australia.  
 Companies Auditors and Liquidators Disciplinary Board.  
 Corporations and Markets Advisory Committee.  
 Department of the Treasury.  
 National Competition Council.  
 Productivity Commission.  
 Reserve Bank of Australia.  
 Royal Australian Mint.  
 Superannuation Complaints Tribunal and Takeovers Panel.

#### 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—Let-  
 ters of advice—2003 autumn sittings—

Department of Defence.  
 Family and Community Service portfolio agencies—  
 Centrelink.  
 Child Support Agency.  
 Department of Family and Community Services.  
 Social Security Appeals Tribunal.

Finance and Administration portfolio agencies—

Australian Electoral Commission.  
 Commonwealth Grants Commission.  
 CSS Board.  
 ComSuper.  
 Department of Finance and Administration.  
 PSS Board.

Industry, Tourism and Resources portfolio agencies—

Department of Industry, Tourism and Resources.  
 Geoscience Australia.  
 IP Australia.

Treasury portfolio agencies—

Australian Bureau of Statistics.  
 Australian Competition and Consumer Commission.  
 Australian Office of Financial Management.  
 Australian Taxation Office.  
 Department of the Treasury.  
 National Competition Council.  
 Productivity Commission.  
 Royal Australian Mint.

**Senator FAULKNER** (New South Wales—Leader of the Opposition in the Senate) (3.35 p.m.)—by leave—I move:

That the Senate take note of the documents.

I will be brief on this matter, Mr Deputy President. As you know, I have had a long-standing interest in the issue of Senate accountability, and this particular order with respect to the statement of compliance concerning lists of files and contracts for departments and agencies is something that has caused a great deal of debate for quite some years.

**Senator Ian Campbell**—About eight years.

**Senator FAULKNER**—Yes, and I think I made some very persuasive—although not persuasive enough—speeches about this matter when I was the Manager of Government Business in the Senate. These accountability questions come before us from time to time. After question time today, we had a motion to take note of an alleged statement from the Minister for Defence, and a motion moved by Senator Allison on another accountability issue.

These are regular matters that come before us. I think today's examples are good ones and I would briefly like to highlight those examples to the Senate before we proceed with the important debate on the issue of Iraq. There is an intersection between the Iraq issue and the accountability issue and that was highlighted, to my mind, in question time today.

This is a very good example. A serious issue was raised in question time today about the statement by the United States Department of Homeland Security. That department

made public a statement about a threat assessment in the United States. It stated:

The Intelligence Community believes that terrorists will attempt multiple attacks against US and Coalition targets worldwide in the event of a US-led military campaign against Saddam Hussein.

That was made public not only for the benefit of US citizens, because we know that this information is available to so many people around the world as a result of it being placed on the World Wide Web. The US Secretary for Homeland Security, Tom Ridge, has put out an all-points warning to the US and to coalition of the willing partners that there is a heightened security alert because of potential terrorism. The words are very clear. We know that this is in the event of a US led military campaign against Saddam Hussein. We know that. It is in the public arena and it is available for all to see.

This morning the Prime Minister, Mr Howard, indicated that the government has no intelligence suggesting that we should move to a higher level of alert. In question time today in the Senate—the Senate's key accountability mechanism—the Leader of the Government in the Senate, Senator Hill, echoed the Prime Minister's view. Mr Howard and Senator Hill have been very clear. They have denied any need for a heightened security alert in Australia. However, also in question time, where governments are held accountable by non-government parliamentarians, Senator Hill revealed that security arrangements have been increased in 44 defence bases and in embassies in this country, and that personal security for senior government members has been enhanced—that is the so-called close personal security program. This involves not just the Department of Defence for which Senator Hill is accountable in this chamber in relation to his own ministerial responsibility; this involves other government departments such as the Department of Foreign Affairs and Trade and the Attorney-General's Department. It is a government-wide response and we know that as a result of the accountability mechanisms that we have in this parliament.

The point I want to make in this debate is very real and important: the government is telling Australians that there is no increased

potential threat from terrorists because of our involvement in Iraq. It is saying that quite clearly on the public record—Mr Howard in the media today and Senator Hill in parliament this afternoon. It is saying that on the one hand, but on the other hand Mr Abbott made his statement in the House of Representatives yesterday about an increased threat, 44 defence bases have had enhanced security measures and a threat assessment level put in place, embassies have new and enhanced security measures in place and personal security for senior government members has been enhanced.

All these things are happening while the government says that there is no need to raise the threat level in Australia. The government is telling Australians one thing, but on the other hand, quietly and secretly except for it being exposed in the parliament, security is being upped for itself in a range of areas. That is not good enough. That is not what has happened in the United States. That is not what has happened with the US Department of Homeland Security. That department has made publicly available, not only to United States citizens but through the Internet to the international community, what the situation is in relation to threat assessment levels in the United States of America.

What concerns me about these threat assessment levels is that this is a clear case of double standards. We know what is happening with defence bases, with embassies and with personal protection for senior government members. We know what Mr Abbott said in the House of Representatives. All that is happening, but it is not being done or said publicly. It is being done covertly. It would basically have been a secret if it had not been exposed in the parliament today. That is the advantage, of course, of these accountability mechanisms. This is a case of clear double standards. The government is telling Australians one thing about the need to raise the threat assessment level in this country, but quietly, secretly, action is being taken at embassies and at defence bases in relation to security around key government personnel.

It does not stack up. It is double standards. This is yet another case of where the government needs to come clean. Tell Austra-

lians the truth. Be frank with them. Provide the sort of information that we have seen from the United States Department of Homeland Security. It reinforces my strong view and is a very good example of why these Senate accountability mechanisms are so important: question time, the Senate estimates committees and the capacity for this chamber to access documents that otherwise would not be in the public arena by virtue of the orders of the Senate that the clerk has tabled.

**Senator IAN CAMPBELL** (Western Australia—Manager of Government Business in the Senate) (3.45 p.m.)—I will be very brief on the issues. I refute the allegation that Senator Faulkner makes against the government in relation to double standards on sharing information with the Australian public about threat assessments and threat levels. I endorse, however, his comments in relation to Senate accountability, although I suspect he has raised the core issue under this point for other reasons. It is a long bow to draw between the tabling of compliance with index lists of files and the issue he has raised, and I am sure Senator Faulkner would say that.

It is the Labor Party that has double standards in relation to this debate. The double standard would be quite clear to any citizen who is listening to this debate. The Australian Labor Party in this very place only 10 days ago and over the recent sitting weeks has sought to abuse the government for supplying information in an unprecedented way—that is, in a detailed mail-out to households, including the much maligned fridge magnets, might I say—and taking Australians into their confidence about the increased risk of terrorism in the modern world in the post September 11 environment and the post October 12 Bali bombings. The Australian government has sought to inform Australian people about those risks.

The Prime Minister has, in the other place, made quite clear the level of risk at the moment and any current further changes to risk assessments. The reality for anyone who is paying attention to world events is that we are in a fluid situation. Clearly, around defence facilities and other facilities there will

be continuing assessments made and the government will be making available to the Australian public information that it is important for them to know from time to time during this period. I take exception to our being branded as a government that does not share information with the Australian people about the changing terrorism threat risk around the world and particularly within Australia. This very same opposition just a few parliamentary sitting days ago were spending hours of parliamentary time abusing this government for actually taking the Australian people into their confidence and sharing information, ensuring that people are aware of the enhanced risks and what, most importantly, they can do to protect their own security and to assist the government in making their assessments.

The government is very concerned to ensure that Australians live in a secure environment. That is one of the central reasons for Australia being involved as part of the military efforts in Iraq to rid that nation of its weapons of mass destruction—its chemical and biological weapons—to ensure that, by doing so in a steadfast way and in a way that is designed to get a result, those weapons cannot fall into the hands of terrorist organisations and therefore further increase the risk that would naturally flow from that to Australian citizens. I think it is very much the double standards of the opposition that should be open to debate today and I defend the government for being very open and very frank with the Australian people about the risks that have certainly increased as a result of the events of September 11 and October 12. This government, without the support of the opposition, is participating in an international effort to reduce those risks.

**Senator BARTLETT** (Queensland—Leader of the Australian Democrats) (3.50 p.m.)—Just briefly in relation to accountability measures—and certainly the documents that have been tabled are an example of those—the Democrats have been at the forefront of ensuring the Senate operates as a house that enables maximum accountability. We are always willing and interested in looking at ways to improve accountability mechanisms—whether they are working the



way they are intended, whether existing ones are perhaps not working effectively or are unnecessary and so on. Whether this particular accountability measure and the documents that were tabled fit into that category, I am not sure. From the Democrats' point of view it certainly still provides a useful opportunity for greater transparency.

One other area, amongst others that include estimates committees and question time, as have been mentioned, is the taking note of answers after question time, which we did not have today. There was fairly late notice about that being cancelled. I do not want to chew up all the time that that saved doing a quasi take note—even though I guess that is sort of what is happening—but I do think that a couple of things need to be put on the record from the Democrats' point of view in the context of the current debate. There is no doubt that there are some issues around inadequate transparency from the government surrounding some of the current critical matters occupying the minds of all Australians at the moment in relation to military action in Iraq. There has been a denial from some in the government, including the Prime Minister himself, that this action in attacking Iraq will lead to any increased security risks for Australians. It is quite clear that it will. The US department's information clearly indicates that when it says that there is a greater probability of attacks not just on the US but also on its allies. That fact needs to be made public.

Another area about which the Democrats have concern, and which again highlights the limited nature of some of the accountability mechanisms, is the government's continuing refusal to release information about the cost of this war. We do have estimates committees. I attended estimates committees and asked the minister that very question at that time. He refused to answer then, said it was hypothetical and said that I should ask the Treasurer. The Treasurer of course said that the information had been compiled by the Department of Defence and that I should ask them. Accountability only works if there is a willingness to provide information. Again, here today we have the extraordinary situation where Minister Hill quite clearly has a

figure of estimates of the likely costs of the deployment over time and is not providing that information to the Australian people. The US, again by contrast, is doing so with its people. It is quite openly going to the congress as soon as this week to ask for extra money—reportedly around \$A150 billion. One wonders how much of that money could be spent on other areas to increase human wellbeing, but that is a separate debate.

The problem here is that our government will not even release that information. The minister's response was basically: 'We'll tell you when the budget comes down.' That means the Australian people will be kept in the dark for another two months about what the government already knows and has known for many months—that is, what the cost of this deployment is and what the ongoing likely cost per day, per week and per month of this conflict will be. It is another area where the government is quite clearly not being open. That does raise issues of accountability from the Democrats' point of view. That is why we will continue to pursue, along with other mechanisms, increased accountability not just of government but indeed of the parliament and the parliamentary and political processes more broadly.

Question agreed to.

## COMMITTEES

### Membership

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

**Senator IAN CAMPBELL** (*Western Australia—Parliamentary Secretary to the Treasurer*) (3.55 p.m.)—by leave—I move:

That senators be appointed to committees as follows:

### **Employment, Workplace Relations and Education References Committee—**

Appointed—Participating member: Senator McLucas

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

Appointed—Participating member: Senator McGauran.

Question agreed to.

**DAIRY INDUSTRY SERVICE REFORM  
BILL 2003  
PRIMARY INDUSTRIES (EXCISE)  
LEVIES AMENDMENT (DAIRY) BILL  
2003**

**First Reading**

Bills received from the House of Representatives.

**Senator IAN CAMPBELL** (*Western Australia—Parliamentary Secretary to the Treasurer*) (3.55 p.m.)—I move:

That these bills may proceed without formalities, may be taken together and be now read a first time.

Question agreed to.

Bills read a first time.

**Second Reading**

**Senator IAN CAMPBELL** (*Western Australia—Parliamentary Secretary to the Treasurer*) (3.56 p.m.)—I move:

That these bills be now read a second time.

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

Leave granted.

*The speeches read as follows—*

**DAIRY INDUSTRY SERVICES REFORM BILL  
2003**

The Dairy Industry Services Reform Bill 2003 is the result of a dairy industry and government process aimed at providing the industry with greater ownership and control over dairy industry service arrangements. The bill provides for the conversion of the Australian Dairy Corporation (ADC) into a company under the Corporations Act 2001, to be known as Dairy Australia Limited, and for all the assets and liabilities of the Dairy Research and Development Corporation (DRDC) to be transferred to this new company—in effect merging the R&D and marketing arms of the dairy industry.

This bill will deliver three main benefits to dairy farmers:

- a direct say, through a vote in their company, Dairy Australia;
- bringing together R&D, information, marketing and trade development; and
- delivering better value for their levy investment.

Following amendments last year to the Dairy Produce Act 1986, which allowed the ADC to

investigate and fund an appropriate reform process, a comprehensive investigation of the best option of reform was undertaken by the Government's legal and business advisers. The results of that investigation are this bill and the Primary Industries (Excise) Levies Amendment (Dairy) Bill 2003 which I will be presenting shortly. Additionally, this reform process broadly adheres to similar successful reforms in other agricultural industries, including meat, wool, horticulture, pork and eggs.

This bill is the culmination of a cooperative effort between the dairy industry and the Government, and follows on from significant changes in recent years in the market situation and corporate structure of the Australian dairy industry. These changes have been particularly marked since the deregulation of farm gate milk pricing arrangements in July 2000. The dairy industry, as a forward looking and innovative industry, has sought rationalisation of industry statutory service arrangements, to assist in the adjustment to the new environment, particularly in respect to the delivery of collectively funded R&D and market promotion services.

The bill provides that the ADC will be converted to a company to be known as Dairy Australia Limited. The effect of this is not to create a new legal entity, but to change the nature of the entity that was the ADC. The DRDC will have all its assets (including staff) and liabilities transferred to Dairy Australia, thereby completing the merger process.

Dairy Australia is to be a Corporations Act company, limited by guarantee, with membership comprising voting members drawn from dairy levy payers (Group A members), and non-voting members made up of the peak dairy farmer and processor bodies (Group B members). Details relating to membership will be contained in the constitution of Dairy Australia and, therefore, are not dealt with in the bill.

As Dairy Australia will be responsible for undertaking functions on the behalf of the dairy industry, similar to those currently undertaken by the ADC and DRDC, it will be necessary for the levy monies collected by the Government to flow to the new company. Also, matching Commonwealth R&D contributions in relation to eligible R&D expenditure by the company are also to be directed to Dairy Australia. The intention of this privatisation process is to hand responsibility for these services to the new company, which will be accountable to its members, and therefore reduce the influence and control of government in these processes. However, while these levy payments and matching contributions continue, it is appro-



priate for the Government to monitor the expenditure of these monies. Therefore, the bill provides for a number of mechanisms by which the Government will maintain a relationship with the company.

In the first instance, the Minister will declare an eligible body to be the industry services body for the purposes of receiving levy funds and matching contributions. This is to ensure that the company will only receive these funds so long as it remains accountable for them to both levy payers and the Parliament. Additionally, the company will be required to enter into a contract with the Commonwealth, to be known as the statutory funding agreement, to ensure that planning and reporting requirements, over and above the requirements of the Corporations Act, are adhered to.

Finally, before Dairy Australia is registered with the Australian Securities and Investment Commission, the Minister must first approve the constitution of the company. The Minister must also approve the inaugural directors of the company.

The staff of the ADC will continue to be employed by Dairy Australia following the conversion of the ADC. Also, DRDC employees will transfer to Dairy Australia. The bill provides for the fair and equitable treatment of all staff and expressly provides that for all purposes employment with Dairy Australia is continuous with employment with the DRDC. Consistent with the Government's policy for guiding decision-making on staffing and employee conditions in privatisation processes, a human resource management strategy is to be developed in conjunction with the ADC and DRDC in relation to these continuous employment provisions.

The bill provides for the current Promotion Levy, Research Levy and Corporation Levy currently directed to the ADC and DRDC be rolled into one levy to be known as the Dairy Service Levy. The separate Primary Industries (Excise) Levies Amendment (Dairy) Bill 2003 imposes this new Dairy Service Levy. The advantage of combining the old levies into one is that the industry services body will have greater flexibility in determining its expenditure breakdown, but will remain accountable for this expenditure through the statutory funding agreement. Combining these levies will also facilitate the conduct of future periodic polls of levy payers to determine the rate of the dairy levy.

Dairy Australia will also administer the Dairy Structural Adjustment Fund (DSAF), currently administered by the ADC. For this reason, the Dairy Adjustment Levy (DAL), which applies to all retail sales of milk, will also flow to the in-

dustry services body, but will be quarantined from other levy amounts. This is because the DAL is to continue to be used exclusively for making payments into the DSAF for the purposes of funding the Dairy Industry Adjustment Package and related matters. Importantly, the DSAF is to be administered by the industry services body in the form of a trust. The bill makes no substantial change to the operation of the DSAF from its current administration by the ADC other than it is to be kept and treated as a trust. The Minister will retain joint responsibility for the solvency of the DSAF, as is currently provided for under the Dairy Produce Act.

Export control is the only function of the ADC that is to be retained by the Commonwealth and will be administered by the Department of Agriculture, Fisheries and Forestry. In practical terms, the only export controls currently exercised by the ADC, under powers conferred by the Dairy Produce Act 1986, relate to the administration of quotas for cheddar to the EU (3,750 tonnes) and varietal cheeses to the US (7000 tonnes). The bill provides for regulations to be made to give effect to a system of administration that mirrors the current ADC arrangements, thereby ensuring no commercial disadvantage to current exporters. However, the Commonwealth will require the costs of administration of this function to be met by exporters. Previously, the ADC absorbed the costs of this function through levy funds.

A number of provisions in the bill provide for the flow of levy payer information to Dairy Australia. In the first instance, the bill allows for the one-off provision of information to the ADC in order to begin initial work on a register of levy payers. This information will be provided by the manufacturers directly to the ADC and will include the names, addresses, contact details and ABNs of the manufacturer's suppliers. Details of amounts of levy paid by individual producers will not be provided at this stage. This information can then be used by the ADC for the purposes of

- informing producers of the amendments being made to the Dairy Produce Act;
- making producers aware of their eligibility to become members of Dairy Australia;
- inviting producers to apply to become members of Dairy Australia; and
- developing a list of those producers eligible to become members.

This initial exercise will ensure a comprehensive list of dairy levy payers is developed and utilised for the purposes of conducting a mail-out to all levy payers. The mail-out will include an information kit on the proposed arrangements for

Dairy Australia and a membership application form.

The ongoing flow of levy payer information to the industry services body will be conducted through AFFA's Levies Revenue Service (LRS) and will relate to the maintenance of a register of members and levy payers for the purposes of voting at annual general meetings and voting in future periodic polls.

In addition to the details collected in the initial exercise mentioned above, LRS will also collect and provide to Dairy Australia amounts relating to the amount of levy paid by each producer. This will include certain information for verification purposes, such as details of milk fat and protein rates produced. This information will enable Dairy Australia to determine and allocate voting entitlements

- to each member of the company for voting at AGMs, and
- to each levy payer for voting at future periodic levy polls.

Dairy Australia, as the industry services body, will be required to conduct periodic polls of levy payers on the rate of levy. Details on the conduct of these polls (including the timing of the polls) will be set out in regulations. This bill allows for regulations to be developed for this purpose. The provision of a periodic levy poll will ensure that all levy payers have a direct say in the rate of levy they pay. Therefore, farmers will be able to determine for themselves the amount of levy they believe should be expended on services to the industry and will, in broad terms make judgements about the direction of that levy.

The bill also includes provisions which clarify the obligations of the staff of the Dairy Adjustment Authority to comply with a lawful direction from another Commonwealth body. This is to ensure that full protection of staff of the DAA is provided when complying with a lawful request for information.

Of course, with removal of direct Government control of the industry services arrangements, it will be a matter for the company and its members to determine the direction of the company and the nature of services it provides. For this reason, the new company should have more direct relevance to the dairy industry and will be better able to respond to the wishes of dairy farmer members.

I am very pleased to present this bill as the culmination of very detailed investigations and significant input from the dairy industry. The efforts of the industry leadership in this exercise are to be applauded as they have worked extremely hard on the behalf of dairy farmers to ensure that the con-

tinued provision of services to the industry is up-to-date, relevant and beneficial to all farmers. I understand that the industry has continued to consult with individual farmers and that this consultation process will be maintained in the coming months as the start-up date for the new company nears.

Finally, I would encourage all dairy farmers to examine the benefits of the new arrangements for them, and also, consider becoming active members of Dairy Australia. It is an important opportunity to have a direct say in the company and its activities, and the more farmers involved at this level will ensure the company is able to develop programs and directions which truly reflect the business and farming needs of the entire dairy industry.

---

#### PRIMARY INDUSTRIES (EXCISE) LEVIES AMENDMENT (DAIRY) BILL 2003

The Purpose of this bill is to provide for the imposition of a new levy, the Dairy Service Levy, to replace the current Dairy Promotion, Research and Corporation Levies.

The amalgamation of the three levies into one has arisen as part of the reform process to convert the Australian Dairy Corporation (ADC) and Dairy Research and Development Corporation (DRDC).

This bill should be considered in partnership with the Dairy Industry Service Reform Bill 2003, which provides for the conversion of the ADC into a company under the Corporations Act 2001 and the transfer of all assets and liabilities of the DRDC into that company, to be known as Dairy Australia Limited.

It is intended that Dairy Australia Limited will become the new industry services body under the new Dairy Industry Service Reform Bill 2003 and therefore, receive dairy industry levies and Commonwealth matching R&D contributions. In December 2002 when the Government agreed to these reforms, it was also agreed that the three existing levies be amalgamated.

The advantage of combining the three current levies into one is that Dairy Australia Limited, as the industry services body, will have greater flexibility in determining its expenditure breakdown, but will remain accountable for this expenditure through a statutory funding agreement to be entered into with the Commonwealth. Combining these levies will also facilitate the conduct by Dairy Australia of future periodic polls of levy payers which will determine the rate of the dairy levy.

It is important to note that the amalgamation of the three levies will not alter the overall amount of levy which dairy farmers pay. It will merely simplify the current administration of those levy amounts.

The current levy paid by dairy farmers directed to the Australian Animal Health Council and the Dairy Adjustment Levy will not be affected by the provisions in this bill.

Also, this bill does not deal directly with matching Government R&D contributions currently directed to the DRDC, as these are dealt with in the Dairy Industry Service Reform Bill 2003. However, it is intended that these matching Government R&D contributions will be directed to Dairy Australia, as the industry services body.

This bill forms part of the package of measures aimed at providing the dairy industry with a greater say in the management and direction of dairy industry service arrangements. The amalgamation of these levies will allow the company greater flexibility in the future when responding to the R&D, marketing and trade development service requirements of the industry.

Debate (on motion by **Senator Buckland**) adjourned.

## **TAXATION LAWS AMENDMENT BILL (No. 4) 2003**

### **First Reading**

Bill received from the House of Representatives.

**Senator IAN CAMPBELL** (Western Australia—Parliamentary Secretary to the Treasurer) (3.56 p.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 IAN CAMPBELL** (Western Australia—Parliamentary Secretary to the Treasurer) (3.56 p.m.)—I table the revised explanatory memorandum which relates to this 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—*

The measures contained in this bill amend various taxation legislation.

Schedule 1 addresses a problem in the current income tax law which leads to the double counting of superannuation benefits where pensions or annuities are commuted and rolled over within the same fund or annuity provider.

The changes will treat such internal roll-overs as eligible termination payments, bringing them under the application of the provisions of the income tax law. This will allow internal roll-overs to be reported to the Commissioner of Taxation and the reasonable benefit limit rules to operate (as they do with external roll-overs) to avoid double counting of the benefit when it is eventually paid out of the system.

Schedule 2 contains technical corrections and amendments to the uniform capital allowances system to ensure it operates as intended and interacts appropriately with related provisions. In particular, there will be fine tuning of the provisions relating to mining capital and mining transport expenditures to ensure that these provisions operate as the Government intended.

Schedule 3 formalises the treatment of income that is neither assessable income nor exempt income. Such amounts are not included in taxable income and do not reduce tax losses. Amounts of non-assessable non-exempt income have been in the income tax law since 1992 but this measure will, for the first time, bring them together in a single, coherent treatment, simplifying and improving the presentation of the law.

The measure also incorporates some technical amendments and corrects some anomalies in the existing law.

Schedule 4 makes minor corrections and consequential amendments to the rules concerning the carry forward and refund of tax offsets in the income tax law so that these rules operate as intended.

Schedule 5 introduces new withholding obligations to apply to certain payments to foreign residents. These new obligations are part of the next stage of business tax reform measures and will improve the compliance of foreign residents with their Australian tax obligations.

The new withholding obligations will apply to certain payments made to foreign residents that will be prescribed in regulations. The new provisions set out when withholding will be required and from whom a payer will be required to withhold. Withholding will also be required by an intermediary who receives an amount on behalf of a foreign resident. The amounts withheld will be available as a credit against the income tax assessment of the foreign resident. These new withholding obligations will minimise the com-

pliance burden on Australian businesses by requiring withholding only for specified payments. Schedule 6 makes amendments to ensure that the 'no Australian Business Number' withholding event will apply to enterprise-to-enterprise transactions in Australia. This resolves a technical problem that arose from the unintentionally narrow definition of 'carrying on an enterprise in Australia'.

This Schedule also amends the 'no Australian Business Number' withholding rules to have the same geographical application as the ABN Act. These amendments will ensure that the 'no Australian Business Number' withholding provisions are consistent with the A New Tax System (Australian Business Number) Act 1999, and that the original objectives of the 'no Australian Business Number' withholding provisions are fully implemented.

Lastly, in Schedule 7, the Government will, from 1 April 2003, provide a fringe benefits tax exemption for certain payments to approved worker entitlement funds.

The fringe benefits tax exemption applies to payments to approved worker entitlement funds that are required under an industrial instrument and are for the purposes of ensuring that an obligation to make leave payments or payments when an employee ceases employment, are met.

A worker entitlement fund will be approved if it is either a long service leave fund established and operating by or under Commonwealth, State or Territory legislation or if prescribed by regulation. Before a fund can be prescribed by regulation the Commissioner of Taxation must be satisfied that it meets certain criteria concerning the level of employer control, the use of fund assets, the types of payments that the fund can make and the maintenance of individual worker entitlement accounts.

The bill also provides an automatic capital gains tax roll-over to a fund that amends or replaces its trust deed in order to be approved as an approved worker entitlement fund. The start date of this measure is also 1 April 2003.

Full details of the measures in this bill are contained in the explanatory memorandum.

I commend the bill.

Debate (on motion by **Senator Buckland**) adjourned.

## BUDGET

### Consideration by Legislation Committees Reports

**Senator FERRIS (South Australia)** (3.57 p.m.)—Pursuant to order and on behalf of the chairs of the respective committees, I present reports from legislation committees, except the Legal and Constitutional Legislation Committee, in respect of the 2002-03 additional estimates, together with the *Hansard* record of proceedings and documents received by a committee.

Ordered that the reports be printed.

### SUPERANNUATION INDUSTRY (SUPERVISION) AMENDMENT BILL 2002

#### Report of Superannuation Select Committee

**Senator FERRIS (South Australia)** (3.58 p.m.)—On behalf of the Chair of the Select Committee on Superannuation, Senator Watson, I present the report of the committee on the provisions of the Superannuation Industry (Supervision) Amendment Bill 2002 and a related bill, together with the *Hansard* record of proceedings and submissions received by the committee.

Ordered that the report be printed.

### CORPORATIONS AMENDMENT (REPAYMENT OF DIRECTORS' BONUSES) BILL 2002

#### Report of Economics Legislation Committee

**Senator FERRIS (South Australia)** (3.58 p.m.)—On behalf of the Chair of the Economics Legislation Committee, Senator Brandis, I present the report of the committee on the provisions of the Corporations Amendment (Repayment of Directors' Bonuses) Bill 2002, together with the *Hansard* record of proceedings and submissions received by the committee.

Ordered that the report be printed.

## IRAQ

Debate resumed.

**Senator RIDGEWAY (New South Wales)** (3.59 p.m.)—In continuation from earlier today, I wanted to mention that the American *Atlantic Monthly* magazine has

also said that the US is spending so much money on Iraq it might as well make it the 51st state. Most conservatives in that country would rather that money be spent in America than in a country 7,000 miles away. Likewise, for us here in Australia, with the impending budget being handed down soon, I think all Australians would rather see our money being spent here on the much needed vital services of health, education and housing.

It is right that many Australians are questioning whether our involvement in the gulf at this time really is in the national interest, because clearly a lot of other courses of action are more immediately related to our national concern. The clear message of the government's motion is that it believes that it has built the case to go to war against Iraq. I simply do not agree with that. It is an indecent, unlawful and morally indefensible proposition. It is a decision that represents a turning point in US foreign policy which seeks to solidify the idea that the United States, or any other nation, can legitimately attack another nation that is not threatening now but may at some unforeseeable time in the future.

It throws to the wind our understanding of the basic idea of self-defence and may do irreparable damage to our relationship with our neighbours in a way unforeseen or never imagined. The President of the United States, Mr George Bush, said as much in his speech yesterday when he said that America has the sovereign right to protect itself anywhere, at any time in the world. I want it stated for the record that I oppose the US becoming the policemen of the world. This is not their job. This is the job for the entire international community, and it certainly is not the job of those that call themselves the coalition of the willing.

This is a day that Australia, in my view, has somehow lost its innocence, with the government jockeying to position itself to win all favours from its great and powerful friend. War always results in the loss of innocent lives, and I now only hope that this war is swift and quick, that there be no loss of life and that our own personnel return safely. The government has made no case for

war. The policy of containment—and I put up all the facts earlier this morning—is working. There is no necessity for war. There is no UN authorisation. The government has failed to properly acknowledge the moral and ethical questions that an attack on Iraq will inevitably entail and the human consequences. I will not support the war, and it is a badge of honour for me to join the 'Australian mob opposed to war'.

I would have hoped that the government's decision is the consequence of wise men and women following noble goals. But even that is not good enough because, whatever your wisdom and your goals may be, the only thing that really matters at the end of the day is your actions. I cannot judge anyone on the government side of the chamber by their thoughts any more than they can mine, but I can judge them by the actions that are being taken. This seems to me to be one of the West's and, in particular, the US's problems: we know that we have good intentions; we start out with good intentions; but the rest of the world judges us by our actions. If you look at what we do and the consequences of what is done, it is easy to understand why so many in those countries of Islamic faith tend to hate us or to have doubts about our credibility in relation to promoting the common good.

In the case of Iraq, the US and Britain are about to attack Iraq against the wishes of the Australian people and the United Nations. That will make us, the United States and Britain aggressors as well as liars, because no amount of talking or arguing can change this simple reality of our actions. It is a sad day for this country, because the principles we hold dear are being sacrificed on an issue as insubstantial as Iraq. When all is said and done, Iraq will indeed be a ruined country, not a military superpower threatening our very survival. I want to finish on this occasion by echoing the words of Martin Luther King Jr, which I think people need to take heed of:

If we do not act, we shall surely be dragged down the long, dark and shameful corridors of time reserved for those who possess power without compassion, might without morality, and strength without sight.

‘Action’ in this situation ought not mean war.

**Senator EGGLESTON (Western Australia)** (4.04 p.m.)—I spoke on this matter of Iraq a couple of weeks ago, and today I wish to outline why I support the Australian government’s decision to participate in the military action likely to be taken in Iraq by the coalition of the United States, the United Kingdom and also a number of European countries—Poland, the Czech Republic and some others—as well as Australia and, of course, with the support of Spain.

Much has been said about the fact that there has not been a new UN resolution to authorise this action, and we have just heard Senator Ridgeway speaking along those lines. The Senate needs to remember that, in fact, there have been no less than 27 resolutions in the United Nations calling on Saddam Hussein to disarm over the past 12 years. Saddam has failed to comply with 24 of those 27 resolutions. It also needs to be remembered that resolution 1441 of last November warned Saddam Hussein of serious consequences if he did not reveal the extent of the weapons in his armoury.

As is well known, the pace of cooperation by the Iraqi regime with the UN weapons inspectors has been, to say the least, very slow, and Saddam has revealed, only with the greatest reluctance, weapons such as extended range missiles and details of the destruction of, he says, ‘missing quantities of chemical weapons’. I think it was only last weekend that he began to give details of the destruction of volumes of chemical weapons which were known to have been in his possession at the end of the Gulf War and which were unaccounted for.

I believe Saddam Hussein has been given a fair chance by the United Nations and he has failed to cooperate and comply, so that—after 12 years and, as I said, 27 United Nations resolutions—armed action is now the only reasonable option left. I also believe there are broader reasons why the regime of Saddam Hussein needs to be ended. These can be summarised under two headings: firstly, to end Saddam’s support for international terrorism; secondly, on humanitarian grounds to release the oppressed people of Iraq from the brutal regime of this vicious

dictator and those associated with him. The deposition, demotion or removal of Saddam Hussein will also bring to an end the United Nations sanctions program which, while crippling the Iraqi economy, has brought additional hardship to the Iraqi people but has not brought down Saddam Hussein. It will be a blessing for the people of Iraq to see those sanctions lifted.

As far as support for international terrorism goes, it is well known that Saddam Hussein has been paying the families of suicide bombers in the Middle East \$US25,000 in thanks for the action of their family member who has committed suicide by blowing himself up and killing other people. In addition, both the United States and British governments have claimed that the regime of Saddam Hussein has other links to international terrorists. This is very much a matter of concern to Australians. The terrorist attacks on the World Trade Centre and the Pentagon, and the Bali explosions, in which more than 100 Australians were killed and injured, drove home to all Australians just how vulnerable we are to deliberate, premeditated attacks from deranged or misguided individuals and organisations nursing some grievance, real or imagined, who are prepared to target Western interests and civilians with the aim of maximising civilian casualties.

Western liberal democracies, with their tradition of tolerance and promotion of individual liberty, where people enjoy a high degree of freedom and are largely able to move about as they please, are particularly vulnerable to terrorist attack. The relatively recent terrorist events have demonstrated that we had perhaps become—and perhaps we always have been—too complacent in Australia about these sorts of things and that we have fostered an atmosphere in which terrorism could flourish, across the globe as well as in this country, by not being vigilant enough to the realities that terrorism does exist and is a threat to this country and many other countries in the Western world.

The Bali explosions demonstrated that terrorists have infiltrated our own region of South-East Asia. A very small minority of South-East Asia’s 230 million Muslims, who

are overwhelmingly moderate and tolerant, especially in Indonesia, have been seduced by forces peddling militant, radical and extreme Islam. There is no doubt that al-Qaeda operatives have been active in South-East Asia. It has been estimated that '5,000 Islamist recruits from Saudi Arabia, Egypt, Algeria, and other countries have trained as al-Qaeda operatives in Osama bin Laden's camps in Afghanistan. Many of these individuals returned to their homelands to train new recruits and to found new cells.'

The terrorist groups which are in existence around the world would dearly love to get their hands on weapons of mass destruction. This is the ultimate nightmare scenario and the reason that Saddam Hussein must be forced to disarm. Imagine the terrible human suffering that would be caused if Saddam Hussein were to arm terrorists with weapons of mass destruction so that they could target major Western cities. Imagine how much worse the situation in Bali would have been if the terrorists had had access to biological, chemical or, even worse, nuclear weapons, rather than conventional explosives, which were dangerous enough.

It is because of the potential for Saddam Hussein to provide these terrible weapons to terrorist organisations that the Iraqi dictator must be regarded as a direct threat to the security and wellbeing of the Australian people. Secondly, as I said, there is the need to relieve the people of Iraq from the brutal regime under which they have been forced to live under Saddam Hussein.

When I last spoke on this matter, I outlined the record of suppression of human rights and atrocities Saddam has committed against his own people. I remind the Senate that Saddam Hussein is a malevolent, vicious despot. He came to power in Iraq in 1979 and, in a chilling action that foreshadowed the pattern of his rule over the next 24 years, he immediately had dozens of potential political rivals murdered. Under Saddam Hussein, Iraq is an autocratic one-party state and democracy is nonexistent.

Freedom of expression is but a dream for the people of Iraq. The media is tightly controlled and amounts to no more than a propaganda mouthpiece for the regime. In

the past decade, more than 500 journalists have been killed. We make a fuss about the killing by Indonesian forces of five Australian journalists in Timor in 1975. Saddam has killed 500 journalists over the last 10 years. In 2000, a decree was issued authorising the government to amputate the tongues of citizens who criticise Saddam Hussein or his government. That is incredible in this day and age. Despite the fact that the constitution expressly allows for freedom of assembly, citizens of Iraq are not permitted to assemble for any purpose other than to express support for the government. They are also not permitted to leave Iraq and travel like citizens living in free countries.

Saddam Hussein has no respect for human life or basic human dignity. He will go to any lengths to maintain his grip on power. This is a man who has waged war on his neighbours, Iran and Kuwait, in pursuit of his broader agenda of hegemony over the Middle East and he has an undisputed track record of using weapons of mass destruction.

**Senator George Campbell**—And who backed the man? Who gave him the weapons?

**Senator EGGLESTON**—I agree with you, Senator Campbell. In the Iran-Iraq war the West armed Saddam Hussein. Obviously this was a terrible error and now we are left with this situation which needs to be rectified. Chemical weapons were employed against Iranian forces during the Iran-Iraq war. According to the Federation of American Scientists:

During the Iran-Iraq war, Iraqi fighter-attack aircraft dropped mustard-filled and tabun-filled 250 kilogram bombs and mustard-filled 500 kilogram bombs on Iranian targets.

There were more than 20,000 Iranian casualties caused by these chemical weapons. The Iraqi dictator has even used chemical weapons against his own people, being the first leader in the world in recent times to do so. During a campaign in 1988-89, the Iraqi military attacked more than 40 Kurdish villages in the north of Iraq with chemical weapons, as I suppose everyone knows because we all saw the photographs of that in *Time* magazine 10 or 11 years ago. According to *Iraq: a population silenced*, a report



by the US Department of State, between 1983 and 1988 alone he murdered more than 30,000 Iraqi citizens with mustard gas and nerve agents. Kurds and Turkomans have been singled out by the regime for special attention in the form of ethnic cleansing. As stated in the publication *Iraq: a population silenced*:

During the Anfal Campaign of 1987-88, Saddam Hussein's regime killed and tortured the Kurdish population. It eliminated many Kurdish villages, and forced surviving Kurds into zones where he could control them.

This demonstrates that Saddam Hussein rules by continually terrorising the Iraqi population. He brooks no dissent. This is a regime which does not hesitate to imprison, brutalise and murder those unfortunate enough to cross its path. Thousands of people suspected of opposing the regime have been brutally murdered. More than 16,000 people have been seized from the street or their homes, never to be seen again. They are part of the disappeared. People unfortunate enough to come to the attention of the regime are often held indefinitely without charge or the benefit of a trial. Since 1997, more than 3,000 prisoners have been executed.

Torture of detainees is commonplace. A background paper *A decade of deception and defiance*, which was prepared for the United States President's speech of 12 September to the United Nations General Assembly, states:

According to former prisoners, torture techniques included branding, electric shocks administered to the genitals and other areas, beating, pulling out of fingernails, burning with hot irons and blow-torches, suspension from rotating ceiling fans, dripping acid on the skin, rape, 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.

Female relatives of those suspected of opposing the regime have been raped and tortured. The Iraqi regime is renowned for its religious persecution. Saddam Hussein's Baath Party regime are Sunni Muslims, who are in the minority in Iraq, and Shiah Muslims, who are the majority, are not permitted to worship in freedom. Shiah religious leaders are arrested and murdered as a matter of course. It has been estimated that during the

rebellion against Saddam's regime in southern Iraq after the Gulf War some 30,000 to 60,000 Shiah Muslims were killed.

The Labor Party's position is that the problem of Saddam Hussein should be resolved through the United Nations and the Labor Party would only support military action under the authority of the United Nations. I remind the opposition that, pursuant to United Nations Security Council resolutions passed after the 1990-91 Gulf War, Iraq was required to rid itself of all weapons of mass destruction. Meanwhile, some 12 years later, Iraq still possesses these terrible weapons. There have been well-intentioned people saying that more time should be given to Saddam to comply with UN resolutions and to weapons inspectors to do their job, but the question really is: how much longer does Saddam Hussein need? He has had 12 years to disarm and, in spite of economic sanctions, has failed to do so. In fact, he has sought to flout the will of the world community at every turn. Iraq has failed to comply with 24 out of 27 Security Council resolutions. Iraq has a history of not cooperating with UN weapons inspectors, including blocking access to sites, and has sought to deceive inspectors and hide remaining weapons of mass destruction. In October 1998, Iraq announced that it was no longer prepared to deal with weapons inspectors and so subsequently weapons inspections were halted.

However, in the face of overwhelming international pressure, inspections recommenced in Iraq on 27 November 2002. Saddam's track record is that of only responding to pressure. Let us not kid ourselves that this man will suddenly be overcome by the milk of human kindness, cooperate with the UN and treat his people well. In late January of this year, UN chief weapons inspector, Dr Hans Blix, stated that Iraq had not 'come to a genuine acceptance' of the need to disarm. The fact of the matter is that Iraq has not provided weapons inspectors with all relevant information about its weapons programs or revealed the location of any weapons of mass destruction stockpiles.

The United Nations has been seeking to disarm Saddam Hussein for some 12 years



and it is simply a matter of fact that the United Nations has authorised increasing pressure on the Iraqi regime over that time. Resolution 1441 of last November called upon Saddam to finally disarm or face serious consequences. Regrettably, Saddam Hussein has not met the conditions set down last November by the United Nations and now the time for military action has come. War is never a desirable option, but it is at times a necessary step for a broader good. It is important to note that our quarrel is not with the people of Iraq, who are overwhelmingly victims of Saddam Hussein's regime, but with the regime itself. For too long, the Iraqi people have been subject to a reign of terror and I believe they deserve to be liberated from this malevolent, vicious dictator as soon as possible.

**Senator BUCKLAND (South Australia)** (4.23 p.m.)—The Prime Minister, John Howard, has committed Australia to a war that we should not be involved in. The Australian Labor Party will not sanction the government's decision to commit Australian troops to a war with Iraq. And why should we commit our troops to a war that, for the first time, makes us an aggressor? Since April last year, Labor have consistently and tirelessly opposed any action being taken in Iraq without the authority of the United Nations. We have not faltered. We have persistently argued that the government's decision to predeploy our troops is wrong. But it is imperative that it be made very clear that our argument is not with the troops and that, rather, our argument is with the Howard government.

The most worrying thing about the whole distressing exercise has been the reluctance of the Prime Minister to be truthful with the Australian public about the commitment of our troops to this morally wrong war. John Howard has repeatedly failed to bring the Australian people into his confidence and explain to them why this war is right. He has failed to make the case as to why war with Iraq is now the only option for Australia. The only reason I can see for this immoral stance is that he is fulfilling a commitment to the US President—a commitment that the Prime Minister has not had the courage to tell the

people of Australia about. But it is important for us to say in all of this that the Labor Party will ensure that every support is given to the troops that have been sent there, even though we fundamentally disagree with the decision of the Howard government to put them at the front line of a war that we should not be committed to.

This war has not been sanctioned by the United Nations. That is something we have to bear clearly in mind. It is definitely not in our national interests. The Prime Minister said that using force to disarm Iraq 'is necessary for the long-term security of the world and is therefore manifestly in the national interest of Australia'. That is simply wrong. In fact, the reverse is the case. Time and time again, the Prime Minister has made futile attempts to prove that there is a link between Iraq and the al-Qaeda terrorists or between Iraq and the September 11 horrors. The Prime Minister has also callously tried to exploit the tragedy of the Bali bombings. But in all of his embarrassing attempts to make a connection he has presented no evidence of a link between Iraq and al-Qaeda's terrorist attacks on America and Bali. He has failed to present evidence that Iraq represents a real and immediate threat to our community. This is a failed prime minister.

The reality is that a war with Iraq will, without question, increase the threat that Australia faces from international terrorism. The repercussions will be immeasurable, because it will not only make Australia more unsafe but also have negative consequences for Australia's efforts in international cooperation and in working constructively with moderate Islamic countries. This war will also adversely affect the Australia-US alliance by abating the foundation and moral fibre of the agreement that the alliance is based upon. The Prime Minister, John Howard, has said that the alliance with the US was 'unapologetically a factor' in his decision and that the 'crucial, long-term value' of the alliance should always be considered in national security decisions. As a consequence of the government's decision, Australia has become an aggressor in war. As I said before, this is the first time. Why? Because the US has asked us to do it. There is

an essential difference between supporting the US alliance and being subservient to it.

This has happened despite the Prime Minister having acknowledged that the majority of Australians do not support the war. The majority of Australians do not support this war; they do not support the actions of the Prime Minister. It is most important to note that the majority of the Australian people are opposed to any military action without the UN's authority. Yesterday's Newspoll found that 68 per cent of Australians were still against the war. We have witnessed hundreds of thousands of Australians peacefully demonstrating their opposition to this war. In other words, we have witnessed the mandate of the Australian people.

I suggest that war must always be the last resort, not the first option. That is why we as a party have always believed that diplomacy and the weapons inspectors must be given every chance to succeed. Weapons inspections have been achieving the results that had been hoped for, but the weapons inspectors have not been given enough time to bring about the peaceful disarmament of Iraq. Iraq has not responded aggressively because the inspectors have been there. The weapons inspectors have in fact achieved some success, and that could have brought about a peaceful disarmament.

For the first time in Australia's history we have witnessed the reckless and unnecessary act by our nation's leader of throwing peace out the window and embracing an immoral act of war. We have become, as I said before, an aggressor nation—an aggressor. What Australia needs at a time like this, when there is worldwide instability, is a strong leader. We need a leader with a wise head. Sadly, Australia learnt yesterday that we have a puppet, with its strings being manipulated from afar.

**Senator MASON (Queensland)** (4.33 p.m.)—This is a war that we have to fight. If there is no war, Saddam Hussein wins and the Iraqi people lose—in fact, we all lose. I have listened to what those opposite have had to say and I am saddened by the muddled and naive arguments that have been proffered. We are hearing an awful lot about the 'unseemly rush to war' and 'giving di-

plomacy a chance to work'. We have had a 12-year rush to war. We have been rushing to war for 12 years. How many more years do we want this charade, this farce, to continue? Diplomats have been preoccupied with the issue of Iraq since 1990. How long exactly are we expected to let them work without actually achieving any outcomes? It is 2003, 12 years after Iraq was ejected from Kuwait, and Saddam is still hiding his arsenal of weapons of mass destruction, still oppressing his people and still threatening his neighbours.

We are also hearing a lot about unilateral action, because the United States does not have the blessing of the United Nations Security Council. Tell me how the disapproval of France, Russia and China is supposed to make the United States' military intervention immoral and somehow illegitimate. France last year sent thousands of paratroopers without UN authorisation to the Ivory Coast to intervene in a civil war there. That is moral and legitimate, isn't it? Russia has twice in the last decade ravaged Chechnya, flattening the capital city of Grozny and killing tens of thousands of people. That is moral and legitimate, isn't it? China is responsible for genocide in Tibet and its rulers are heirs to Mao's empire, built of course on the bones of 60 million dead Chinese. That is moral and legitimate, isn't it? For God's sake, let us not try to pretend that these states are somehow the moral arbiters of the world community. And don't try to hide behind the Security Council and the moral authority of the People's Republic of China, France, Russia or any other country. The moral authority of countries like the People's Republic of China or the French Republic is not worth anything. Conversely, can you tell me how the approval of countries like Guyana or Syria would make the US action any more legitimate than it is without their approval?

In the end, though, questions of morality and of right and wrong are not questions of simple arithmetic and head counting. Something can be right even if a majority of states oppose it just as surely as something can be wrong even if it enjoys majority support. One only has to remember that the United Nations was a shambles throughout the

1970s when the Western democracies could only count on a dozen reliable votes and an overwhelming majority of nations could not help but pander to totalitarianism and authoritarianism.

We are also hearing an awful lot about containment—how we should continue the policy of containing Saddam Hussein instead of going to war. The problem is that, as the historian Walter Russell Meade recently wrote in the *Washington Post*, ‘Containment kills’. Iraq has been subject to sanctions for the past 12 years as a consequence of the fact that it has not complied with UN resolutions ordering it to disarm and to keep the peace. For humanitarian reasons, Saddam is still allowed to sell some oil to buy food and medicine supposedly for the Iraqi people. Saddam of course spends the money on his palaces and new weapons for his regime. UNICEF estimates that 60,000 children per year die under the supposedly peaceful and successful policy of containment, which we have heard so much about in the last couple of days—the marvellous, peaceful success of the policy of containment! Meade argues:

... by any reasonable estimate containment kills about as many people every year as the Gulf War—and almost all the victims of containment are civilian, and two-thirds are children under 5.

That is what the opposition thinks is such a marvellous policy—the peaceful, successful policy of containment. So every year we allow the present charade to continue. People are dying, and they are dying not just from hunger and lack of medicine but from Saddam’s brutal repression. Every day people keep dying in the prisons and torture chambers of the regime in Kurdistan and the Shiite south of the country.

So the assorted peace activists do not really seem to care about the Iraqi people. Apparently it is all right for the Iraqis to keep dying like flies as long as it is Saddam Hussein who is doing the killing. That is okay. As the ever reliable commentator Mark Steyn writes:

As far as Saddam’s subjects are concerned, the “peace” movement means peace for you and Tony Benn and Sheryl Crow and Susan Sarandon, and a prison for them.

It means peace for Mr Crean. It means peace for Ms Macklin and Senators Faulkner, Brown and Bartlett and all the old trendies and swingers dressed up in their Vietnam generation moral ensemble. They have a loathing of the West and they are always giving the benefit of the doubt to the dictators. The Left have done it since the sixties and they are still doing it now—same old story; same old crowd. It is peace for them. It is peace for this lot, but a continuing hell for the people in Iraq.

We are also hearing a lot that we should try to win without war. But as commentator Fred Barnes writes:

That’s a nice goal. Unfortunately, it’s Saddam’s goal. With no war, he wins and emerges as the new strongman in the Middle East, forcing people to come to terms with him.

Again, I could not agree more with Mark Steyn when he writes about the antiwar protests around the world. He says demonstrations are:

... good for Saddam, but bad for the Iraqi people, and the Palestinian people ... One day, not long from now, when Iraq is free, they will despise those who marched to keep them in hell.

The doyen of left-wing journalism, Christopher Hitchens, concurred recently in Britain’s *Daily Mirror*. He writes:

Soon, the Iraqi people will have a chance to express their own opinion, which will be more interesting and more complex than the facile banners and placards that we have already grown bored with.

The only placard that the Iraqi people would be interested in at all is: ‘Free Iraq’.

From my youth I remember tens of thousands of demonstrators demanding peace in Vietnam. They got their peace all right. The demonstrators all went back to their middle-class homes and the communists took over. But do you know what? They forgot about Vietnam and the Vietnamese people. There was never a placard after 1975 saying, ‘Free Vietnam’—not one. That is what you can expect to get from this lot. The stupid knee-jerk anti-Americanism, absolutely obscene moral vanity and rampant moral and political relativism so widely seen in many sections of the so-called peace movement might provide many with a very warm inner glow and a

great flush of righteousness but it will not do anything for the long-term peace and the long-term security of the Middle East. It will not help the Iraqi people who for the past 20-odd years have had to live in the state of perpetual terror imposed on them by Saddam Hussein.

It is all very well and nice for people in the West to pontificate and to preach about peace and nonviolence from the comfort of their cafes and salons when the greatest form of state oppression and injustice they would have ever experienced in their lives is getting a parking ticket. Let them go to Iraq and share the oppression, share the fear and share the hopelessness. Then come here when you have shared that hopelessness and say that the people of Iraq do not deserve the same freedom and democracy as the people of this country. Go there and see how they live, and then come into this place and say, 'The people of Iraq don't deserve to share the same freedoms that we enjoy.' Come back and say that it is the United States and not Saddam Hussein's repugnant regime that is the bigger obstacle to world peace. Or perhaps it is like the Left's response to the Cultural Revolution. They said, 'It is all right you see; the West has to accept ultimately that the Chinese wouldn't understand democracy anyway, so it's not worth complaining.' Is that the argument of the opposition: they do not deserve the freedoms you take for granted?

These simple propositions might not be apparent to many among the peace activists, but for the rest of us it is clear that Saddam must go. I am glad that Australia is one of the willing. I am glad that the Australian government have had the guts to do what is right. I am glad that we are not putting our heads in the sand and pretending that everything is fine and that if we wish hard enough all the problems will just go away. But, unfortunately, too many are doing just that. I recall what Winston Churchill wrote in a letter to Lord Moyne in 1938. He said:

Owing to the neglect of our defences and the mishandling of the German problem in the last five years, we seem to be very near the bleak choice between War and Shame. My feeling is that we shall choose Shame, and then have War thrown in a little later, on even more adverse terms than at present.

No-one wants war, but there are worse things than fighting a war now, such as fighting a war later on, when we are weaker or less prepared and the opponent is stronger. Churchill knew that, and those who lived through the thirties and forties learned the lesson the very hard way. Eminent English journalist Alistair Cooke recently wrote:

In Britain the general response to every Hitler advance was disarmament and collective security—

and we have heard that over the last few days. He continued:

Collective security meant to leave every crisis to the League of Nations. It would put down aggressors, even though, like the United Nations, it had no army, navy or air force.

The League of Nations had its chance to prove itself when Mussolini invaded and conquered Ethiopia ...

The League didn't have any shot to fire. But still the cry was chanted in the House of Commons—the League and collective security is the only true guarantee of peace.

But after the Rhineland the maverick Churchill decided there was no collectivity in collective security and started a highly unpopular campaign for rearmament by Britain, warning against the general belief that Hitler had already built an enormous mechanised army and superior air force.

But he's not used them, he's not used them—people protested.

Still for two years before the outbreak of the Second War you could read the debates in the House of Commons and now shiver at the famous Labour men—Clement Attlee was one of them—who voted against rearmament and still went on pointing to the League of Nations as the saviour.

I thought we might have got over that but, sadly, as late as yesterday the Deputy Leader of the Opposition, Ms Jenny Macklin, sermonised:

We have decided that war is not the answer. Bombing is not the answer ... the best way to disarm Iraq is peacefully through the United Nations.

These are horrible and pathetic echoes of the past. I say that if the United Nations has not got the ticker to enforce its own resolutions then collective security is a sham. Karl Marx was not right about many things but he might have been right about one thing: he said that

history repeats itself—the first time as tragedy, the second time as farce. If that is correct it is only because many people fail to learn the lessons of history, such as that democracy and totalitarianism are not the same—remember and learn that—that evil men have to be stopped, that appeasement does not work but merely encourages the wicked and that it is better to act sooner rather than later.

Churchill was right: all those millions around the world who in the 1930s hoped for ‘peace in our time’, who would do absolutely anything to stop Hitler, except fight him, did indeed have a choice between war and shame. But they chose shame and war was thrust on them later anyway, war that devastated whole continents and cost the lives of around 50 million people.

You may say—as the opposition, the Democrats and the Greens say—that you are not willing to pay the price of war. But are you willing to pay the price of peace? The Labor Party says that we are doing enough; I say that we are not. I wish my friends on the Left the same degree of courage and honesty that was exhibited by the socialist Mitchell Cohen in an article entitled ‘A Leftist’s case for war’. He describes Saddam’s murderous regime as fascist and says that Saddam will be disarmed by force or not at all. He concludes, and my Leftist friends should hear this:

I am antifascist before I am antiwar. I am antifascist before I am anti-imperialist. And I am antifascist before I am anti-Bush.

I would add only: ‘I am for war before shame.’

**Senator GEORGE CAMPBELL** (*New South Wales*) (4.51 p.m.)—I rise today to support the amendment moved by Senator Faulkner on behalf of the Australian Labor Party. The commitment of Australian troops to the invasion of Iraq is a disgraceful act by a government that has lost the confidence of the Australian people. The hundreds of thousands of ordinary Australians who took to the streets last month to voice their opposition to war have been ignored. These people are the tip of the iceberg. The government has ignored the will of the people. This is a war that is morally wrong. The deployment

of Australian forces to the gulf was a mistake. It jumped the gun and it undermined the actions of the UN inspection teams and the legitimacy of the United Nations process. Despite the protestations of the Prime Minister, it was clear all along that the troops were committed regardless of what the international community decided.

This war is wrong for a number of reasons. The Prime Minister has failed to make a case for war. The Prime Minister has presented no evidence of a link between Iraq and al-Qaeda. In all likelihood, the invasion of Iraq will result in an increase in terrorism rather than a reduction. This is for two reasons primarily: firstly, when America failed to capture Osama bin Laden it shifted the focus from Afghanistan to Iraq, meaning that the job of rebuilding Afghanistan and preventing a resurgence of al-Qaeda has been abandoned; and, secondly, the invasion will result in the massive destabilisation of the region, making it a classic breeding ground for fanatics. President Bush’s imperial dream to rewrite the map in the Middle East is exactly what Osama bin Laden would have been hoping for. What a gift we are about to give to those fanatics and those terrorists.

As for the weapons of mass destruction argument, Iraq is disarming. The weapons inspectors have asked for more time. What is this mad rush into war after 12 years? Why suddenly do we have to move in within 48 hours? This timetable is being set to accommodate the war machine, not a process of achieving peace. This is a war that is morally wrong. It has not been authorised by the United Nations and, as such, has no legitimacy. It is not a case of self-defence. It is mind-blowingly arrogant to think that three countries have the right to say that the rest of the world is wrong, and that they will do what they want. Not only is this action immoral; it is against Australia’s national interest.

As a middle power, Australia’s national interest lies in a world where countries abide by the rule of law and where the United Nations Security Council is responsible for international peace and security. Australia was one of the nations that worked hardest to found the UN. Australians fought in two

world wars to replace unilateral aggression with the international rule of law and collective security. This unilateralism sets a very dangerous precedent for dictatorships around the world. For example, what is to stop countries like North Korea following the US example of pre-emptive war and attacking South Korea or Japan? Unilateralism has failed in the past, and it is completely antithetical to international collective security.

To outsiders the Americans—or at least their government—seem to have stopped caring about the international system. I am not anti-American, but I am against President Bush and, more importantly, against his neo-conservative junta. These ‘neocons’, as they are now known, are often religious fundamentalists who see the world in black-and-white terms. To them the United States is good incarnate and therefore anyone who is opposed to the US is evil and must be destroyed. President Bush’s wish to redraw the map in the Middle East is frighteningly simplistic. It ignores the huge complexities of the region and smacks of imperialism. Redrawing maps and regime changes are old concepts. In the Middle East they will heighten the problems rather than resolve them.

These neocons dominate the US administration. The Deputy Secretary of Defense, Paul Wolfowitz, and Richard Perle lead them. They lead the ideological argument and debate. In 1991 it was these people who pushed for the United States to invade Iraq and to finish off Saddam. Within hours of the September 11 atrocities, ignoring the evidence pointing towards al-Qaeda, Wolfowitz and Donald Rumsfeld were cynically pushing for an invasion of Iraq. We all remember the CNN footage of Donald Rumsfeld back in the late 1980s, when he was in the Reagan administration and went to Iraq. He was sitting with Saddam Hussein, shaking hands with him and proffering American aid, because in those days he was an ally. Saddam did nothing wrong in the 1980s when he was an ally of America against the Iranians. When he was an ally of the Americans against the Iranians he was fine. But now it does not suit these neocons to have Saddam there. They needed another agenda, and that

agenda is to move into Iraq to cover up their lack of capacity to deal with the real issue—that is, Osama bin Laden and terrorism as it stands in the world today.

The opportunism of the neocons has destroyed the enormous groundswell of international goodwill towards the United States, arising from September 11. Within 18 months of September 11, the Bush administration has alienated most of Europe, over half of the UN Security Council, most of the Middle East and almost every Islamic community in the world. In the 1991 Gulf War, the United States coalition numbered 34 countries, but thanks to President Bush and the neocons the coalition of the willing amounts to simply three.

**Senator Boswell**—That’s not right.

**Senator GEORGE CAMPBELL**—Senator Boswell, who is providing the troops? Even Spain, which was part of the decision making process, will not have one trooper in the Middle East. But we who were not invited to the table to make the decision on when the war would start had already committed our troops before that decision was even made.

I was greatly concerned by the statement by President Bush that Saddam Hussein and his clique have 48 hours to leave Iraq. What right does the United States have to set itself up as the moral enforcer? Where does it draw the authority to set itself up as the world’s policeman and moral enforcer? I do not support Saddam Hussein. He is an evil dictator who has slaughtered thousands of Iraqis, and we all know it. But the only people who have a right to deal with Saddam Hussein are the Iraqi people. They have the power within themselves to resolve that issue.

What are we going to do about every other dictator in the world? Does America have the right to depose all of those other dictators, or just the ones who do not toe the US line? Are the ones who support the United States good and the ones who do not bad? Will America simply move from Iraq to some other state and depose a dictator, in line with the pre-emptive policy of the neocons?

Even worse than this US behaviour, however, is the sycophancy of Prime Minister Howard. It is far worse than 'all the way with LBJ'. No longer is it President Bush or the US President; it is just 'the President'. The Prime Minister is like the little weedy kid in the playground who sucks up to the playground bully to appear big. I support the ANZUS alliance, but a good ally is like a good friend. Their first duty is to tell their friend when they are wrong and when they are harming themselves. We must be a critical ally. The invasion of Iraq will weaken the Australia-US alliance by undermining the spirit and principles of the agreement.

I also reject the criticism of old Europe for standing up to the arm twisting of the United States. I am sickened to hear the constant diatribe by people on the other side of the chamber heaping abuse on France in particular. No nation is perfect, but it ought to be remembered that, without France, the United States would never have won the War of American Independence. And France fought against tyranny in two world wars.

**Senator Boswell**—I thought it surrendered.

**Senator GEORGE CAMPBELL**—I see you screwing up your eyes, Senator Boswell.

**Senator McGauran**—I do not remember France ever putting troops into the war of independence. What did they do in the war of independence?

**Senator GEORGE CAMPBELL**—Obviously you have not read or do not understand American history, or you would clearly understand the role that France played in the war of independence.

**The ACTING DEPUTY PRESIDENT (Senator Hutchins)**—Order, Senator Boswell! Order, Senator McGauran!

**Senator GEORGE CAMPBELL**—My question is: why war now? What has happened, beyond President Bush running out of patience? The weapons inspectors were doing their jobs. Iraq is more contained than at any time since 1991. If the United States were really worried about Iraq's ability to attack other nations, why did they not intervene five or 10 years ago? The argument that people opposed to this war are the same peo-

ple who would have supported appeasement of Hitler is just plain wrong. This is not Munich in 1938, nor is President Bush a Winston Churchill. Iraq is not the most powerful nation in the world. In fact, it is about to be attacked by the world's most powerful nation. And that is a point that should not be forgotten.

Let us look at the situation in Iraq. Clean bottled water costs 10 times as much as petrol. According to UNICEF, 70 per cent of the 1.7 million children who have died since 1990 died from preventable sanitation related diseases. Half a million tonnes of raw sewage is dumped in fresh waterways every day. The mortality rate of children under five is 10 times as high in Iraq as it is in Rwanda and South Africa. Is this a nation that poses the greatest threat to world security? Who will suffer if there is an invasion of Iraq?

As to the consequences of an invasion, what is the exit strategy? What is the strategy planned post the invasion process? There is no exit strategy in Afghanistan. If you want an example of what is likely to happen in Iraq, then have a look at what is happening in Afghanistan. Where is the credible government in waiting? You only have to consider the situation with the current government in Afghanistan and its more than tentative status. What does war in Iraq do to the rest of the Middle East? These are questions that Prime Minister Howard has failed to answer. He has failed to address them or to address them adequately.

The reality is that this is an unjust war. The Australian people know it is an unjust war and the nations of the world know it is an unjust war. The war is morally wrong. It is not in Australia's national interest, nor is it the best way of disarming Iraq. Even if this is a quick war, it will be a bloody war—maybe not for the aggressors but certainly for the Iraqi people. We know how surgical American strikes really are. The Prime Minister has not made the case for war. He is going against the clear wishes of the majority of Australians. This war will lead to more instability, not less; this war will lead to more bloodshed, not less; and this war will lead to more terrorism in the world, not less.



**Senator CHERRY (Queensland)** (5.05 p.m.)—This is a very sad day for Australia. In considering this motion, Senator Mason said that it is a matter of morality whether we engage in a war. But I cannot disassociate morality from legality. Let us be quite clear about what will happen when Australia joins the American forces in invading the sovereign nation of Iraq. Australia will be acting contrary to international law. We are putting ourselves outside the United Nations and international law. We, a founding member of the United Nations, are becoming a rogue state, outside the law. We are there, along with the US and Britain, alone of the 160 nations in the world, in invading Iraq. As former Australian Ambassador to the United Nations Richard Woolcott put it yesterday:

This is the worst and most damaging foreign policy decision in half a century or more. It is gross deceit to say this war is in Australia's national interest. Clearly it is not.

As a Democrat, I am a proud internationalist. To paraphrase Winston Churchill, for all its flaws the United Nations, of all the options, is the least worst international governing body invented so far. Yet, by our actions, we have placed ourselves outside the United Nations and damaged it far more than any words from Jacques Chirac have.

I would like to contrast our view with that of Canada. Canada, like Australia, is a close ally of the United States, an English-speaking member of the Commonwealth of Nations and a founding member of the United Nations. No two countries have contributed to more peacekeeping missions than Australia and Canada. Both have argued that Iraq has been in breach of UN Security Council resolutions on disarmament. Yet yesterday the Prime Minister of Canada, Jean Chretien, told his parliament:

If military action proceeds without a new resolution of the Security Council, Canada will not participate.

That is what a good global citizen does. When you accuse another nation of breaking the rules, you do so by the rules. You cannot be a self-appointed world policeman or deputy sheriff and engage in a bit of vigilante international justice on the side.

I keep saying that Australia is acting outside the law. The Prime Minister yesterday tabled in parliament advice from Crown Law that we are, in fact, within international law—that existing UN Security Council resolutions authorise three nations to invade Iraq. This view is not sustainable. It is a view certainly not shared by the United Nations itself. As Secretary-General Kofi Annan said last week:

If the US and others go outside the Security Council and take military action, it will not be in conformity with the UN Charter.

That, in UN code, means a three-country invasion of Iraq is illegal in international law. The legal advice tabled by the government says that the existing Security Council resolutions 1441 and 678 provide authority for force against Iraq. The argument is that because resolution 1441, passed last November, found Iraq to be in breach of its obligations under 687, passed in 1991, then resolution 678, which authorised the invasion of Iraq to liberate Kuwait in 1990, is reinstated.

That would be news to the Security Council members who voted unanimously for resolution 1441 last November, because at that time the ambassadors of Britain and the United States went to great lengths to assure Security Council members that it did not have this effect. The original draft of that resolution, presented by the UK and the US, sought to make that effect with the words:

... such breach authorises member states to use all necessary means to restore peace and security in the area.

This draft did not receive Security Council support. The final draft deleted these words and instead directed that any failure by Iraq to comply with its disarmament obligations will be reported immediately to the council, and that the council would then convene immediately in order to consider the situation and the need for full compliance in order to secure international peace and security.

US Ambassador Negroponte made it clear when he said, 'This resolution contains no hidden triggers with respect to the use of force.' UK Ambassador Greenstock said:

There is no automaticity in this resolution. If there is a further Iraqi breach of its disarmament



obligations, the matter will return to the Council for discussion.

I think those two ambassadors must be sorely embarrassed by their leaders' statements this week, in that those formal assurances to the Security Council have now been ignored. It is worth pointing out that the International Court of Justice clearly includes such statements in its interpretation of resolutions—a point clearly made in its landmark 1971 Namibian judgment.

The government's legal advice says that the authorisation for this invasion is found in resolution 678 of the Security Council, passed in November 1990 after Iraq invaded Kuwait. This was one of only three occasions in 54 years where the Security Council had authorised the use of force to invade a member nation. But it must be remembered that resolution 678 was the 13th resolution the Security Council had passed between August and November 1990 on the invasion of Kuwait. Indeed, 678 recalls those 12 previous resolutions in its preamble.

The first resolution had condemned the Iraqi invasion of Kuwait and demanded its immediate withdrawal. That is what the authorisation of force in 678 was all about—it could not be clearer. In fact, resolution 1441, relied on by the government to justify this action, expressly states that it 'reaffirms the commitment of all member nations to the sovereignty and territorial integrity of Iraq, Kuwait and the neighbouring states'. A fine way to commit to the territorial integrity of a nation is by invading it. That is what we are doing. We are in breach of 1441.

One of Australia's most eminent international lawyers, Rabinder Singh QC—who, incidentally, shares chambers with Cherie Booth, Tony Blair's wife—has provided a formal legal advice arguing that resolution 1441, and any combination of resolutions 678 and 687, does not authorise the use of force. Mr Singh argues that the wording of 1441 expressly tried to avoid the implied authority problems that the government is now trying to rely on. He says:

Both the fundamental objectives and the constitutional framework of the UN Charter mean that the use of force by a member state is not justified unless the Security Council authorises it in the

clearest terms. Use of force without such clear authorisation would therefore violate international law.

Article 2 of the United Nations charter expressly prohibits the use of force, with just two exceptions. Article 42 allows the Security Council itself to authorise force 'as may be necessary to maintain or restore international peace or security', but only then if peaceful measures 'have proved to be inadequate'. And article 51 allows a country to engage in self-defence if an armed attack occurs against that country.

As the International Court of Justice has held in 1986 in the Nicaragua case, the prohibition on the use of force is a principle *ius cogens*—in other words, a pre-emptory norm of international law from which other states cannot derogate.

A similar argument has been presented by over 30 international law experts in Australia in an open letter on 26 February. The list was headed by former High Court judge Ronald Wilson; Professor Hilary Charlesworth, the Director of the Centre for International and Public Law; Professor David Kinley, the Director of the Castan Centre for Human Rights Law; Professor Tim McCormack, the Director of the Centre for Military Law; and Professor Gillian Triggs, the Director of the Institute for International and Comparative Law. This eminent group of Australian international law experts could not have been clearer when they said:

The initiation of a war against Iraq by the self styled coalition of the willing would be a fundamental violation of international law.

As law makers, we should be concerned to ensure compliance with the law, whether the law be local, national or international. The Howard government, by its action of joining this invasion, has placed Australia outside the law.

The United Nations Security Council was the only body which could have authorised an invasion of Iraq and they expressly declined to do so. Why? Because, again, under the United Nations charter, article 42, force is only justified if peaceful means 'prove to be inadequate'. In other words, until the inspections process clearly was not working, the United Nations itself could not authorise

force under its own charter. The frustration is that the process was working. In 1980 and 1990, Iraq invaded its neighbors—twice in a decade. Since the inspections regime started in 1991, Iraq has not invaded anybody. Its power has been broken; it has been successfully contained. As Richard Woolcott puts it, the process of containment was effective.

I have heard government members say in this debate that an invasion is necessary because of the 12 years of failure of UN inspections. Failure? Who has Iraq invaded in 12 years? Nobody. Who has it threatened? Nobody. Where are the links between Iraq and al-Qaeda? They are unproven. As former British foreign secretary Robin Cook pointed out when resigning from Tony Blair's cabinet on Monday, more weapons and missiles have been destroyed by UN inspectors since 1991 than were destroyed by the US in the 1991 Gulf War. He said:

Ironically, it is only because Iraq's military forces are so weak that we can even contemplate its invasion. ... We cannot base our military strategy on the assumption that Saddam is weak and at the same time justify pre-emptive action on the claim that he is a threat.

And he said:

Our interests are best protected not by unilateral action but by multilateral agreement and a world order governed by rules.

This notion that the UN has failed is part of what Richard Woolcott refers to as the 'deception of the Australian people' implicit in this policy. Judging by some of the speeches I have heard here today, the government has apparently extended that deception to its own backbench.

Containment has worked. It has worked and, under article 42, if containment is working then the UN and its members are obliged to continue with it until peaceful measures prove to be ineffective. I would prefer that today Australia was lining up with its long-term allies New Zealand and Canada, the majority of the UN Security Council, the majority of the European Union, the majority of the Commonwealth of Nations and the overwhelming majority of our Asian neighbours and the United Nations in opposing this unilateral act of aggression. It will take years to repair the damage done to

our international standing by this act. The three decades spent since the Vietnam War in trying to build up an internationally credible and independent foreign policy have been scuppered by this government, along with much of our standing in Asia.

I value our alliance with the United States. It is an important part of our foreign policy. But sometimes, even to our friends, we need to say, 'You are wrong,' as Canada, Germany, Ireland, France and New Zealand have done. Instead, we are marching into delinquency by our bigger, stronger friend's side. I will finish with a quote from America itself, from this morning's editorial in the *New York Times*. It sums up what a mess George Bush and his neoconservative hawks have gotten their country and now our country into. It says:

This page has never wavered in the belief that Mr. Hussein must be disarmed. Our problem is with the wrongheaded way this administration has gone about it. ... This war crowns a period of terrible diplomatic failure, Washington's worst in at least a generation. ... At a time when America most needs the world to see its actions in the best possible light, they will probably be seen in the worst.

I could not have said it better.

My sympathies today are with our serving men and women in the Persian Gulf. A young cousin of mine is included among them. He and they will have my prayers that they all come home safely. My thoughts are also with the innocent civilians of Baghdad—the human shields that Hussein will deploy to prevent an invasion. I urge our military planners to insist on the strictest possible terms of engagement to minimise civilian casualties and to bring our troops home as soon as possible.

**Senator CROSSIN (Northern Territory)** (5.19 p.m.)—This is a war that this country and the international community do not need. I am opposed to the war against Iraq to which the Prime Minister has just committed Australia. I have heard no compelling arguments that convince me that this is the right thing to do at this point in time. Along with many other citizens in this country I have been subjected to a raft of emotive and un-

proven claims by this government that this is the only option.

This is not a week in the history of our nation that will be remembered fondly. No case for war has been made and no case has been made that we are acting in the best interests of this country or the international community. Many Australian people are opposed to any military action without the approval of the United Nations. Hundreds of thousands of Australians have peacefully demonstrated this. In my home city of Darwin there have now been a number of public rallies such as the one held last Saturday. More than 2,000 people took to the streets of Darwin to try and convince this government that this is the wrong decision. This is a decision that does not have the support of at least 70 per cent of the Australian population.

The Labor Party has consistently argued since last April that there should be no military action in Iraq outside the authority of the United Nations. There is a better alternative to achieve the disarmament of Iraq and that is to allow the United Nations processes to work and give the UN weapons inspectors the full and complete support they need to finish the job that they started. Labor therefore believes that in the absence of an agreed United Nations Security Council resolution authorising military action against Iraq there is no basis for military action to disarm Iraq, including action involving our Defence Force.

Some would argue that the time is up for Iraq and that 12 years is enough time for them to have complied with the resolution of the United Nations. But is it not the decision of the United Nations to decide when their time is up? Why is it that suddenly George Bush should expect the rest of the world to fall in line because he says it is time to move? We are about to become, for the first time in our history, a military aggressor. This Prime Minister has decided that we will be part of a coalition of moral arbiters and decide the fate of some countries but not others. For the first time, the maintenance of a bipartisan national security policy has been pushed aside by the government.

There is no consistency in the policies of this government in dealing with this matter.

The circumstances of North Korea and the position we find ourselves in today go back to 1994. Is their time up? If not, why not? Will Zimbabwe be next? If the Prime Minister is pushing the argument that we need to invade Iraq because of its human rights abuses then why is it not convenient for the coalition of the willing to marshal troops against Zimbabwe? The answer is: because there is no consistent and logical argument to this government's approach when it comes to foreign policy.

Prime Minister Howard has failed to make the case as to why the war in Iraq is now the only option for Australia. He has failed to bring the Australian people into his confidence and to explain to them why this war is right. But, most importantly, his decision to take Australia to war is wrong because it does not have the authority of the United Nations Security Council. It is morally wrong. Any disarmament of Iraq must be done under the umbrella of the UN Security Council.

The Prime Minister has undermined more than 50 years of commitment to the United Nations. He places at risk the trust that this nation has with so many other nations who have relied upon us and our role in advocating international humanitarian law brought about by peaceful and cooperative means rather than force. The United Nations Secretary-General has pointed out that action outside the UN would not be in conformity with the UN Charter and would undermine the legitimacy of and support for such action. Regardless of whether or not this action is legal, it is wrong—morally wrong—and it is the wrong decision to make.

Those who support the United Nations would argue that the UN processes should be supported. It is through these processes that a peaceful resolution to the situation concerning Iraq should be found. Unilateral invasion of Iraq when weapons inspectors were making progress in disarming this regime sets a dangerous precedent that may have horrendous consequences for global stability. One of the Prime Minister's arguments as to why we are going to war rests on the assumption that a unilateral attack on Iraq would prevent another terrorist attack such as the one in

Bali. There is no evidence to suggest that this attack on Iraq will stop al-Qaeda or Jemaah Islamiah. The Prime Minister has presented no evidence of a link between Iraq and al-Qaeda's terrorist attack on America or the one in Bali. He has failed to present evidence that Iraq represents a real and immediate threat to our security.

The US, the UK and Australia have all argued that the war against Iraq would not be against Islam but against terrorism. However, the perception—and possibly the reality—will be otherwise. Muslim political and religious leaders, including Indonesia's foreign minister, have warned that this may be seen as a war on Muslims. The very impact of this attack may in fact add to the recruitment of radical Islamic organisations not only in South-East Asia but in other countries around the globe. Arab and other Muslim leaders have warned that an attack on Iraq will result in terrorist attacks against the US and its allies. The attack of 28 February on the US consulate in Karachi may well be a taste of things to come if this war proceeds. Jordan, Egypt and—in our own region—Indonesia may face increased domestic instability and resort to tough and repressive measures.

A war with Iraq will increase the threat Australia faces from international terrorism. We need to ensure that the security of Australians and Australia in the region of South-East Asia is strengthened and enhanced rather than put in further jeopardy. We have a situation where Indonesia, through its president, has declared its opposition to Australia's commitment of troops to any military action on Iraq. Our participation in East Timor and Afghanistan are the reasons why this country became a terrorist threat in South-East Asia. What will be the consequences of an Australian military attack on Iraq? Will we in fact become more of a terrorist target in the future?

This government's first responsibility must be to ensure our country's security within our own region of South-East Asia, our own neighbourhood and our own backyard. That is why this war is not in Australia's national interest. As a middle power, Australia's national interest lies in a world

where countries abide by the rule of law and where the UN Security Council is responsible for international security and peace. I do not believe that John Howard's decision to take this country to war against Iraq as one of only three countries of the 191 countries of the United Nations is good for our national security. John Howard's war will make Australia less secure, not more secure, from terrorism in our region. Unilateralism is the wrong policy for Australia and it is the wrong policy for the world. War must always be the last resort, not the first option. That is why we believe that diplomacy—and the weapons inspectors—must be given every chance to succeed. Weapons inspections have been achieving results. They should have been given a finite period to bring about the peaceful disarmament of Iraq.

The Iraqi people are already in a highly vulnerable situation. With Iraq's basic infrastructures eroded by decades of war, national mismanagement and 12 years of sanctions, another war in Iraq will have even more devastating humanitarian consequences for the civilian population. Civilian casualties of war have risen from 14 per cent in World War I to 67 per cent in World War II to 90 per cent from the wars in the 1990s. It has been estimated that the total number of casualties of the 1991 Gulf War and its aftermath was 205,500 people. In Bosnia it is estimated that 30,000 women were raped as part of the strategy to use sexual violence against women as a weapon of war.

The immediate problem will be providing humanitarian aid and dealing with the increase in Iraqi refugees as a direct result of the invasion. This is on top of the estimated 800,000 to one million people currently displaced internally and the 750,000 people already living in neighbouring countries. The majority of these people are women and children. In the event of a war in Iraq, there could be upwards of two million internally displaced people in urgent need of shelter, food and access to health care services. Some scenarios of war in Iraq suggest that large numbers of displaced people may seek refuge beyond Iraq's borders. Up to 1.5 million of those will be civilians.

Apart from the risk to Iraqis if neighbouring states close their borders, past evidence from both Kosovo and Iraq illustrates that the potential is great for large numbers of civilians to become trapped in areas of conflict. When people are trapped intentionally, they are being used as human shields. These are innocent people who, no doubt, within a week will have lost their lives. Currently about 60 per cent of the Iraqi population are dependent upon the United Nations for food. More than 40 per cent of the population are under 15 years old. Just think of that: more than 40 per cent of the population of Iraq are children. They are under 15 years old and have been made vulnerable to diseases as a result of poor water supply and lack of medicine. With over 15 million people of Iraq's 20 million people already on food rations as a consequence of the last war, over 10 years of sanctions and the policies of the Iraqi government, there are huge risks to millions of people, especially vulnerable groups such as women and children.

During the 1991 air strikes in Iraq, the electrical supply was crippled. Eleven years later, it is estimated that one-third of the nation's power supply is still down. Water and sanitation systems rely on this electricity. Most urban homes get piped water but two-thirds of it is untreated. Only 46 per cent of rural houses have piped water. Any military action that damages power supplies will inevitably destroy the already fragile water and sanitation systems. The United Nations has appealed to the US for at least \$US120 million to pay for urgent planning. The US has offered only \$18.3 million, with another \$40 million in the pipeline. Australia has offered a pitiful amount of \$10 million for humanitarian relief, as opposed to the \$900 million that has been set aside to pay for this war. So we will be putting more money into the war effort and into our military attack than towards helping these people recover from the devastation that we cause.

In the event of a war in Iraq, more than 11 million people could be in immediate need of humanitarian assistance. Humanitarian aid agencies have already expressed dismay about the lack of planning and coordination of funds. In today's paper, we have already

seen aid agencies such as CARE Australia calling for donations to assist the victims of war, and this is before the first bomb has been dropped. The Chairman of CARE Australia, Sir William Deane, has already warned that, while the refugee camp will have a capacity of 20,000, nobody really knows how many refugees there will be.

Given the Howard government has now committed to military action without UN Security Council authorisation, we oppose the use of military forces and urge their immediate withdrawal. But with that being said, I want to state for the record that I support the troops on active duty in the Middle East. On 8 February, I was at Katherine's Tindal air base to farewell No. 75 Squadron. These Defence Force personnel and their families have my total respect and commitment to ensure that they are looked after and protected by our community. While Australian troops are deployed, we have given an undertaking that their every need and those of their families will be met.

I want to correct the record in relation to the misconceptions and mistruths conveyed by my colleague Senator Scullion in his speech on this issue this morning. At no time has there been any suggestion that the trade union movement would seek to block, prevent or inhibit any of the supplies going to our troops, no matter where they are serving. To suggest otherwise is grossly misleading the Australian public, these troops and their families. The President of the ACTU and other trade union leaders around this country have categorically squashed this rumour. These people have our full support, and this will continue without interference or actions by any groups in our community.

Australia should not be involved in this war. It is wrong. It is not in our national interests, and there is a better way to achieve the disarmament of Iraq. Labor strongly opposed the predeployment of troops to the gulf, but our argument is with the government, not the defence forces. They will always have our support.

One of my favourite sections in the Bible is the gospel of Matthew, chapter 5. Many of you will be more familiar with this section as the Sermon on the Mount, and in particular

the phrase, 'Blessed are the peacemakers, for they shall be called God's children.' I want to finish by commending the heroes and the peacemakers who have emerged during this sorry saga in the chapter of this country's and the world's history. These include all of our troops and their families; men like Robin Cook, a minister in the Blair government in the UK, who had the strength and the tenacity to resign yesterday over his government's stance on the matter; and ordinary people who have had enough courage to take to the streets and voice their protest over this war. As well as the many millions of people around the world who have been protesting, there are those who have stood silently each morning outside the entrance to this building, holding pictures of doves. Your efforts have not gone unnoticed.

I also want to commend women such as Glenda Cloughley and Judith Clingan, who composed a song called *Lament*, which was sung so effectively in the entrance to Parliament House yesterday. I would like to end by putting these words on the record, as a reminder of the horrors of this war and the strong objection that the ordinary people of this country have to the decision of this government to be part of a unilateral military attack on Iraq. The words of the song are:

Open the doors of the chambers of your hearts,  
Open your minds to our song.  
We sing for peace, through the power of love,  
Hear the wisdom of women, hear our song.  
Weep for our sisters in danger,  
Weep for our brothers and children.  
Sound the cries of grief and despair,  
Sound the lament for the dead.

**Senator GREIG (Western Australia)** (5.37 p.m.)—In recent days there has been much debate and speculation about whether or not an attack on Iraq under the current circumstances is legal or illegal, about whether or not an attack on Iraq, without UN sanction, justifies bombing Baghdad. I share the views of those eminent lawyers and legal groups that wrote in the *Age* newspaper on 26 February:

The initiation of a war against Iraq by the self-styled 'coalition of the willing' would be a fundamental violation of international law.

As that article so eloquently stated:

Respect for international law must be the first concern of the Australian Government if it seeks to punish the Iraqi Government for not respecting international law.

The same government which gave us the *Tampa* incident and the more disgraceful SIEVX and 'children overboard' excuses is now telling us that bombing the Iraqi people is necessary and lawful. What I think is unhealthy in this debate is the primary focus on the so-called legal issues surrounding the war and the lack of focus on the morality of it. I think most Australians want a moral not a legal justification for the impending death and destruction, to which our service personnel will contribute on the say-so of the executive and without the support of the people or the imprimatur of parliament.

Much has been made of Saddam Hussein's dictatorship and horrendous brutality, especially against his own people. Just last Thursday, the Prime Minister was invoking the image of Iraqi soldiers gouging out the eyes of a child in order to extract confessions from the child's parents. There is no question that this is horrendous, but there are many equally horrendous acts of criminality and violence by other leaders and other regimes over which our government has made little or no protest. It certainly has not called for invasion or regime change in those areas. I am reminded of the abuses and violence and trashing of democracy currently under way in Zimbabwe under President Mugabe.

Not a day has passed in recent weeks where the Prime Minister has not gone out of his way to labour the point that Saddam Hussein has repeatedly thumbed his nose at United Nations directives and obligations. For those of us who have repeatedly called on Mr Howard and the Australian government to honour its UN commitments and obligations, this hypocrisy is galling. As a nation, we ignore treaties and obligations on human rights and the environment frequently. In the most cruel and supreme irony, we must not forget that that some of the asylum seekers being turned around and harshly dealt with by the Howard govern-

ment are those fleeing the tyranny of Saddam Hussein and the horrors of Iraq.

The government has had a long distrust of and lack of interest in the United Nations, and has never really been its defender or advocate. In that sense it is no different to the United States, which also has a long antipathy with the UN and international benchmarks generally. Never was this made more stark than in recent debates and decisions about the prospect of an International Criminal Court. Australia was a strong advocate and initiator of an international war crimes tribunal, which thankfully is now under way. However, there was no greater opposition and resistance to the establishment of the ICC than from the Bush administration.

In shunning the court, the US has argued that it is best placed to look after its own and to investigate and prosecute US war criminals in accordance with its own processes and procedure rather than rely on or contribute to the ICC. But history teaches us to be very cautious and concerned about such a bold promise. It was 35 years ago this month, on 16 March 1968, that more than 500 Vietnamese civilians were massacred at My Lai. In an extraordinary scene, a company of US troops under Lieutenant William Calley went on a rampage against Vietnamese civilians. Helicopter pilot Hugh Thompson, outraged at what he saw, landed the helicopter and ordered his gunners to hold the US soldiers at bay while he coaxed the terrified survivors out of a bunker before taking them to safety. A year later, 25 US soldiers were charged with murder, though only Calley was convicted. Sentenced to hard labour for life—following public outcry—he was released after less than three years of relatively comfortable house arrest. Very recently, in 1998, Thompson was to receive an official decoration after a 10-year campaign by admirers.

Yet in his speech to the world yesterday President Bush issued a stern warning. He told Iraqi service personnel that they should not fight to protect their country or they would be prosecuted for war crimes. But America's track record on prosecuting war crimes does not give us much hope that these Iraqis will have any access to justice. Per-

haps the president intends to lock them up at Guantanamo Bay and torture them, as he has done to prisoners of war captured in Afghanistan. Those prisoners are being held incommunicado in unacceptable conditions. They have not been charged or brought to trial. They are not permitted any contact with their families or with legal counsel.

The US has taken every measure it can to ensure that these detainees are afforded no protection under international law and no protection under American law. It refuses to characterise the detainees as prisoners of war and, on this basis, denies them any protection under the Geneva conventions. Those conventions would, at the very least, enable them to challenge the basis of their detention. Given that there are allegations that a number of detainees are being unlawfully detained because their seizure was based on inaccurate intelligence, or they were simply in the wrong place at the wrong time, it is important that they be given the opportunity to access a court to challenge the lawfulness of their detention. The Geneva conventions would also require the United States to treat these people humanely.

It was disturbing to read the recent findings of a coronial inquiry into the death of two detainees held by the US in Afghanistan. The investigation found that the two men were victims of homicide committed by US personnel. They were literally beaten to death during questioning. Not only has the US declared that it has no obligation to comply with the Geneva conventions in its detention of these people, but, by detaining them outside America, in Afghanistan and Cuba, it has ensured that they have no protection under US law.

Just last week, the US Court of Appeals handed down its decision on a writ of habeas corpus which had been filed by the families of 16 of the Guantanamo Bay families. The Bush administration applied to have the proceedings struck out. The court found that, as Guantanamo Bay was being leased by the United States from Cuba, the detainees were not being held on US sovereign territory. This meant that they were not afforded any protection under the US constitution.



Of course, we know that any prisoners taken during the war against Iraq will not be tried for war crimes in the International Criminal Court. Although the ICC was established specifically for the prosecution of war crimes and other crimes against humanity, such as genocide, the United States neither recognises the court nor accepts its jurisdiction. This also means that no American service men or women will be tried in the International Criminal Court should they engage in war crimes during the coming war with Iraq.

In August last year, the United States passed the American Servicemembers' Protection Act. I wonder whether many Australians are familiar with this act; I suspect that they would be somewhat shocked by its provisions. The American Servicemembers' Protection Act prohibits US cooperation and intelligence sharing with the ICC. It restricts US participation in UN peacekeeping operations. It authorises the President to use 'all means necessary' to free any US or allied personnel held by or on behalf of the ICC. Because of this power—to use force against the Netherlands, where the ICC will be based—the legislation has been widely referred to as the 'Hague Invasion Act'. But the provision which I think would shock most Australians is the one which prohibits the US providing military assistance to any country which has ratified the Rome statute. While Australia has indeed ratified the Rome statute, we are one of a small number of countries that have been granted an exemption from this provision.

However, this says a lot about the US's attitude to justice and to global security. Clearly, the US intends to play only on its own terms. It intends to determine what constitutes a war crime and what does not. It will decide when prisoners of war can have access to a fair trial and when they cannot. The US has made very clear that it will not be accountable to the international community in the pursuit of its military strategy which, according to George Bush's national security strategy, is to maintain and increase the power of the United States and to preemptively attack any country which hinders it in this pursuit. America will do what is

best for America. The American Servicemembers' Protection Act and George Bush's national security strategy confirm that.

Since the end of World War II, the United States has bombed 18 different countries, some more than once. The countries bombed and the dates of bombing are: China between 1945 and 1946; Korea between 1950 and 1953; China, again, between 1950 and 1953; Guatemala in 1954; Indonesia in 1958; Cuba in 1959 and 1960; Guatemala in 1960; the Congo in 1964; Peru in 1965; Laos between 1964 and 1973; Vietnam between 1961 and 1973; Cambodia between 1969 and 1970; Guatemala between 1967 and 1969; Grenada in 1983; Libya in 1986; El Salvador in the 1980s; Nicaragua in the 1980s; Panama in 1989; Iraq between 1991 and 2003; Sudan in 1998; Afghanistan in 1998; Yugoslavia in 1999; and Afghanistan, again, in 2001. Not once, in any of these instances, did a democratic government, mindful of human rights, come about as a result. Now the US is set to do it again in Iraq—and with our unwavering and obsequious support.

We are a sovereign nation; therefore we must develop independent foreign policy and not back Bush. We should be working towards a change of government in Iraq through legal means and charging Saddam Hussein with war crimes and crimes against humanity. We should not target the Iraqi people, who have no opportunity to change their government. The Prime Minister has offered up facilities like Pine Gap and Australian seaports to the US military, and now he has offered up Australian lives. The Prime Minister should bring our troops home now. The UN estimates that a war would create 1.4 million refugees. If neighbouring countries close their borders, then we will have a massive humanitarian disaster. A recent British report by medical experts warns that war against Iraq could kill half a million people and most would be civilians. When Iraq released its 12,000-page weapons declaration to the UN two months ago, the US seized the first copies and edited out sensitive information before presenting it to the other members of the Security Council. That sensitive information turned out to be that 24

American companies supplied Iraq with technology for weapons of mass destruction.

As Australians, we need to be aware of US foreign policy and activities if our government is going to embrace them. So I ask the following questions: which country toppled the democratic president in Iran and installed the dictatorial shah? Which country stands firmly behind the house of Saud in order to protect its oil interests, even though Saudi Arabia is a brutal and feudal place and only slightly less fundamentalist than the Taliban were? Which country until recently financed and trained the Taliban? Which country backed and supported Saddam Hussein even after he gassed thousands of his own people? Which country sold him the chemicals that were used to do it? The answer, of course, is America. It is not anti-American to raise these issues. It is not anti-American to want a better way of life and a safer and more secure world. It is pro-Australian to advocate these things. I support the US as allies, but that does not mean we have to be devotees of US policy. We need to develop our own independent foreign policy which has the support of the Australian people and the respect of the United Nations. Only in that way can we work towards peace for ourselves and for our region. For that reason, I support the amendment proposed by the opposition and, better still, the amendment moved to that by the Leader of the Democrats, Senator Bartlett.

Before closing, I want to make reference to item (f) in the government's motion. This expresses its unequivocal support for the Australian service men and women and other personnel serving with this international coalition. I have no difficulty with that—I support that—but I would argue that you cannot offer unequivocal support for our service personnel unless you treat them all equally. The fact remains that there are many gay and lesbian personnel in the Australian defence forces and, although the ban on their serving in the ADF was lifted in 1992, there is no recognition of them or their relationships. The result is that if a serving gay or lesbian ADF member is killed or injured during the coming war then not only is their partner at home, if they have one, not enti-

tled to death benefits, compensation or a surviving partner's pension but they are not even entitled to grief counselling. I find this appalling. I would like to send a particular message to those people and say to them that not all politicians are hostile to them and their relationship; not all parties believe in continuing this disgraceful discrimination. It must be a very difficult, tense and stressful time for all service personnel, but there is a particular anxiety for those who do not receive the full support of their government, despite its rhetoric.

**Senator BRANDIS (Queensland)** (5.52 p.m.)—

How horrible, fantastic, incredible it is that we should be [preparing for war] here because of a quarrel in a far-away country between people of whom we know nothing.

You would think, Mr Acting Deputy President, that I was quoting from Simon Crean's speech to the House of Representatives yesterday, because that was the gravamen of it. But that is not what I was quoting from. I was quoting from Neville Chamberlain's broadcast to the British people on the evening of Tuesday, 27 September 1938. Two days later, Chamberlain flew to Munich. When he returned he was greeted as a hero, because the easiest political case to make in the world is to say, 'I am for peace. I am against war. I don't want war and I will save you from its consequences.'

But people who make the error that Chamberlain made—people who make the error that cowardly political leaders made in the 1930s—only invite wider war, greater devastation and greater suffering in the future. That was the nightmare of the 1930s—a world of ungoverned dictators, a world of impotent international institutions, in which disarmament was unachievable—and the leaders charged with responsibility for protecting their peoples were too feeble to take action to keep the peace by enforcing disarmament and chose instead to appease dictators. So, as a result of the catastrophic policies of the 1930s, the world was plunged into the most serious war it has ever known, in which there was more suffering, not less, because in the 1930s the leaders of the West

avoided hard decisions to enforce the peace by compelling a dictator to disarm.

After the Second World War came to an end—after all of the suffering and the deaths of up to 50 million people—the world gathered itself together and it resolved, ‘Never again. Never again will we repeat the mistakes of the 1930s. Never will we let ungoverned dictators keep their armaments and be a threat to their region, their neighbours and to the peace of the world. So we will develop new and better international institutions and, unlike the League of Nations, those international institutions will know that they have the collective force and will of mankind to enforce the peace.’ That was the noble dream that inspired the United Nations.

As Sir Michael Howard, the distinguished British historian, wrote in his book *War and the Liberal Conscience*, after the 1930s it was the liberal conscience which demanded the use of force and it was the liberal conscience which demanded that international institutions be given the power to compel disarmament before failure to disarm spins into devastating and uncontrollable war. Let me quote what Sir Michael Howard said, speaking of the sentiment that energised and inspired those who, in the 1940s, devised the United Nations. He wrote:

Germany had transgressed against the public law of nations, as much by her internal as by her external crimes. That law had been vindicated by a concert of peace-loving powers, no longer European only, but now worldwide, the United Nations. And this time there must be no mistake. This time there must be no mistake: the new organisation, unlike the League of Nations, should be explicitly and unambiguously a league to enforce peace ...

[In October 1943] the Allies signed in Moscow a Declaration, by which they agreed to establish a general international organisation, based upon the sovereign equality of all nations; for the maintenance of peace and security; which would include provision for military forces to be available to meet a threat to the peace.

That sentiment was captured by Cordell Hull, Roosevelt’s Secretary of State, when he said in September 1943:

It is abundantly clear that a system of organised international cooperation for the maintenance of peace must be based upon the willingness of the

cooperating nations to use force if necessary to keep the peace.

The circumstances which have arisen in Iraq and which have come to a climax this week are the very set of circumstances for which the United Nations was created and the very set of circumstances in which the founders—those who conceived of the United Nations—resolved 60 years ago never again to repeat the errors of policy, and the structural failures of the League of Nations, which led the world into a devastating war.

Let me take you through it, Mr Acting Deputy President. Let me take you through the chapter of events that has brought the world to this pass. We can start on 2 August 1990 when Iraq invaded Kuwait. It was an unprovoked act of aggression. That day the Security Council met in urgent session in New York and passed resolution 660. Resolution 660 stated, among other things, that the Security Council:

... *Demands* that Iraq withdraw immediately and unconditionally all its forces to the positions in which they were located on 1 August 1990.

That resolution was ignored. On 29 November 1990 the UN Security Council passed resolution 678. That resolution provided, so far as is relevant, that the Security Council:

... *Authorizes* Member States co-operating with the Government of Kuwait, unless Iraq on or before 15 January 1991 fully implements [resolution 660] to use all necessary means to uphold and implement resolution 660 ... and all subsequent relevant resolutions and to restore international peace and security in the area ...

It goes on to request all states ‘to provide appropriate support for the actions undertaken in pursuance of paragraph 2’.

As we know, that resolution was also ignored by Iraq, and so the Gulf War began. It was brought to a cease-fire. That cease-fire was sanctioned by the United Nations Security Council, which on 3 April 1991, passed resolution 687, the relevant provisions of which are that the Security Council:

8. *Decides* that Iraq shall unconditionally accept the destruction, removal, or rendering harmless, under international supervision, of:

(a) All chemical and biological weapons and all stocks of agents and all related subsystems and

components and all research, development, support and manufacturing facilities related thereto;

(b) All ballistic missiles with a range greater than one hundred and fifty kilometres and related major parts and repair and production facilities;

9. *Decides also*, for the implementation of paragraph 8, the following:

(a) Iraq shall submit to the Secretary-General, within fifteen days of the adoption of the present resolution—

that is, by 18 April 1991—

a declaration on the locations, amounts and types of all items specified in paragraph 8 and agree to urgent, on-site inspection as specified below ...

The resolution goes on to state that the Security Council:

10. *Decides further* that Iraq shall unconditionally undertake not to use, develop, construct or acquire any of the items specified in paragraphs 8 and 9 above and requests the Secretary-General ... to develop a plan for the future ongoing monitoring and verification of Iraq's compliance with the present paragraph, to be submitted to the Council for approval ...

Mr Acting Deputy President, what happened after resolution 687 was endorsed unanimously on 3 April 1991? Let me tell you what happened—and, in doing so, I draw from the speech by the Prime Minister of the United Kingdom, Mr Blair, in the House of Commons overnight in which he sets out, chapter and verse, the history of noncompliance.

After resolution 687, a declaration was made by Saddam Hussein that was a blanket denial that there existed any weapons of mass destruction. That declaration was false. Inspectors arrived in Iraq. In March 1992 Iraq admitted that it had previously lied to the United Nations and said that it had undeclared weapons of mass destruction but that it had destroyed them. It gave another full and final declaration. Again the inspectors proceeded. In October 1994 Iraq refused to cooperate any further with UNSCOM, the then inspection body. Under threat of military action, the inspections resumed. In March 1995 a further full and final declaration was made by Iraq under resolution 687—this the fourth. By July 1995 Iraq had admitted that that declaration, the March 1995 declaration, was also false. In August

1995 Iraq made another full and final declaration, again denying that it possessed weapons of mass destruction. This is the fifth full and final declaration.

A week after the August 1995 declaration, Saddam Hussein's son-in-law, Hussein Kamal, defected. He disclosed a far more extensive inventory of biological and chemical agents than had ever been imagined. And he revealed to the West for the first time that Iraq had weaponised them, something that Hussein had always previously denied. Iraq then, under pressure from that revelation, was forced to release documents which revealed that each of its five previous full and final declarations was false. In November 1995 Jordan intercepted prohibited components for missiles for use as part of a weapons of mass destruction program.

In June 1996 Saddam Hussein made another—this the sixth—full and final declaration in pretended compliance with resolution 687. That too turned out to be false. In June 1997 inspectors were barred from specific sites. In September 1997 Saddam Hussein made another—this the seventh—full and final declaration in pretended compliance with resolution 687. That was also subsequently revealed to be false. In the meantime, the weapons inspectors had discovered VX nerve agent production equipment, something that the Iraqis had always denied existed. In October 1997 America and Britain threatened military action if Iraq continued to refuse to comply with the inspectors. Finally, in February 1998, Kofi Annan went to Baghdad to negotiate an arrangement with Hussein for the inspections to continue. They did until August 1998, when Hussein expelled the inspectors from Iraq. The last of them left in December 1998.

In 1999 a new inspection body, UNMOVIC, was set up. Hussein refused its officers permission to enter Iraq. Under pressure of military threat once again, the officers of UNMOVIC were let in. Again Hussein made yet a further—an eighth—full and final declaration that he had no weapons of mass destruction. When the UNSCOM inspectors had left in 1998, they delivered a report which said that there were unaccounted for 10,000 litres of anthrax; a far-

reaching VX nerve agent program; up to 6,500 chemical munitions; at least 80 tonnes of mustard gas and possibly more than 10 times that amount; unquantifiable amounts of sarin, botulinum toxin and a host of other biological poisons; and an entire Scud missile program. The UNMOVIC inspections proceeded, with a consistent lack of cooperation from Saddam Hussein.

And so ultimately, on 8 November 2002, the United States took to the UN Security Council resolution 1441. Resolution 1441, as we have heard before, was the 17th resolution since resolution 687, 12 years earlier, in which the obligation of resolution 687 was restated and, for the 17th time, Iraq was declared to be in material breach of its obligations under that resolution—resolution 687 being the terms of the cease-fire. Resolution 1441—a unanimous resolution—recited, among other things, that the Security Council decides:

... that Iraq has been and remains in material breach of its obligations under relevant resolutions, including resolution 687 (1991), in particular through Iraq's failure to cooperate with United Nations inspectors and the IAEA, and to complete the actions required under paragraphs 8 to 13 of resolution 687.

It goes on to say:

... that false statements or omissions in the declarations submitted by Iraq pursuant to this resolution and failure by Iraq at any time to comply with, and cooperate fully in the implementation of, this resolution shall constitute a further material breach of Iraq's obligations and will be reported to the Council ...

It continues:

... that Iraq shall provide UNMOVIC and the IAEA immediate, unimpeded, unconditional, and unrestricted access ...

That resolution, as we know, has also been breached.

On 17 occasions, the United Nations Security Council, in each case unanimously, has decreed that Iraq must disarm and has insisted that Iraq make available to inspection by UN weapons inspectors evidence of its disarmament. Consistently, time and again—eight times that I can count—Iraq has delivered, in pretended compliance with United Nations resolutions, declarations

which it has itself subsequently admitted to be false. Every concession that has been extracted from Iraq—and there have been precious few—has been extracted under the credible threat of the use of force. And still, as Dr Blix and Dr ElBaradei reported to the United Nations Security Council in their first report in the last week of January, Iraq does not appreciate the need to take seriously and in good faith its obligations under 17 United Nations Security Council resolutions. And that is where the matter sits. But for the Machiavellian diplomatic stratagems of the French in putting it beyond the power of the United Nations Security Council to enforce resolution 1441, there can be little doubt what the Security Council would and, more importantly, should have done.

Let me return to where I began: the whole point of the noble dream of the United Nations was to prevent a reoccurrence of the nightmare of the 1930s—to prevent a reoccurrence of the nightmare scenario in which dictators in the 1930s, like Adolf Hitler, and in the world today, like Saddam Hussein, could develop weapons that would threaten their neighbours, threaten their region and threaten the world without the international community enforcing disarmament upon them and compelling them to accept and abide by their international obligations.

There is plenty of legal authority for the United Nations, under resolutions 687, 678 and 660, now to proceed. That is the opinion of Mr Bill Campbell QC and Mr Moraitis, the senior legal advisers of the Office of International Law in the Attorney-General's Department. It is also the advice to the British government of the Attorney General Lord Goldsmith. But you do not have to be a lawyer to be able to read the terms of those resolutions, because their terms are unambiguous. The fact that they have been serially breached—not accidentally breached and not breached through a dragging of the chain but serially and deliberately breached—over a period of 13 years is unambiguous. If the United Nations is not to go the way of the League of Nations, Britain and the United States, which, together with Australia, form the coalition of the willing, together with the many other states which in one way or an-

other are providing support to the British, American and Australian action, must be at liberty to enforce that decree.

**Senator O'BRIEN (Tasmania)** (6.12 p.m.)—The Howard government has committed this nation to war with Iraq. That is the effect of what has happened this week. It has done so in defiance of the Australian people, in defiance of this chamber and in defiance of the international community. No member of the Senate is surprised by the decision announced by the Prime Minister yesterday. The decision to commit our troops to war was made when the Prime Minister deployed our troops to the Middle East last year in full expectation of the coming conflict. The Prime Minister fooled no-one: not the parliament, not the press gallery and not the Australian people.

He has not been honest with the Australian people and that lack of honesty was exposed the moment he announced our formal commitment to war. The Iraq crisis has not been resolved diplomatically, but not because the United Nations has failed. The United Nations Security Council has not rescinded its commitment to the disarmament of Iraq. Resolution 1441, adopted by the United Nations Security Council on 8 November 2002, was unanimous. No member of the UN Security Council has subsequently resiled from the requirement which was imposed by that resolution. In fact, until the President of the United States abandoned the diplomatic process this week, the UN arms inspectors were in Iraq effecting the terms of the resolution.

On the very day that the United States President delivered his ultimatum to Iraq, UN arms inspectors in Iraq supervised the destruction of two more al-Samoud missiles and interviewed another Iraqi biological scientist. Seventy-two such missiles have been destroyed since the beginning of March and 14 private interviews with Iraqi scientists have taken place this year. We should have no doubt that progress has been made by the United Nations inspection teams. In his most recent report to the United Nations Security Council, chief arms inspector Hans Blix said that the destruction of the al-Samoud missiles 'constitutes a substantial measure of

disarmament'—indeed, the first since the mid-1990s. He said:

We are not watching the breaking of toothpicks, lethal weapons are being destroyed.

The head of the International Atomic Energy Agency, Mohamed ElBaradei, has been even more explicit. On 7 March, Mr ElBaradei said:

After three months of intrusive inspections, we have to date found no evidence or plausible indication of the revival of a nuclear weapons program in Iraq.

Whether that disarmament has satisfied the terms of Security Council resolution 1441 and its precursor resolutions is, of course, a matter for the UN Security Council. It is not a matter for the so-called coalition of the willing to make an assessment of on behalf of the whole international community. In this context, it ought to be said that France is not responsible for the failure to advance this issue in the United Nations. France, Germany and Russia are amongst a host of nations that the United States and its small group of supporters failed to convince of the need for war. The diplomatic process failed because the demands placed on it by the United States and its coalition partners forced it to fail.

Australia was a member of the coalition that expelled Iraq following its unlawful invasion of Kuwait over a decade ago. We have since made a significant contribution to the enforcement of UN sanctions against Iraq. Through this sanctions regime, the Iraqi people have already paid a terrible price for the behaviour of their government. First imposed in August 1990, the sanctions have been responsible for significant suffering amongst the Iraqi people. The effectiveness of the sanctions regime has been much debated, though precious little of that debate has occurred in Australia. The sanctions regime was imposed by the United Nations because the international community was serious about containing the ambitions of the Iraqi government and enforcing disarmament. The sanctions have assisted in the effective containment of Iraq and, until recently, Australia has played a constructive role.

I say again that progress on disarmament was being made. Over recent weeks we have heard a lot of humbug from the Prime Minister about his concern for the standing of the United Nations. So concerned is he that he has abandoned the pursuit of negotiated disarmament in favour of a US led military action. Australia has played no recent constructive role in the attempt to resolve international agreement on the most appropriate means by which to disarm Iraqi. The Prime Minister has done nothing more than mirror the policy, posture, language and action of the President of the United States. It is not just the Prime Minister's infatuation with the George W. Bush presidency—the man he had taken to calling 'the President'—that has influenced his action on Iraq; the Howard government long ago abandoned any pretence of support regarding the role of the United Nations in managing international affairs. Since 1996, Australia has been the subject of unprecedented criticism and censure from human rights bodies associated with the United Nations. The government has blithely ignored such criticism and has in fact worn that criticism like a badge of honour. That is why the recent cant we have heard from the Prime Minister on the UN is so galling.

The Liberal Party—and its junior coalition partner, the National Party—has exerted no influence on the decision by the United States to wage war. The government has merely acquiesced to a decision made in Washington. Like the National Party, junior partners invariably sacrifice their sovereignty and their integrity for a place at the table. But Australia had no seat at the table during the development of the United States' plan to invade Iraq. Our position in the coalition of the willing has been servile at best. Australia was not invited to the conference in the Azores in which the United States, Britain and Spain agreed to walk away from the United Nations.

**Senator Mackay**—And Portugal.

**Senator O'BRIEN**—And Portugal; that is right. It is a matter of some humiliation for the Prime Minister that Spain, in particular—a nation that has committed no troops to the coalition—participated in that meeting when

Australia did not. The best the Prime Minister got was a couple of telephone calls—one when the US President was on his way home from the Azores and another yesterday morning. When he spoke to Mr Bush, did the Australian Prime Minister defend our national interests and ask the US President to reconsider his decision to abandon diplomacy for war? Did he remind Mr Bush that article 1 of the ANZUS treaty requires Australia and the United States to:

... settle any international disputes in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered and to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations.

No, he did not. The Australian Prime Minister said, 'Yes, Mr President,' and formally committed Australia to war. The United States has long been committed to effecting so-called regime change in Baghdad. The important difference between Mr Bush and Mr Howard is that the US President has been honest about his intentions. On 28 January 2003, Mr Bush told the US Congress that the United States would bring to the Iraqi people food, medicines, supplies and freedom.

When Mr Bush was asked at a press conference on 10 February 2003 whether he considered Australia to be part of the coalition of the willing, he simply said, 'Yes, I do.' These three words of the US President contained more honesty than all the words the Australian Prime Minister has spoken for months on this subject. At that time, there were Australian servicemen and service-women stationed in the Middle East in preparation for the coming war. Mr Bush was telling journalists what they already knew—that is, Australia was committed to military action against Iraq in February, if not a lot earlier. We have been committed since the first secret negotiations on the deployment last year.

The Prime Minister thought he could get away with that deception—he has, after all, made an art of it. He learned nothing from the 'children overboard' affair and thought he could deceive the Australian people once again. Many Australians believed the Prime



Minister in 2001 when he said that a group of refugees had thrown their children overboard, but only the gullible believe him this time—for good reason. Yesterday morning the government announced that it had agreed to a request from the US President to commit Australian troops to war. It is a shameful decision of this government and one that will damn it until the day it is thrown from office.

The decision by the Prime Minister to commit Australia to the invasion of Iraq marks a turning point in our nation's history. The people of Australia well understand its significance. That is why hundreds of Australians have taken to the streets in protest in recent weeks—the very same Australians that the Prime Minister dismissed as 'the mob'. In Tasmania protest marches and rallies have been held across the state. Australians are opposed to this war, because they know war must always be a last resort. They know that civilians often make up the largest casualty component in any war. They know that the Prime Minister has not given the United Nations an opportunity to finish doing its job. They fear the consequences of this pre-emptive action made at the behest of the United States, without regard for Australia's national interests.

This war will have humanitarian, strategic and security consequences for our nation. A great humanitarian tragedy is now very likely to befall the Iraqi people. Apparently the government has no real regard for the wellbeing of these people. It has been content to jail Iraqi refugees in detention centres and engage in forced repatriation on the eve of war, and now that the government has committed Australia to war it has committed a measly \$10 million to assist the United Nations to rebuild what it will assist in destroying.

The Prime Minister says that Australia will not provide a peacekeeping force, because we lack the military capacity to do so. So we have a situation where invasion is within our military capacity but reconstruction is not. It is a bloody disgrace, in the most literal sense of that expression. The despicable nature of the Iraqi government in that regard is also beyond dispute—in fact, it has been beyond dispute for decades. That

government was despicable when it bought anthrax agents and chemical factories from other members of the coalition of the willing. It was despicable when it was receiving intelligence and other support from the West during its conflict with Iran. It rules in a region that is replete with authoritarian, non-democratic governments. It is one of a great number of repressive governments around the world, including governments in our own region. In his address to the National Press Club on 14 March the Prime Minister said that the action against Iraq is justified by the character of the Iraqi regime. He said that the Iraqi government is cruel and despotic. He said it had caused the Iraqi people to suffer 'economic deprivation, hunger and sickness', and that is all true.

But it is equally true of dozens of other governments. Australia does not have the capacity to bring democracy to the world by force, and the foreign minister himself has acknowledged that fact. On 29 November 2000 he wrote in the *Age* newspaper:

It is simply not in our gift to work transformations in other countries, to command that their military or police stop committing human rights abuses. Australian jurisdiction stops at our borders and other nations guard their sovereignty very zealously.

The most important avenue that Australia has to effect change in this world is through the United Nations, the same body that the Prime Minister has now snubbed. The alternative is a very dangerous one indeed, one that the Australian government has embraced. In resigning as the Leader of the House of Commons this week over the Blair government's commitment to war, Robin Cook said:

The US can afford to go it alone, but Britain is not a superpower. Our interests are best protected by multilateral agreement and a world order governed by rules.

If that reasoning applies to Britain, it surely applies to this nation. It therefore follows that the Howard government puts us at great peril by pretending otherwise. Even if we accept the dubious argument that military action against Iraq is authorised by standing UN resolutions, the regime change proposed by Mr Bush is clearly not. The ultimatum

announced by Mr Bush on Tuesday is the sort of thing I remember from my youth, when old TV westerns used to feature the 'get out of town by sundown' line. It was an ultimatum used in that vernacular all the time; regrettably, the ultimatum in this circumstance is not fictional. It has not been debated in the UN and it has not been debated by this parliament. I doubt it is lawful. The ultimatum is the product of a foreign policy that is not our own, just as the plan to impose a US military governor in Baghdad is not our own.

The consequences of this war for the United Nations are as yet unknown, but it is inevitable that it will be weakened. The next time a powerful nation, with or without its own coalition of the willing, determines to invade another country and effect a regime change, what right will the world have to say no? More particularly, what right will Australia have to demand compliance with the ever fragile rule of international law? Even if the United Nations is in a position to demand future disarmament, what state would agree to destroy the means to defend itself if it knew it would become the subject of a non-UN sanctioned attack?

There will, of course, be a more immediate and more direct impact in the Middle East. I think the view of retired US Marine General Anthony Zinni, former head of Central Command for US forces in the Middle East, is instructive in this regard. In October, as the dogs of war were barking, he said:

We are about to do something that will ignite a fuse in this region that we will rue the day we ever started.

They are telling words. The final matter I want to address is Australia's own security. Australians are worried about the impact of this war on their safety, and they are entitled to be worried. The government says that the war will make us safer. But can we be safer when so many members of our armed forces are on the other side of the world?

Debate interrupted.

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

**Senator MACKAY (Tasmania) (7.30 p.m.)**—On behalf of Senator O'Brien, I seek leave to incorporate the remainder of Senator O'Brien's contribution to the debate on Iraq.

Leave granted.

*The speech read as follows—*

How can we be safer when we don't know what reaction will emerge in our own region?

The Minister for Employment and Workplace Relations has told the other place "there is the increased risk of terrorist attack here in Australia" as a result of the government's war mongering.

Nothing the Prime Minister has said has satisfied the Australian people that the humanitarian, strategic and security consequences of this war are worth the risk.

This war is not necessary.

It is not just.

This government has enveloped our nation in the maelstrom of war without the support of the Australian people.

It has done so in defiance of the will of the community of nations.

Our involvement in this war is not in our national interest, nor is it in the interest of maintaining international peace and security.

I hope the leaders of the coalition of the willing come to their senses and re-engage the United Nations in diplomacy.

I fear it will not be so, and hope that in the event of war, the conflict is brief and the suffering of the Iraqi people is minimised.

I particularly hope no member of the Australian Defence Force is required to make the ultimate sacrifice for this government's folly.

I support the amendment moved by Senator Faulkner to the resolution proposed by Senator Hill.

**Senator FERRIS (South Australia) (7.31 p.m.)**—On behalf of Senator Troeth, I seek leave to incorporate Senator Troeth's contribution on this motion.

Leave granted.

*The speech read as follows—*

The decision to use force against Iraq is a complex choice, but it is also a necessary one.

In the post-September 11, post-Bali Bombing world, our perceptions of security in our region have changed forever. No longer is the threat and danger of terrorism something that happens 'in someone else's backyard'.

The fundamental threat of Saddam Hussein's weapons of mass destruction—which has been underlined by recent world events—has taken Australia's own security into a new dimension. These threats are clear, present and are now taking place in our own backyard.

The Government, in particular the Prime Minister, has always made decisions based on our own national interests. It is with the long-term interests of Australia's security in mind that we choose to assist the international community in the task of disarming Saddam Hussein.

I have listened to debate, read commentary and overwhelmingly, we all agree that disarming Saddam Hussein—one way or another—is in our national interests, not the least of which is the following:

- Iraq's pursuit of weapons of mass destruction represents a threat to the Middle East— an area of significant strategic importance—including to Australia.
- Instability in the Middle East is a major source of international terrorism.
- Australia also wants to avoid proliferation of weapons of mass destruction in the Asia Pacific region.
- We are concerned about how North Korea will behave if it sees Iraq being 'pardoned' by the international community.
- The future of our national security depends on our ability to rise to this challenge and I believe we must hold firm.

The argument, reasoning and pressing need to disarm Saddam's regime is based on substantial evidence and adequate fact.

- It is a fact that he has biological agents sufficient to produce many thousands of litres of anthrax—enough to kill several million people;
- It is a fact he has material sufficient to produce up to 38,000 litres of botulinum toxin—enough to kill millions of people by respiratory failure;
- We know that Saddam Hussein has not accounted for 15.5 tonnes of VX nerve agent—one of the world's most lethal chemicals
- We know he has upwards of 6,400 tonnes of munitions capable of delivering chemical agent
- We know that that he has a nuclear weapons development project
- It is a fact he is a cruel and brutal despot who is renowned for the torture and oppression of

his own people including the systematic rape, torture, confinement of Iraqi women

- It is a fact that he is a dictator who has brought and continues to bring inhumane suffering to his own people

Most crucial of all, it is a fact that Saddam Hussein is a clear threat to peace in our world and importantly Australia's security interests. For the sake of our national interests and long term security, this is something that we cannot turn our back on and ignore like a naughty child.

The Government's decision to participate in a coalition to disarm Iraq has not been taken lightly and I commend the Prime Minister for his integrity and resolve.

The decision to send troops to Iraq is based on the solemn knowledge that failure to remove these weapons from Iraq could have dire consequences in our region. By allowing Iraq to remain in its current armed position, we are sending a potent message to terrorists organisations and those who perpetuate their activities.

Saddam Hussein is a known supporter of terrorism and is known for sponsoring terrorist type activities through payments to the families of Palestinian suicide bombers, providing asylum to terrorist groups as well as operating a covert terrorist training facility within his own borders.

The risk that more terrorists can get their hands on these weapons through Saddam Hussein's sponsorship, we know, is not a risk worth taking. So why would Australia sit back and wait for the grave proliferation of a terrorist threat region?

- Iraq has refused to disarm.
- Iraq has obstructed all efforts to reach resolution peacefully.
- Iraq has flouted international law and rejected ongoing opportunities for resolution without force.

There are only so many ways that you can paraphrase that Saddam Hussein has defied the world's requests for necessary disarmament.

In the same context, the UN and the international community—including Australia—cannot go on infinitum regarding renegotiation with Iraq.

After all, diplomatic measures will only ever work if there is two way cooperation.

The juncture where 'enough is enough' is here. Not only is there a moral need to disarm Saddam. According to UN Security Council Resolutions 678, 687 and 1441 the international community now has legal basis to use against to force disarm Iraq of its weapons of mass destruction.

- The UN derives from Security Council Resolutions 678, 687 and 1441, all passed under Chapter VII of the Charter of the United Nations.
- Resolution 678, the Security Council authorised UN Member States to use all necessary means to liberate Kuwait and to restore international peace and security to the area.
- Resolution 687 imposed a conditional ceasefire on Iraq following the liberation of Kuwait—based on Iraqi compliance with obligations to disarm its weapons of mass destruction.
- Resolution 687 reaffirms the authority of Resolution 678 and refers to the threat to peace and security to the area posed by weapons of mass destruction.
- In Resolution 1441, the Security Council recalls Resolution 678 as a relevant resolution to Iraqi WMD disarmament, recalls further that the ceasefire in 687 was conditional upon Iraqi compliance with Iraq's obligation to disarm, and decides that Iraq has been and remains in material breach of this obligation.
- In Resolution 1441, the Security Council gives Iraq one final opportunity to comply—deciding at the same time that any Iraqi false statements, omissions in its declarations or other than full cooperation with weapons inspectors would be a further material breach of its obligation.

Enough is enough

Allowing Saddam Hussein—a known sponsor of terrorism—to maintain his known program for development of weapons of mass destruction—flouting the free world's demands—will only encourage others to obtain and develop weapons of mass destruction.

We cannot relax until this menace is in hand, nor can we rely on wishful thinking that further terrorism networks will not in due course culminate in our region.

For Australia, wishful thinking is an unacceptable risk. Our geographic position in the region dictates that we are within reach of North Korean missiles—and this is something that we should not dismiss. Not to mention the fact that our own people have been victims of vile terrorist atrocities at our own backdoor.

The combination of Iraq and North Korea present significant security concerns to our regions. Both Iraq and North Korea have pursued weapons of mass destruction in breach of their international obligations.

The Government's decision to be part of the Iraq Australia demonstrates our commitment to pro-

tecting our borders and being capable of making the hard decision to address these important international issues.

Both Iraq and North Korea must be dealt with in ways most appropriate to the circumstances of each case and with the tools and means available to the international community.

I wish to reinforce our relative proximity to North Korea and the notion that North Korea will undoubtedly be influenced by the decision-making process of the international community in relation to Iraq.

If the international community is prepared to show unity in disarming Saddam Hussein in Iraq, North Korea can see for itself international the coalition's resolve in dealing with weapons of mass destruction and its approach will be ultimately be influenced by that.

The disarming Iraq and making the acquisition of weapons of mass destruction unacceptable by other countries will send a powerful message to North Korea. A clear message of international unity, not one of helplessness which would be exploited if we are to sit on our hands and do nothing.

The location and disposal of Iraq's chemical and biological weapon capabilities is a priority for the region and my Government has stayed steadfast and consistent in its intent to see this objective through to its completion.

We must ensure Iraq and the region is liberated of these weapons forever.

In addition to Iraq's pursuit of weapons of mass destruction and its significant threat to world security, is his shameful human rights record.

Tales of his abominable treatment of his own people have been told by many people from many different nations and cultural backgrounds—including Saddam's own people. This alone is a deeper indication of why he poses such a threat to his neighbours and to the broader international community.

I have looked at Australia's involvement in a coalition to disarm Iraq from many perspectives—as a parliamentarian, but also as a mother, grandmother and fellow Australian citizen.

I have considered the opinions of many Australians who are concerned about the military involvement of Australia in Iraq. However, what we should be considering most of all is what a lack of involvement will lead to long term.

I concur with what so many have said before me this week, and it is likely that many will say this after me.

No-one—not you, nor I or the Prime Minister—wants military conflict. However, sitting back to watch while a ruthless dictator threaten world peace, our region's security risks failing the very essence of freedom. And that is a risk that neither I nor the Government are willing to take.

For the last twelve years the Security Council has repeatedly called on Iraq to destroy its weapons of mass destruction. It steadfastly refused to do so.

Enough is enough.

**Senator MURRAY (Western Australia)** (7.31 p.m.)—There is a strong and honourable streak of pacifism in the Democrats. There is an even stronger fear of war as an answer to mankind's problems. There is not much sign of pacifism in the coalition. Indeed, I have detected an excitement from a number in the government ranks at the thought of war—at a polite distance, of course. I am not a pacifist. There are times when war is the only way to end tyranny and, perversely, given the awful means used to do it, create the opportunity for long-lasting peace. I have had to make a personal choice when it comes to war, so I am conscious of how difficult such choices can be. Despite being deported from South Africa for opposing apartheid, despite being a supporter of black majority rule and full adult suffrage, and despite being a known and public opponent of the Smith regime in Rhodesia, I volunteered to serve in their armed forces. There was conscription, and no doubt I would have been called up. But I volunteered and was in war service, off and on, from 1969 to 1977. I believed that the military needed to hold the country together until a negotiated transition to full adult suffrage in a full democracy was achieved. I knew that Mugabe's forces were evil in many of their actions. They mixed the ideal and virtue of liberation, which I supported, with an appetite for atrocities and autocracy, which I opposed. His evil, undemocratic, racist nature is on public display to this very day.

Unlike a number of my Democrat colleagues, I supported the Gulf War effort in 1991. Hussein had displayed an abominable taste for internal oppression and unaccept-

able aggression towards his neighbours. Kuwait had to be defended. Thirty-four countries of all types formed a coalition to restore Kuwait's sovereignty and to contain Iraq. I regretted that Bush Sr stopped short of toppling the dictator. The Americans stopped short because they saw it as being in their interests to first teach Hussein a lesson. Then, they saw it as being in their interests to keep him in power. It is the Americans who are responsible for Hussein still being in power now. It is the Americans who originally supported him growing in power, supplied his arms and then decided to restrain his power. Now it is the Americans who want regime change.

There is no doubt that they will achieve regime change. It will all be wasted if the Iraqi people do not genuinely support the post-Hussein government and if the people are not provided with the chance of real freedom. It will all be wasted if the economic, social and environmental rehabilitation of Iraq is not exceptionally well handled. It will all be wasted if the international conventions, rules and institutions are so damaged by the way in which the Americans have managed this issue that the world descends into unmanageable insecurity. It will all be wasted if the consequence of these actions is not greater prospects for peace but greater likelihood of danger and more war. There is an important lesson from American behaviour over Iraq. The Americans will always do what is in their interests and, generally, money matters mightily in their decisions. If your interests coincide with theirs, that is fine. If they do not, tough luck. So you need to be very sure, if you back the Americans on something, that it is really in your interests to do so.

I supported NATO going into Yugoslavia. It had to be done to stop the genocide. I supported the Howard government on East Timor, ending a couple of decades of Australian perfidy and giving independence to a nation that never deserved to be subordinated to Indonesian colonialism. I supported the Howard government on Afghanistan. The dreadful and racist al-Qaeda were based there and the tyrannical and misogynist Taliban were in power. After September 11,

there was no doubt in my mind that that war was just and necessary. So why do I oppose this war in Iraq? It is probably for the reason many Australians oppose it; we are just not convinced.

If you are not a pacifist, war can be contemplated in only a few situations. Firstly, war can be contemplated in self-defence. We Australians have not been attacked by Iraq or anyone associated with Iraq. The attempts to link the terrorist atrocity in Bali or terrorist cells here to Iraq are so tenuous as to be absurd. There is simply no evidence. The second argument of self-defence is that Hussein has weapons of mass destruction, and we should get him before he gets us. There is no credible evidence of him having those weapons in any meaningful quantity or of them being a threat to us or anyone else. The aggressor governments would give anything to have such evidence. There is none. So we are asked to attack Iraq on a supposition. The third argument for self-defence is that Hussein supports terrorists and we should get him before they, as his proxies, get us. The evidence here too is tenuous and is far less than for terrorists in other countries. Containment and sanctions have actually worked well. The tyrant is confined in his space. The overfly zone keeps him impotent. As NATO has for 60 years in Europe, troops and the navy can stay in the gulf area for as long as it takes, at the numbers that were there before the present deployment.

A credible deterrent is preferable to war. There is no sign that there has not been a credible deterrent since 1991. Yes, Hussein has been defiant and tricky, but he has not had the ability to attack his neighbours or anyone else—not since 1991. After self-defence, the second possible justification for war arises from our international or treaty obligations. No-one has been attacked whom we are called upon to defend under our international commitments. Instead, there are eminent persons from the fields of law, the military, diplomacy and politics who say that what we are doing is illegal and contrary to the rules of international behaviour. The ANZUS treaty is not in play. Disarming Iraq's weapons of mass destruction is the common pretext for this war. Mr Blix, ap-

pointed by the United Nations, cannot find any with his team, so there is no case on that ground.

We are asked to accept this war because Hussein might have these weapons. Ignore those who assert with such certainty that he has them: if he had, there would be no argument. What they really mean is that a man like him is bound to have them, so let us go in, let us have a bash, and when we have found them we can say, 'See? I told you so.' That is a bit of a risk to take. So because we think—but do not know—he has these weapons we are going to kill a lot of Iraqis. The evidence on weapons of mass destruction is flimsy, hearsay, old and unreliable. Limited transgressions confirm that Hussein is duplicitous but not that he is presently a danger to any but his own unfortunate people.

The United Nations does not support what we are doing. We should not assume for ourselves the role of bounty hunter, policeman or deputy sheriff. It is not in our character and it is not part of our identity or history. It is not in our national interest. It is not up to us Australians to unilaterally decide to implement United Nations resolutions when the United Nations, even by a simple majority, declined to do so. Such a doctrine has grave dangers. How would Australia feel if, for instance, a bunch of nations ganged up without United Nations approval and said they were going to force Israel, or any other country, to meet outstanding United Nations resolutions? We are a medium-sized power economically and a minor power militarily. Jingoistic bellicosity is a dangerous stance in our geopolitical circumstances.

The third possible justification for war is: a just war. This does resonate with many Australians, hence the government's emphasis on Saddam Hussein's brutality. It is all they harp on. They return to the only argument they have; it is all they have. The case has been made that Saddam Hussein is a despot of great cruelty. The removal of Hussein and his regime would be a blessing to mankind. Of the three possible justifications I have outlined, this is the only one on which a case has been made and the only

one, therefore, to consider seriously for this war.

But is it enough? I can think of many countries that are undemocratic, autocratic, brutal regimes that would also qualify for a just war on those terms. Are we to attack them all? The problem is that such a pre-emptive crusading doctrine is extremely dangerous to international peace and stability. It invites tit-for-tat. It invites bad countries to use these precedents and pretexts to attack better countries. As awful as it is for people under the yoke of such regimes as Iraq, the world simply cannot afford to wage wars on such grounds, precisely because there is a danger the Iraq war will not be a one-off. Others will follow this example—and will we always agree with their reasons?

It is not as if an Iraq war can be guaranteed to be clean or surgical. What the Americans nauseatingly refer to as collateral damage are actually civilians—the stinking bloated corpses of men, women and child civilians or their disfigured or dismembered survivors. You have to be very sure of your judgment to make decisions to go to war. The benefits really do have to far exceed the costs. War is always an unknown. Its waging, its mistakes, its horror, its consequences often, perhaps always, have consequences we cannot foresee. We do not know what the aftermath will be: we cannot know what the aftermath will be.

One of the consequences is the effect on terrorism. Is this Iraq war actually going to help and assist terrorism, as many claim, by increasing recruitment and support? Will the war inflame Muslim and Arab peoples or disadvantaged peoples elsewhere? Will it inflame antagonism towards the West? Will it provoke other wars in return? I certainly do not know and I would suggest to you that no-one else does. It is a terrible risk to take.

The coalition, basking in the reflected strength of John Howard, asks us to trust them on this. Why should we trust them on this when the case is not proven? How can we when we Australians mistrust governments and politicians so much? Even their supporters do not trust them and they will not trust the next government either. That is the Australian way. The problem for the

government is that telling big lies, like on children overboard—and the daily little political untruths and exaggerations—does come back to haunt them. This results in wide public scepticism when they desperately want to be believed. America has a similar problem. Their history of lying, cheating and being self-interested on many fronts means they are now distrusted worldwide.

The Prime Minister decided we go to war the instant he supported Mr Bush and the moment he deployed troops. Compounding this deceit, the war is being conducted for regime change, not because of weapons of mass destruction. Regime change, because Hussein is a tyrant, is their only justification; it is the only case they have made. I am against this war because I think the Prime Minister has taken an unnecessary risk with Australia and Australians now and for the long term. I think the Prime Minister is wrong and one thing I am certain is wrong is the matter of proof. The case for war does need to meet the proof standards of the Old Bailey: beyond reasonable doubt. You cannot kill on any lesser grounds.

There is one other issue I want to deal with. On 4 March I put down an adjournment speech on the power to wage war. I boxed the speech but my belief in its importance was not shared by any in the press gallery. I will repeat a few points that I made. When he announced that we were going to war, the Prime Minister stressed that it was an executive decision—meaning, one that was not subject to check by the parliament. It was no accident that he made that clear. He was telling us: 'Butt out. You have no power—you have no place—in this decision.' The ultimate exercise of power is to commit a nation to war. When that happens, it exposes who has that power, what checks there are on its exercise, and whether the people as a whole have any countervailing power.

With Australian troops now at war, the powers of the Prime Minister and his executive have again been confirmed as nearly absolute. The Australian parliament has been exposed as having no power to oppose a war by cutting off the money for war, no power to prevent deployment, no power to deter-



mine what policy applies to the processes that lead to war and no power to authorise or prohibit a war. The Governor-General is no help either. The office of Governor-General is the Prime Minister's to appoint and dismiss; his role has been to support the Prime Minister. If the republic referendum had been passed in 2000, would there have been more checks and balances on the Iraq question? The answer is no. If anything, that appointment model entrenched executive power even more, making the proposed Australian president—as in that famous quote—‘the Prime Minister's poodle’.

It is a little ironic that many of those opposing a war in Iraq outright or opposing the deployment of Australian forces were great supporters of a constitutional model that reinforced the Prime Minister's authority to do just that without the approval of parliament. Many of those who argue for a directly elected president with limited and codified powers seek to constrain this war power by requiring the president to approve a Prime Minister's commitment to war. A separate safeguard to be considered is whether this parliament, as in other parliaments, should have any power to approve a war action. When war threatens, the last thing you want is absolute power without check. It is a compelling reason why a reformed Australian system improved by a directly elected president with specific limited and codified powers would be better than the current Australian system.

**Senator HARRADINE (Tasmania)** (7.46 p.m.)—On the point with which Senator Murray concluded, I indicate that under the Constitution the parliament has the power to make laws for the good governing of this country in respect of defence. That is very clear in the Constitution. The parliament has provided for that by passing the Defence Act. As the previous speaker said, that really hands the power over to the executive. I do not believe that that was in the minds of those who were responsible for drafting the Constitution. It said perfectly clearly—and they obviously considered—that the parliament must have some say about the question of whether to go to war or not. Section 51(vi) of the Constitution reads:

The Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to:-

... ..

(vi) The naval and military defence of the Commonwealth and of the several States, and the control of the forces to execute and maintain the laws of the Commonwealth:

Have a look at the Defence Act and you will see that the government have exercised this power, which was provided to them by the parliament. I do not suggest in any way that the Prime Minister or the executive have acted illegally on the matter. It is perfectly clear that they have the power. But I do say that I hope that at some stage the parliament can eventually revisit the Defence Act and consider a number of issues that are pertinent to its role in this very important matter.

On the last occasion on which we debated this matter, I raised the question of the six just war tests that are required before the committal of defence forces in respect of military action—as I had done last year, when I do not know that anybody else was talking about it. I considered then, as I consider now, that the first test has not been satisfied. The first and most important test—the so-called ‘just cause’ test—has not been satisfied. I am not saying this because I am a pacifist—I am not. I do not believe in peace at any price. There are occasions when you must enter into the defence of the citizens of the country. But that is what we are talking about: whether or not Australia is so threatened, has been so damaged by Iraq or Saddam Hussein, or is under imminent threat of lasting damage by Saddam Hussein or Iraq. The evidence is not there.

Imagine if the United States, for example, and Britain were not involved at all. Would Australia be committing troops to invade Iraq? Of course not. Does the ANZUS treaty require us to join in any military action if decided upon by any of the parties to that treaty? Clearly not. I am concerned about some of the arguments that have been made by those opposed to war. They seem to be arguments personally directed against the President of the United States. I do not stand here to make a reflection on the President of

the United States. The President of the United States and the executive in the United States have got to consider the matters and come to their own conclusion. But, for Australia, I cannot see how that first test has been met. I have dealt with the question of legal authority. On the question of the right reason, some of the arguments that have been made also seem to be reflecting a vengeance almost in respect of Saddam Hussein. If the first test were satisfied then you would take action so as to eliminate weapons of mass destruction held by Saddam Hussein or those other chemical or biological weapons that are thought to be in his possession—that is what you do.

On the question of success and proportionality, the benefit which flows from having to take this action must far outweigh the danger. There should be a complete expectation of success. We know that there has been a resignation from the Office of National Assessments in the last couple of weeks. When I read Laurie Oakes's article in the *Bulletin* I thought, 'Well, here's a person—Mr Wilkie—who may be able to assist us in our considerations of whether or not there is just cause.' At that particular time I sent an email to all other members of the Joint Standing Committee on Foreign Affairs, Defence and Trade suggesting that Mr Wilkie come before us and give evidence to us. I emphasise that I was seeking to do this without in any way, shape or form compromising the sources of the Office of National Assessments or the documentation of the Office of National Assessments. But, according to Laurie Oakes, Andrew Wilkie, when resigning, said that his main concern was that Saddam Hussein would create:

... a humanitarian disaster to overwhelm coalition forces. Just totally overwhelm them, with thousands of casualties, hundreds of thousands of refugees, internally displaced people, trying to move through their lines ...

He might create a humanitarian disaster to cause such outrage in the international community as to force the US to stop.

I certainly hope and pray that that does not occur. I am raising these questions. As everybody else has, I have had this in the forefront of my mind for some considerable time

now. The decision has been made by the executive government. The decision having been made, there are two other matters that need to be pursued in the exercise of force. I believe that all other methods, diplomatic and otherwise, have not been exhausted. The United Nations chief weapons inspector said as much today. I do not know whether they have or not, but here you have a credible person who has been in the diplomatic area for many years saying that they have not. The decision having been made, it is important that non-combatants be protected and that only sufficient force is used, proportionate to the object to be achieved. Having listened to both the Prime Minister and the Minister for Defence, they seem to be saying as much. I hope that that is what will happen.

I support the opposition's amendment to the government motion. I support it as it is; I do not think that it ought to be amended in any way. I notice that the Australian Democrats and the Australian Greens are calling for the immediate return of the Australian Defence Force personnel. It is not going to happen. I am concerned that if we carry such a resolution in the Senate our defence personnel, who have a hard enough job as it is, will feel that this parliament has let them down. The government is not going to withdraw the troops, and you are whistling in the wind if you are calling on the government to immediately bring Australia's 2,000 Defence Force personnel home. That may have a damaging effect on the morale of some of our troops, our people, over in the Gulf States, so I would be opposing that. I think we have to give them our full support. As the opposition motion says, the Senate:

expresses its confidence in our service men and women and its full support for them and their families.

I would like to finish on that note by urging that we all support quite strongly and express our confidence in our service men and women, and give full support to their families. I believe in so saying that now is the time, more than ever before, to remember them and all of the others in Iraq and elsewhere who will be affected by this war very strongly in our prayers.

**Senator McGAURAN (Victoria)** (8.03 p.m.)—This is in fact the fifth occasion I have spoken in this parliament on this issue of Iraq and on each occasion my conviction grows stronger that Australia is doing the right thing. Australia is doing the right thing for its own long-term security and the long-term security of the international community, and this action can change the face of Middle East politics for the good. So I rise to support the government's motion before the Senate on its commitment to the coalition of force in the gulf to disarm the Iraqi regime. To that end I would like to incorporate the government's motion in my address to the Senate, and I so seek leave to do so.

Leave granted.

*The motion read as follows—*

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.

**Senator McGAURAN**—I thank the Senate. At the core of the motion that I have just incorporated into the *Hansard* is the government's motivation: the strong possibility and the horrific consequences of Iraq's weapons of mass destruction falling into the hands of terrorist groups. Therein lies the core of the decision that the government has made. It is a judgment we make given all the intelligence on and the history of this regime. Moreover, it is a judgment we make given our knowledge of the desperation, the hatred and the evil motivations of terrorist groups. Our opponents say that there is no evidence of a link between Saddam Hussein's regime and al-Qaeda or, for that matter, any terrorist group. But there is a link. The link with al-Qaeda is the harbouring of a key operative in Baghdad and the support of an al-Qaeda linked force and training camp in northern Iraq pitched against the Kurdish community.

Further, it is known that the regime directly sponsors the Palestinian terrorist group Hamas and families of suicide bombers. Moreover, it is beyond doubt that Iraq possesses weapons of mass destruction. In 1998, when Iraq forced the first United Nations inspections commission to leave that country, the commission confirmed then the presence of chemical and biological weapons, nerve agents and other weapons of mass destruction.

So what responsible leadership would risk the unthinkable consequences of weapons of mass destruction falling into the hands of the terrorist groups that have made clear their quest for such weapons? Could anyone doubt, post September 11 and post Bali, that these weapons would be used against us? That is why the cornerstone of the war on terror is the policy of pre-emptive strikes—that is, to go out and meet your enemy before they have a chance to destroy you and to neuter their plans and their networks. There can be no other sensible and more effective policy than pre-emptive strikes when fighting a shadowy enemy, an enemy who is not seeking to take your land, towns or cities but who clandestinely attacks because it hates and seeks to destroy your lifestyle, philosophy and religion. If we are to secure for the future our Western values and beliefs, all possibilities of links to terror must be pursued.

The opponents of a pre-emptive strike against Iraq have failed to understand the changed psyche of the American people post September 11 and the challenge now before America and all its allies to protect their citizens. The attack on the World Trade Centre was an awesome horror and humiliation, striking at the heart of American society and the world. We should remember that over 80 countries lost lives in this attack, including Australia. Remember the graphic footage of people jumping to their deaths from the World Trade Centre or, closer to home, remember the pictures of the burning Sari nightclub. Remember those who gloated over September 11—Saddam Hussein was one such gloater—and then you will see the wisdom of the pre-emptive strike doctrine. I believe the policy of a pre-emptive strike is

the right policy. The success of pre-emption is already on the board. In Afghanistan, the Taliban regime quickly fell and al-Qaeda was put on the run. Operatives of al-Qaeda across Europe and Asia have been rounded up or eliminated, along with other terrorist groups like Jemaah Islamiah. The highest ranking masters of terror are no longer safe from the reach of Western intelligence. Pre-emption has prevented planned terrorist attacks and pre-emption will prevent planned terrorist attacks.

The United States have learnt the lessons of not pursuing the threats of terrorism. During the eight years of the Clinton presidency, inaction allowed the terrorist evil to fester. That administration had at hand all the intelligence of the growing threat of al-Qaeda—its training camps, its structure and even the whereabouts of Osama bin Laden. Further, the lightning terrorist attacks should have jolted the administration into greater action. The first World Trade Centre bombing, the Nairobi embassy bombing and the USS *Cole* attack were all al-Qaeda planned. But former President Bill Clinton and his administration failed to act against an obvious, growing problem and, consequently, failed the test of office to protect their people. It was a wasted eight years because it was a distracted, muddled and inherently weak administration. We are now paying the price and we should learn the lesson: act now to prevent tragedy later. It is this government's responsibility.

Part of the Australian government's security responsibility is the American alliance. Yet so much of the antiwar voice has been nothing but old-fashioned anti-Americanism. How quickly their hate for America and our alliance rose to the top at the expense of all else, not least the Iraqi people themselves. How fraudulent their emotions seem now, post September 11. The Australian government do not recoil from our full support of our alliance with the United States. We stand by it. America are the major contributors of diplomacy and peace in the world. What must be remembered is that the United States house the United Nations in New York, that 30 per cent of the United Nations administration budget alone is funded by the United

States and that America are the mainstay of all the peacekeeping forces and aid programs of the United Nations.

For more than 50 years, the United States have been the main protectors of Europe by making up some 80 per cent of the forces of NATO. The US Air Force led the Kosovo attacks against a regime enacting ethnic cleansing. The history of world events shows that in the First World War their intervention brought the war to a quick end. If it were not for America's intervention in the Second World War, few would doubt that Nazi Germany would have won. In the Asia-Pacific area, they stopped Australia from being invaded. If not for the United States power during the Cold War, communism would have spread its errors throughout the world to this very day. All of this for the loss of more than half a million personnel—and when they did not have to.

Today, without American intelligence and military backup, the war on terror could not be fought, and we would all be engulfed in its horror. The United States have spent a century protecting and saving the world from tyranny. This alliance is in Australia's best interests and should not be picked apart by irrational anti-Americanism—in particular by the French, whose anti-Americanism is nothing more than a political attempt to set themselves up as an alternative power. But we should not be too hard on the French because they cannot help it. They are inherently treacherous. After all, they betrayed to the stake Joan of Arc—one of their greatest—and they have not changed since 1441. Joan of Arc, who liberated France, they betrayed. So this is not a black day for Australia, as described by the leader of the Labor Party; this is a great day for the war on terror.

**Senator MACKAY (Tasmania)** (8.14 p.m.)—I have been caught somewhat unawares by Senator McGauran's startling statements in relation to France. I want to start my speech by quoting the words of Robin Cook, the former United Kingdom foreign secretary who resigned from cabinet this week. He said:

Why is it now so urgent that we should take military action to disarm a military capacity that

has been there for 20 years, and which we helped to create?

Let us analyse exactly what he was referring to. He was referring to the arming of Saddam Hussein when he was the West's good guy against the Iranians when they were the West's bad guys led by the Ayatollah Khomeini. Iraq was seen at that point as a safe, secular option and the armament occurred then. The war against Iraq is wrong and Australia should be having no part of it. While ever the hard evidence is lacking, this war is going to be labelled as morally indefensible. The case for putting the lives of Australian troops at risk and spilling the blood of innocent Iraqis has not been made. The action of the coalition of the willing and the invasion of Iraq are grossly out of proportion to the perceived threats posed by the Iraqi regime.

It is clearly not in Australia's national interest that the Prime Minister has signed up for Australian troops to take part in this war as one of only three countries in the coalition of the willing. Even Spain and Portugal, who had the honour of being allowed to attend the meeting in the Azores, have not yet committed troops. The Prime Minister has committed us to war simply because his mate, the United States President, George Bush Jr, asked him to. This is the same mate who did not even bother extending an invitation to the Prime Minister, John Howard, to participate in the meeting in the Azores that would impact and determine the future of Australian troops and determine the security of Australia as a country. War is not in Australia's national interest. And what makes it even worse is that there was an alternative available via the UN processes, a way that has, sadly, now been circumvented by this war. The Prime Minister has recklessly committed us to the coalition of the willing, a course of action for which he never had an exit plan. He knows full well that he should have considered Australia's national interests in the broader spectrum rather than simply being an absolute quisling to George Bush.

In the lead-up to this war, the Australian Prime Minister failed comprehensively to make the case for war. He did not make it in the Australian parliament, he did not make it

last week in his speech to the Press Club and he has not made it on any other occasion to date—and neither has anyone else on the coalition side. The Press Club contribution was nothing but a mishmash of half-truths and sophistry. In his arguments for war, the Prime Minister has tried to substitute Iraq and Saddam Hussein as the source of the terrorist threat when we know that the real and present threat of terrorism comes from al-Qaeda and Osama bin Laden. The Prime Minister can mention al-Qaeda, Osama bin Laden and Iraq in the same sentence as many times as he wants, but he is not convincing anybody.

The key benchmark for action against Iraq under the auspices of the war against terrorism has always been whether there is any real evidence of a link between the September 11 attacks and the Iraqi regime—the evidentiary benchmark. There is no such evidence. No such evidence has been presented to the Australian people as to why the war against terrorism is to be fought by an invasion of Iraq. The real war against terrorism has instead been sidelined by the Bush administration's obsession with Saddam Hussein.

Whether this invasion of Iraq is short, sharp and successful or not, it does not change the fact that aggressive military action to remove Saddam Hussein's regime, however desirable this outcome, does not justify the means being used by the so-called coalition of the willing. The removal of Saddam Hussein is a desirable outcome for a whole host of reasons. That is why nations across the world have been working intensively towards that goal within the processes of the United Nations Security Council for the past six months and, indeed, the past 12 years. Hans Blix and Kofi Annan have both said it, and the evidence shows that the process of weapons inspection has been working. Iraq has been contained and weapons have been destroyed. Right up until George Bush told the weapons inspectors to leave Iraq because he was going to declare war on it, they were destroying al Samoud missiles.

Just this week in his final report Hans Blix outlined the tasks remaining and said that the disarmament of Iraq could be completed

within months. But George Bush could not wait. This is a 12-year process and yet George Bush could not wait another few more months. Given the lack of evidence, we have a situation where the Prime Minister expects Australians to blindly take him on trust and have absolute faith in his assertions, however weak. John Howard says that he believes Saddam Hussein is a threat to Australia and therefore we should believe it too. But he cannot back this up with enough evidence to convince the people who elected him to office. Instead, he stubbornly clings to the vestiges of his integrity as the Australian Prime Minister—an office that he has dishonoured time and time again throughout the course of his leadership—all in a vain attempt to persuade the Australian people that he is right and they are wrong. It has been truly pathetic to witness the Prime Minister pleading that the people of Australia agree with him simply on the basis that he agrees with this action, he believes in it and he thinks it is necessary. We are supposed to believe that the Prime Minister has found a new, sincere concern for the welfare of the Iraqi people. This is grossly at odds with the demonisation of these same people when they desperately sought Australia's protection in the form of asylum. It just does not ring true.

The invasion of the sovereign nation of Iraq by the coalition of the willing is not an act of self-defence and, consequently, does not have the authority of the United Nations to support it. That is why it is wrong and a terrible mistake. The system of international law and peacekeeping will be forever damaged by the action of the coalition of the willing; it sets an extraordinarily dangerous precedent for the future. The ongoing threat of terrorism to Australians, both at home and abroad, for years to come will be a tragic legacy of John Howard's term as Prime Minister. He will be long gone, but this legacy will continue. The Prime Minister has fecklessly signed up Australian troops to the Bush administration's plans for the new world order: a vision of world conquest held by George Bush to be achieved through US military dominance and driven by the vision of a Middle East governed under United States authority. This doctrine is not new; it

was articulated by George Bush Sr way back in the 1980s. The actions of George Bush Jr are the culmination of a two-decade plan in relation to the new world order. The invasion of Iraq is the first step in this disturbing vision and the Prime Minister has put Australia right in the vanguard of it. No matter how strongly the US denies it, there is no doubt in many minds that Iraq's oilfields are a strong inducement for the oil industry dominated Bush administration to embark on this war. At the very least, they know that this wealth will assist in covering their own war costs. President Bush blatantly let the cat out of the bag about his unseemly rush to get his hands on Iraqi oil when on Tuesday he ordered Iraqi soldiers not to destroy Iraqi oilwells following the United States invasion.

The support of the Labor Party is fully for the troops. They have no choice in this matter. They have to follow the orders of the government of the day, unlike the Iraqi people who have been told by George Bush that they could be tried for war crimes if they fight to defend their own country. It is the government's decision that is wrong. It was the government's decision to predeploy them and the government's decision now to commit them. If Labor were in government these troops would not have been predeployed. We would not be committing them this week, and we believe they should now be brought back.

The Prime Minister has not been truthful with the Australian public about the commitment of our troops, and that is one of the greatest charges against him. The Prime Minister is treating the public with contempt and he has treated our troops dishonourably. He did not have the courage to tell them he had signed up to the coalition of the willing, a coalition that inevitably meant that if UN Security Council authority was not forthcoming those troops would be committed irrespective.

This week we have seen the final moment of truth for John Howard. He has been found out as having made that commitment but not having the courage to tell our troops or the Australian public until he got the final call from the President: witness yesterday when his 10.30 a.m. press conference was deferred

to make way for George Bush and he came on afterwards. It is also the moment of truth for coalition party members who have, until now, shown no courage of their conviction even though the lives of Australian troops and innocent Iraqis are now in jeopardy.

What a contrast! Within the Labor Party we have had months of vigorous debate, yet barely a peep out of coalition members. Nothing. Nobody has raised this issue either in internal coalition forums or externally. I think this is gutless in the extreme of coalition backbenchers. This is a party that claims to be a group of individuals with diverse views. This is a party that says we are the automatons because we are all trade union drones. Within the Labor Party we have had a vigorous debate about this for months. I am not aware—and perhaps Senator Abetz will be able to enlighten us later on—of anybody within the coalition who has raised concerns in respect of this matter within their party room, the appropriate place for them to do it. What a pack of automatons the coalition backbench is!

Instead, it has been left to a host of former Liberal Party leaders to speak out—people such as Fraser, Valder and Hewson. No left-wingers, no wets! It is a damning indictment of the undemocratic and vice-like grip that the Prime Minister has over his party room that no-one has been brave enough to speak out. For me it is of particular concern that we have had no submissions from the Tasmanian Liberals. No Tasmanian Liberal senators have raised concerns. I appreciate that Senator Abetz cannot because he is on the frontbench, but Liberal senators from the backbench can raise the issue in respect of representations from their constituency. They have not done it. There is no doubt about the views of the majority of Tasmanians on this. They are not Liberals. It is an indictment of the term 'liberal'.

What has really astounded me is the level of intellectual moribundity, intellectual aridity, on the other side of the chamber. It is not everybody, but some of the contributions have been fairly basic and certainly not well researched. It is hard to believe that, like everyone on our side, they have not been bombarded with the same messages from the



public asking them to oppose this war. This war is wrong. We should not be in it. This war is not in our national interest. What happened to the Prime Minister who had posters at every polling booth that said in respect of refugees, 'We will decide who comes to this country and the circumstances in which they come'? What happened to that Prime Minister? This Prime Minister says: 'We do not decide when we go to war and the circumstances in which we go. George Bush does.' What an absolute hypocrite!

Our involvement in this war will spawn terrorism and encourage terrorists, and Australia will as a consequence become more of a target, not less. Only three countries have committed troops. That will logically make them a greater target for terrorists. It will make Australia a greater target, as admitted by Tony Abbott in the House of Representatives. That is yet another one of the many reasons why this commitment to go to war is not in our national interest. It is not in our national interest because we are a medium power and we have to get behind the authority of the UN Security Council in resolving international conflict. The fact is that George Bush could garner no widespread international support for the second resolution, not even from Spain, which attended the meeting in the Azores together with Portugal. With or without the French veto the resolution would not have been carried, nor did it deserve to be. We have read about the level of pressure that was put on many smaller nations in the Security Council to support the second resolution, including economic inducements, and still the support could not be garnered. They could not get the votes, so now they go outside the processes of the United Nations—and one thing we know about the Senate is numbers!

This lack of international support speaks volumes about the credibility of the arguments of the coalition of the willing. Theirs is a position not backed by evidence and facts but by weak, illogical arguments and baseless assertions. This has been a huge failure in international diplomacy by George Bush. We have never seen anything like it before except perhaps during the Vietnam era. However, we should long ago have

learned the lessons of Vietnam and the lives of Australian troops should not be put on the line where there is a clear case for not doing so. Who said this? Not just the Labor Party but the RSL.

The other reason why this war is against our national interest is that it is a misreading of our commitment under the United States alliance. There is no threat to America, no threat to its troops, no threat to us, and article 1 of the ANZUS alliance requires us to resolve international conflict through the United Nations. It is particularly disturbing that the Australian government could be seeking to use Australian participation in the coalition of the willing, and therefore the lives of Australian troops, as leverage in negotiations for the US-Australia free trade agreement. This war is wrong and Australia should have no part in it.

One thing we need to be careful of is racism in the community. That is not simply in respect of Muslims. I am not anti-American; I am anti-George Bush. The reality is that, if you look at what happened in respect of his election and in respect of Florida and the actions of Jeb Bush and so on, the Americans did not actually popularly vote for George Bush. I do not blame the American people for George Bush. I do not blame Israelis for the actions of Ariel Sharon. The Labor Party in Israel have made their views very clear in respect of Ariel Sharon.

When I was preparing this speech I thought about George Orwell, who wrote in the seminal book *Nineteen Eighty-Four* that the so-called theoretical totalitarian regime was based on three things: war is peace, freedom is slavery and ignorance is strength. Many dozens of senators and House of Representatives members have used the quote, 'The first casualty of war is truth.' The government can say, 'This is about peace, this is a war for peace,' as many times as they like. It is Orwellian in the extreme. It is the kind of thing George Orwell wrote about in *Nineteen Eighty-Four*, and I would like people to think about that.

The bottom line here is that this is a disgraceful action by the government. People have said it is a black day—it does sound a bit clichéd—but I think it has been a horrendous

dous week for Australia and Australians. Australia is potentially now a terrorist target. We have been made a terrorist target by the actions of the Australian government. It has been said by Tony Abbott in the House of Representatives and reaffirmed today on the news. I do not think the Australian people will particularly thank either George Bush or John Howard if there is terrorist activity in Australia as a result of this decision.

**Senator Abetz**—You haven't mentioned Prime Minister Tony Blair yet.

**Senator MACKAY**—Or Tony Blair, who I think is completely wrong. I do not care that he is a Labour Prime Minister. I should mention, Senator Abetz, that you have not talked about Jacques Chirac, who is in fact a conservative, so it goes both ways. Tony Blair is paying the price for doing the wrong thing. I started off quoting Robin Cook—Tony Blair's frontbench are falling like ninepins at the moment because of this situation. I am not here defending Tony Blair. Are you here defending Jacques Chirac? No, you are not.

This is bad, this is not what Australian people want and this is extremely serious. I hope that Australians are not killed in this conflict and I hope that Iraqis are not killed. Of course they are going to be. I hope this does not lead to terrorist attacks in Australia, but I think it will. I hope that it does not make us a target. As many have said before me, the real winner at the end of the day out of this action is not George Bush or John Howard but Osama bin Laden.

**Senator ABETZ** (*Tasmania—Special Minister of State*) (8.32 p.m.)—We have just heard another contribution from the Socialist Left, who during this debate have provided us with a strange smorgasbord of speeches supporting, by implication, Saddam Hussein. They seem to have moved from defence of socialism and Stalin to the Ba'ath Socialist Party and Saddam. The fact is that the mere absence of war does not provide peace. Peace without freedom is nothing but slavery—and that is what those opposite in their contributions to this debate would consign the Iraqi people to.

Indeed, those opposite have outsourced the moral judgments of Australia to the United Nations. No longer are they prepared to say, 'We must do this because it is right and proper.' No, they say, 'Our decision will wholly and solely depend on whether the United Nations will actually support any action.' The correctness, the morality, of any conflict in Iraq cannot be based solely on the whims of the United Nations—the United Nations that has such luminaries as Libya chairing its Human Rights Committee and such a freedom-loving country as China presiding over its International Criminal Court.

When the people of Australia start realising the moribund organisation that the United Nations has unfortunately become, they will be very disappointed to see the Australian Labor Party in particular tugging its forelock to the United Nations and doing a Pontius Pilate by washing its hands and saying, 'Sure, Iraqi women can be raped by state sanctioned rape gangs in prison. That can occur.' People can be killed, children can be slaughtered and human rights atrocities using chemical and biological warfare against the Kurds and Shiites can all occur because the United Nations does not have the stamina to deal with this issue.

The morality of dealing with this situation has to be determined by objective factors, not on the basis of the whims and fancies of certain countries—including France, might I add, which has acted quite shamefully in this matter. I would simply invite people to read the book entitled *Saddam's Bombmaker*, by Khidhir Hamza, who left Iraq in 1994. He was in charge of the nuclear bomb program for Iraq throughout the war in 1991 and thereafter when Saddam Hussein had agreed that he would no longer engage in the development of weapons of mass destruction. This man has told the world that this activity was going on until he left in 1994. No doubt it is continuing. And those opposite say, 'But there is no proof.' When Saddam Hussein's own son-in-law goes to Jordan and tells the world about all the weapons of mass destruction and about Saddam Hussein's regime's plans and programs for warfare, those on the other side would simply dismiss it. But it was that serious—it was no fantasy—

that Saddam Hussein tricked his son-in-law back to Iraq by saying, 'All is forgiven, come back,' and as soon as he came back he was executed.

If Saddam Hussein's son-in-law had simply taken leave of his senses and made up those stories that had no basis in fact, why on earth would Saddam Hussein have had him executed? One would think he would have pitied him and tried to assist him. But Saddam Hussein knew that his son-in-law had told the truth to the world and he wanted the man eliminated. A man who is prepared to do that to his own son-in-law is prepared to do that to hundreds and thousands of others within his country, and he has. Those opposite who say, 'Tut-tut, we don't want to touch Iraq,' stand idly by while thousands of Iraqis are slaughtered each and every year. Would the same morality have been applied during the Second World War, knowing what Adolf Hitler was doing to the Jews? Would they have said, 'We live in Australia. We're in our comfort zone on the other side of the world. Why should we be concerned? That's not our concern; that's in another theatre'?

Australia has a very proud history of involving itself in theatres of war all around the world in pursuit of freedom and liberty. We have done our bit for the world. Unfortunately, it has now fallen on our shoulders, yet again, to be part and parcel of a coalition of countries that are willing to provide that same liberation to the Iraqi people and its minorities as was required in the Second World War to liberate Jews and other minorities from the evils of national socialism.

Nobody wants war. It is a devastating activity—on the soldiers, on civilians, on world security. Nobody wants it. But every now and then, freedom and liberty are worth fighting for—indeed, worth dying for—because, if we do not fight, we become slaves. The history of our world has many wonderful examples of people who were willing to die for freedom and for the better of mankind. It may be appropriate to quote a poem which was on the *Sunrise* program this morning, and I will deal with some of the issues it raises. The poem *It's the Soldier* reads:

It's the soldier, not the reporter,

Who has given us freedom of the press.

It's the soldier, not the poet,

Who has given us freedom of speech.

It's the soldier, not the campus organiser,

Who has given us the freedom to demonstrate.

It's the soldier, not the lawyer,

Who has given us the right to a fair trial.

It's the soldier who salutes the flag,

Serves under the flag

And whose coffin is draped by the flag,

Who gives the protester the right to burn the flag.

We in Australia are the beneficiaries of a legacy of Australian men and women who have been willing to sacrifice themselves for the freedoms that we enjoy today; the freedoms that allow people to hold demonstrations; the freedoms that allow people to write articles in newspapers condemning this government for certain actions; and the freedoms that allow lawyers—and I say this as a lawyer—to come out with some quite bizarre interpretations of international law. Nevertheless, the freedoms that are enjoyed today were bought by our military men and women who paid the price. That is why, when we consider the motion before us, the government have said in clause (f) that we 'hope that all will return safely to their homes'—that is, Australia's service men and women. Do you know what the Labor Party and the Democrats say in relation to 'the hope that all will return safely to their homes'? Their amendments, if passed, would delete those words from the motion. You really do have to ask what motivates them. I refer to a very good article in the *Australian* on 18 March by Sophie Masson, which states:

But the one who has most rocked the French Left is humanitarian Bernard Kouchner. His progressive credentials can't easily be brushed aside. After all, he's a prominent socialist, the founder, organiser and president of *Medecins sans Frontieres*—

I think that means doctors without frontiers or something like that—

former head of the interim UN administration in Kosovo and a former minister in the socialist Jospin government.

'The removal of Hussein is the primary concern,' he told a television interviewer last week. 'What is worse [than war]—

and I invite those opposite to take heed—

is leaving in place a dictator who massacres his people. I wish people would actually listen more to the ones most threatened by all this, the Iraqi people who are subjugated by this dictatorship.'

I am not often reduced in debates in this place to quote or refer to speeches of Greens Senator Brown, but where was he on this issue in 1991? He is on the record in the Tasmanian parliament as saying, 'If we don't do something about the Iraqi nation being in Kuwait, the blood of the Kuwaitis will be on our hands.' He has now developed another line that somehow the blood would be on John Howard's shoulders—how it gets there, I do not know; I think he just mixed his metaphors. That aside, if the blood of the Kuwaitis was going to be on the hands of the Western world for not taking action in 1991, why is not the blood therefore of the tens of thousands of Iraqis who have been slaughtered under this regime on the hands of the likes of Senator Brown and others who are seeking to avoid the right action being taken in this situation? The honourable senator cannot have it both ways. Either he was right and he has to withdraw what he said in 1991 or he has to recant what he has been saying recently. I will not be holding my breath.

Containment has been put to us as a possible approach. But as Jonah Goldberg said in the *National Review Online* on 17 March this year:

Containment of Saddam is an immoral policy because, as Walter Russell Meade has noted, it costs more lives than war would. According to—no doubt inflated—U.N. and Iraqi numbers, 60,000 babies and children—

allegedly—

die every year because of containment. Yes, a war with Saddam would cost innocent Iraqi lives, but containment costs more. And containment punishes civilians. War primarily punishes those willing to defend the regime and the privileges it provides, while it rewards civilians with liberty, prosperity, and hope.

I wish to deal with some of the issues that have been put around of late. One is that any action in Iraq would be somehow a unilateral action by the United States. I thought unilateral action meant by one person or by one body. If it is unilateral meaning 'one body',

that is quite right—it is a body of 30 nations. When you look at the map of Europe—you will see France and Germany, and I have referred to the reasons why they oppose any action in Iraq in a previous speech—you will see the overwhelming numbers in favour of the action that our Prime Minister, the Prime Minister of the United Kingdom and the President of the United States are suggesting.

Senator Mackay suggested to us that she is not anti-American, just anti-Bush. She just happened to forget that as a result she would have to be anti-Bill Clinton as well on this issue. That is the sad thing in Australian politics: in the United States the parties in opposition have had the political maturity to support their government, and it is the same in the United Kingdom, but we do not have the same maturity from the opposition in this nation, and that is a matter of great regret. Others have suggested that it would somehow be illegal to undertake military action without UN sanction. Where were those arguments for Bosnia and Serbia when NATO took—can I use the term?—unilateral action? Nobody raised that argument those few years ago. Could NATO honestly claim that the genocide that was occurring then in those countries was a threat to other NATO nations? NATO did what was right in the absence of the UN's capacity to make a decision, and, in that case, NATO saved many Muslims from genocide. Let us not forget that that only happened a few years ago because the United Nations was unwilling or unable to act.

One of the strange things in this debate has been the complete absence of those on the opposite side to condemn and articulate the human rights abuses of Saddam Hussein. Indeed, to those of my fellow Australians who have been in demonstrations, John Howard was the great evil one, or George Bush or Tony Blair, but Saddam Hussein was not condemned by one single banner anywhere in Australia. There was no banner saying: 'We want peace, but, Saddam, could you at least, please, disarm?' Was there even a 'please' on one of the posters? No. There is a complete failure by the Left in Australian politics today to condemn Saddam Hussein and to force the issue of disarmament. Those

opposite tell us we are rushing into this. Excuse me—12 years of negotiations is rushing into it? If that is your definition of 'rush', that is fine, but I suggest you get another dictionary because I do not think the dictionary would bear you out.

The simple fact is that this regime in Iraq has broken its own agreement that it signed at the end of hostilities in 1991. It has been exposed by people who have left Iraq under the threat of death and who have exposed its weapons programs, which are still dismissed by the other side. There are the 17 UN resolutions, one of which has words to the effect that there would be serious consequences. Do you know what the serious consequences are? France will veto no matter what. That is the serious consequence that Saddam Hussein faces. Now, clothed with that knowledge, do you think Saddam Hussein is about to rush and disarm himself? Of course not. We have to be guided by what is right and proper. We in this place know that Saddam Hussein's regime needs to be brought down. Saddam Hussein needs to be disarmed for the sake of the Iraqi people, for Iraq's neighbours and for world stability. I do not mind saying I thank God for the leadership of George Bush, Tony Blair, John Howard and the other great leaders of this world who are prepared to take that necessary action. (*Time expired*)

**Senator MARSHALL (Victoria)** (8.52 p.m.)—War is never inevitable; war is waged. History will forever condemn John Howard and this government for their decision to commit Australian military forces to a US led, non-UN sanctioned invasion of Iraq. I could not be more steadfast in my opposition to this war. In my view it is inconceivable that force is the only necessary means left at our disposal to pursue the disarmament of Iraq. The cabinet decision of the Howard government to commit troops to a war in Iraq, outside of the United Nations mandate to do so, could not be a more unnecessary and dangerous one to make in the name of Australia and its people.

The world has already sent Iraq a resounding message through United Nations Security Council resolution 1441 that peace can only be assured there by the disarma-

ment of all weaponry, be they biological, chemical and/or nuclear, and by the discontinuation of all related programs. UN weapons inspectors were deployed into Iraq by the unanimous decision of the Security Council to undertake precisely that task in a peaceful yet effective manner. While there have been Iraqi breaches of UN resolutions, the outcomes gained by the current UN inspect and destroy processes are remarkable. Invasion and war under these circumstances are impossible to justify.

During his 27 January report to the UN Security Council, the Executive Chairman of the UN Monitoring Verification and Inspection Commission, UNMOVIC, Dr Hans Blix, stated that in UNMOVIC's experience:

Iraq had decided in principle to provide cooperation on process. Most importantly, prompt access to all sites and assistance to UNMOVIC in the establishment of the necessary infrastructure.

On 14 February, Dr Blix reported:

This impression remains. And we note that access to sites has so far been without problems, including those that have never been declared or inspected as well as two presidential sites and private residences.

Dr Blix reported that, as at 14 February, more than 400 inspections covering more than 300 sites had occurred, more than 200 chemical and 100 biological samples had been collected at different sites and that three-quarters of those had so far been tested. Dr Blix reported that the results to date were consistent with Iraq's declarations. In his report of 7 March, Dr Blix reported further progress. He noted that 34 al-Samoud II missiles, including four training missiles, two combatant warheads, one launcher and five engines had been destroyed under UNMOVIC supervision. Moreover, two 're-constituted' casting chambers used in the production of solid propellant missiles had been destroyed and their remnants melted or encased in concrete. Dr Blix said:

The destruction undertaken constitutes a substantial measure of disarmament—indeed, the first since the middle of the 1990s.

We are not watching the breaking of toothpicks. Lethal weapons are being destroyed.

A posting on the United Nations web site yesterday stated:

Even as United Nations weapons inspectors were about to be withdrawn from Iraq, they supervised the destruction of two more Al Samoud 2 missiles today, bringing to 72 the total destroyed since the 1 March deadline for beginning the process.

Dr Mohamed ElBaradei, the Director General of the International Atomic Energy Agency, reported to the Security Council on 7 March that his organisation had undertaken 218 nuclear inspections at 141 sites, including 21 that had not been inspected before. In his report Dr ElBaradei said:

There is no indication of resumed nuclear activities in those buildings that were identified through the use of satellite imagery as being reconstructed or newly erected since 1998, nor any indication of nuclear-related prohibited activities at any inspected sites.

There is no indication that Iraq has attempted to import uranium since 1990.

There is no indication that Iraq has attempted to import aluminium tubes for use in centrifuge enrichment. Moreover, even had Iraq pursued such a plan, it would have encountered practical difficulties in manufacturing centrifuges out of the aluminium tubes in question.

Although we are still reviewing issues related to magnets and magnet production, there is no indication to date that Iraq imported magnets for use in a centrifuge enrichment programme.

With such gains being made, how can this process be abandoned? While much attention is being given by proponents of a war against Iraq that a clear link between Iraq and al-Qaeda exists, it must also be noted that there is no proof or evidence that such links do exist. This is hardly a basis to wage war.

The Howard government is caught in the first half of the 20th century. Gone are the days where the might of one's army—or a coalition of willing armies, as the case may be—would attract an automatic power or right to circumvent peaceful solutions to international conflict by using intimidation and/or force. Even article I of the Security Treaty between Australia, New Zealand and the United States of America states:

The Parties undertake, as set forth in the Charter of the United Nations, to settle any international disputes in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered and to refrain in their international relations from

the threat or use of force in any manner inconsistent with the purposes of the United Nations.

John Howard and his government, not content with merely rejecting any and all obligations they have to resolve the situation in Iraq peacefully, are also, by virtue of joining the so-called coalition of the willing, supportive of the potential use of nuclear weaponry itself against their non-aggressing enemy. The Americans have not ruled out the possibility that strikes against Iraq could be of a nuclear magnitude. Launching such a strike against Iraq—or, for that matter, a non-UN sanctioned strike—would be in clear contravention of the United Nations Charter and numerous international laws. Labor has been unequivocal in its opposition to such a situation.

Worldwide opinion on the legality of the impending action by the United States and its coalition of the willing is mixed. Whether legal or not, it is immoral. Decisions of the United Nations Security Council in the past are not decisions of the United Nations Security Council in 2003 regarding immediate military action. To argue that a war is legal misrepresents the opinion of the Security Council right now. The UN Security Council does not support this war at this juncture. Such a war could only be unequivocally legal and moral—if you can call any war at all moral—with the unanimous support of the Security Council. The United Nations must be empowered by its member states through their adherence to the UN charter at all times. The UN demands of the collective world that, in times of international conflict, all peaceful solutions must be exhausted before military force or war can even be considered as a way of resolving an issue. This is the situation we are in at the moment. But while progress is being made peacefully, this government has abandoned its commitment to the rule of law and is acting recklessly and immorally.

The Australian Labor Party has been committed to the United Nations and its processes since 1947, as we recognise that nation states have obligations to the wider world and that the fulfilment of such obligations will only be effective if the entire world community is involved in the processes of

their establishment and their enforcement. As a middle power, Australia depends on institutions such as the United Nations to uphold and ensure worldwide peace and security. In clear contrast, John Howard and this government have from the outset been willing to commit to military action without UN sanction. He has used systematic dishonesty to do so. He has deceived the Australian people and, even more importantly, he has deceived our Australian troops.

*Senator Kemp interjecting—*

**Senator MARSHALL**—When Australia's troops were predeployed to the gulf, our Prime Minister argued that they were being sent to take part in peacekeeping and sanction enforcing forces—namely, the Multinational Interception Force. Australia's sons and daughters were being sent to the gulf not for war but to uphold the strength of the United Nations and its resolutions. We knew then what we know now: John Howard was not sending our troops off to peace-keep; he was sending them off to war and in the process he misled them, their families and the wider Australian community.

**The ACTING DEPUTY PRESIDENT (Senator Lightfoot)**—Senator Marshall, I apologise for interrupting your contribution, but it is 'Mr Howard' or 'Prime Minister'.

**Senator MARSHALL**—Thank you, Mr Acting Deputy President. This is not Australia's war. The disarmament of Iraq is the entire world's responsibility. And this should not be forgotten. With war looming, it is important to assess the real implications of it. During the 1991 Gulf War, following Iraq's invasion of Kuwait, coalition forces dropped over 90,000 tonnes of explosives on Iraq. Between 50 and 70 per cent of bombs missed their intended targets and up to 80,000 civilians were killed, in addition to the hundreds of thousands of deaths sustained by the militaries of both sides. According to a joint World Health Organisation-UNICEF team report of 1991, the Gulf War resulted in a complete breakdown of the Iraqi civilian infrastructure. Postwar, electricity was reduced to just four per cent of prewar levels and water supply to Baghdad was reduced to just five per cent of prewar levels. Any war leads to massive poverty, homelessness and

ongoing disease and death. Since the end of the Gulf War, tight UN imposed trade sanctions have existed on Iraq. These sanctions have prevented Iraq from importing materials and equipment needed in order to begin true postwar reconstruction.

**Senator Kemp**—Who wrote this rubbish?

**Senator MARSHALL**—Senator Kemp wants to say that he is quite happy to take very lightly a decision to condemn hundreds of thousands of Iraqi citizens to poverty and to death. He is very happy to see hundreds of thousands of people die through this war.

*Senator Kemp interjecting—*

**The ACTING DEPUTY PRESIDENT**—Order, Senator Kemp!

**Senator MARSHALL**—What is even worse is that he is happy to send Australian soldiers to war and, potentially, to their deaths, because he is happy to take a very light decision to answer a call from the United States President without thinking through his moral and legal obligations in regard to this war. Weapons inspections were working, and Hans Blix says he needs a number of months more to work through the process.

*Senator Kemp interjecting—*

**Senator MARSHALL**—But no; you cannot wait. You take these decisions very lightly, Senator Kemp, and shame on you for doing so.

*Senator Kemp interjecting—*

**The ACTING DEPUTY PRESIDENT**—Order, Senator Kemp!

**Senator MARSHALL**—In 1996, after Iraq's acceptance of the terms of UN resolution 986, the food for oil program was launched. It has improved conditions for Iraq's civilian population to some degree, but only when all trade sanctions on Iraq are lifted can real improvements begin. For trade sanctions to be lifted, Iraq must be declared disarmed. It is in the entire world's interests, and particularly in Iraq's interests, for the UN weapons inspect-and-dismantle process to continue until complete. It is worth remembering that, in 2003, Iraq's population of 25 million is nearly half children, more than four million of whom are under five



years of age. Sixteen million Iraqi civilians, half of them children, are 100 per cent dependent on government distributed food rations, and there is only one month's supply of food in Iraq.

A war will be catastrophic for all the people of Iraq, particularly its many children. According to the UN, a war in Iraq will lead to more than 1.4 million refugees and as many as two million internally displaced persons. This figure could include nearly 750,000 refugee children and one million internally displaced children. What plans have been made to address these issues? Very few, it would seem. And what plans exist for postwar reconstruction of Iraq? It is the firm view of proponents of military action that the aim of the war in Iraq is to topple the Iraqi government, particularly Saddam Hussein. With respect to this situation, many issues have not yet been addressed. In the words of US Democrat Senator Robert Byrd:

... we hear little about the aftermath of war in Iraq. In the absence of plans, speculation abroad is rife. Will we seize Iraq's oil fields, becoming an occupying power which controls the price and supply of that nation's oil for the foreseeable future? To whom do we propose to hand the reigns of power after Saddam Hussein?

These questions remain of utmost importance and must be addressed before war begins. History has far too many ghastly stories of past efforts in this regard and the world cannot sit by to watch similar tragedies unfold again. However, the overriding questions surrounding the toppling of foreign governments remain: is it morally right for Western coalitions to forcibly undertake such jobs? Could there not be a better way to bring about these ends more naturally? Surely, by equipping all the people of the world with adequate food, water, health, education and housing services, people suffering under oppressive totalitarian rule around the world would have a much better chance of rising up against and seizing power from brutal and horrific regimes, by themselves and for themselves.

I want to make my support of the Australian defence forces and their personnel very clear. As Mr Crean has stated, unrelentingly,

our argument is with the government and not with our troops. Our troops, wherever they are and at all times, have my full support, the support of the Australian Labor Party and, I am sure, the support of all in this parliament. I wish them safety and they will be at the forefront of my thoughts. It is a sad, sad day, though, for this country. Our troops should not have been predeployed by this government; they should not be partaking in this war which is not ours to fight, and only a Labor government would bring them back.

In conclusion, I would again like to quote Dr Blix from his 7 March report to the UN Security Council:

Even with a proactive Iraqi attitude, induced by continued outside pressure, it would still take some time to verify sites and items, analyse documents, interview relevant persons, and draw conclusions. It would not take years or weeks, but months.

If the world community, including the United States, Britain, Spain and, for that matter, Australia, were not satisfied with the inevitable time needed to undertake this task to perfection from the outset, why was UN Security Council resolution 1441 ever moved in the first place? Even today, Dr Blix said, 'I don't think it is reasonable to close the door to inspections after 3½ months.' I must agree. It is always the ordinary working family and their children that bear the worst effects of war. While the people of Iraq will be the most directly affected, the effects of war always extend across borders and around the entire globe.

At times of international conflict, people expect and deserve absolute honesty, transparency and humanity from their leaders, from all nations involved, from organisations under the UN, from people involved with the UN and from the world's media. Let us hope that the people of the world get just that. The case for war has not been made. Along with a massive majority of the wider Australian public, I do not support the government in sending our troops to it. I am ashamed of this government.

**Senator HUMPHRIES** (Australian Capital Territory) (9.10 p.m.)—This is an interesting time to be coming into the Australian Senate.

*Senator Kemp interjecting—*

**The ACTING DEPUTY PRESIDENT (Senator Lightfoot)**—Order! Senator Humphries, would you please resume your seat. Senator Kemp, I would ask that you let the senator on his feet, Senator Humphries, to at least get into the entree of his speech before you start interjecting across the chamber. I would ask those opposite—those on my left—to stop inciting Senator Kemp to interject in the manner that he does.

**Senator HUMPHRIES**—This is an interesting time at which to come into the Australian Senate. It is a time when a decision of enormous consequence has been made by the Australian government and it is a time for the parliament to debate an issue of enormous gravity. Perhaps the most awesome prerogative power of a state is the power to use lethal force against another nation. Australia is on the verge of military conflict with a nation which has for some years been in defiance of international conventions and resolutions, in particular on the development of weapons of mass destruction. The leader of that nation has been described in the course of this debate—today, tonight and yesterday—in various ways, but generally as a dictator, a thug, and a master of brutality and cruelty against both his enemies and his own people.

The decision to use military force in concert with the United States and Great Britain has certainly been a decision which has divided Australia. I would concede that probably, at this time, a substantial proportion, maybe a majority, of the Australian community is opposed to military deployment. The issue, therefore, appears to be not whether Saddam Hussein is worthy of being removed but whether this should happen by force and, if so, whether Australia should be involved—whether this is Australia's battle. One thing that I think is quite certain is that no-one in this debate, on any side of the chamber and in any part of this nation, approaches the prospect of war with any relish or sense of jingoism. We know only too well the lessons of history; war is bloody, vicious and no respecter of innocence.

This war, like any other, carries the likelihood—one might even say the certainty—of

casualties, both military and civilian. Yet I have heard no-one in this debate say—although some have come very close—that all war is wrong, that the taking up of arms is completely indefensible. There are, apparently, just wars and not only when nations act in self-defence. One example—although it might not be called a war as such—was Australia's armed intervention in East Timor in the last two or three years. That carried both the potential and the actuality of serious casualties, including of Australian military personnel. Yet we would all concede, I am sure, that that intervention was justified. It carried a risk for Australia and its military personnel, but it was justified. The question becomes, therefore: if war can be justified in principle, can it be justified in these circumstances?

I would like to deconstruct the argument of those opposed to Australia's military intervention in this conflict. It is very difficult, in fact, because a variety of strands of that argument appear in this debate, and not all of those strands are consistent with each other. Opposition to this military intervention appears to be an alliance of a number of parties, some of whom apparently supported the war against Iraq in 1991 and indeed were part of the government of Australia which took part actively in that military conflict but who perhaps now sense a different public mood—

**Senator Forshaw**—It was approved by the UN in 1991!

**Senator HUMPHRIES**—and pacifists who oppose all war.

**The ACTING DEPUTY PRESIDENT**—Senator Forshaw, we are all impressed with your knowledge, but would you please be quiet—

**Senator Forshaw**—It was approved by the UN!

**Senator HUMPHRIES**—I do not know which you fall into, Senator—

**The ACTING DEPUTY PRESIDENT**—Senator Forshaw, would you please desist from interjecting.

**Senator Forshaw**—Get him to tell the truth!

**The ACTING DEPUTY PRESIDENT**—Do not address the chair in that manner, Senator Forshaw. You know better than that. I ask you to hear the senator in silence.

**Senator Kemp**—Mr Acting Deputy President, on a point of order: Senator Forshaw said that my colleague was lying, and I ask that that word be withdrawn; it is unparliamentary.

**The ACTING DEPUTY PRESIDENT**—If Senator Forshaw said that, he should, of course, withdraw it unequivocally.

**Senator Forshaw**—I did not say that the speaker was lying; I said I am not here to sit and listen to these lies. But I will withdraw—

**The ACTING DEPUTY PRESIDENT**—It was unparliamentary and you should withdraw. I assume that was a withdrawal.

**Senator Forshaw**—It was a withdrawal. If I have to withdraw the truth, I will.

**Senator HUMPHRIES**—I thank the senator. As I have said, all sides seem to agree that Saddam Hussein is a butcher who richly deserves to be removed from office. An essential underpinning element of military intervention, in circumstances such as these and in any circumstances in today's environment, is the defence of human rights. Are we entitled to act to defend rights such as the right to liberty, the right to freedom from torture, the right to hold political opinions contrary to those of government, and the right to freely practise one's own faith and so on? Are we entitled to act, if necessary by force, to defend those rights? Surely the answer—and this is an answer we provided through our actions in East Timor—is a resounding yes. But opponents in this case appear to balk at the prospect of doing so by force. Why is that?

There are a number of arguments, which I would like to run through. One argument—and we have heard this several times in the course of this debate—is that the conflict in this case is illegal because it does not have appropriate legal backing. Australia, therefore—so the argument goes—cannot be involved in this conflict. That has already been dealt with comprehensively in the course of

this debate. The opinions of two senior government lawyers have been referred to already, and I think they have been tabled in the other place. I note also the opinion of Emeritus Professor D.W. Greig published in the *Canberra Times* on Monday of this week. He is an academic with a great deal of gravitas and his opinion deserves to be taken very seriously.

I note also the views of a number of lawyers, which were published in the *Australian* newspaper on Tuesday of this week. Under the heading 'A group of international lawyers: the case for a legal attack', these lawyers confront an earlier article in the *Age* and the *Sydney Morning Herald* by other lawyers which argued that there was no legal basis for Australia to take part in a US led invasion of Iraq. This later group of lawyers argued in the *Australian* that:

Much of the present debate on Iraq is premised on the assumption, shared by the authors of the joint letter, that the Security Council has not already authorised the use of force. An opposite and plausible case can and has been made on the basis of the wording of resolutions already adopted.

Resolution 1441 was carefully and deliberately framed in terms that could be read to permit the use of force. It was adopted under Chapter VII which allows the council to adopt mandatory action to deal with threats to the peace, breaches to the peace and acts of aggression.

The resolution says that Iraq remains "in breach of its material obligations" under previous Chapter VII resolutions, has a "final opportunity to comply" and failing compliance will "face serious consequences"—

This is actually in the resolution—

It explicitly recalls resolution 678 (1990), which authorised "all necessary means" to restore peace and security in the region and Resolution 687 (1991) which established the conditions for the cease-fire after the Gulf War.

By its terms, Resolution 1441 clearly viewed the use of force against Iraq not in isolation but rather as a continuation of measures taken in the wake of Saddam Hussein's illegal invasion of Kuwait.

They go on to say:

Furthermore, even if Resolution 1441 were not read to authorise military action, the use of force against Hussein's regime at this time would be

legally justified on the basis of the UN Charter and the right of individual and collective self-defence, realistically interpreted.

That article is authored by a number of lawyers, including solicitors, barristers, academic lawyers and two former attorneys-general—one Liberal and one Labor.

It is worth conceding, notwithstanding that difference and variety of legal opinion, that international law suffers many uncertainties. It does not have the certainty of domestic law: it is hard to point to precedents and it is hard, of course, to enforce international law. But to cite it, therefore, as a reason not to address a glaring international problem—a problem with enormous moral compulsion—is fraught with danger. That is what those opposite are doing in the course of this debate. I note and agree with the comments of Senator Greig earlier in this debate that to focus on legal arguments at the expense of moral arguments is a mistake. Legality and morality are potentially two very different things, and we should make sure that our actions are in accordance with what is morally correct before making sure that they are legally correct.

A further argument is that the action has not been endorsed by the United Nations. As a simple argument this is quite separate from the argument about legality—that it should be endorsed as some kind of prerequisite by the United Nations. I have already cited the views of those lawyers that I referred to earlier on this subject. I wonder, though, about the strength of the argument even in the mouths of those who put it forward on the other side of the chamber. The fact is that there are some in the antiwar camp for whom this argument is completely irrelevant. There are some for whom even a UN sanctioned war would be quite unacceptable. I assume, despite the apparent unanimity of those opposite in the course of this debate, that there were some of them at least in their own internal party caucuses arguing that any kind of war—UN sanctioned or otherwise—was unacceptable.

I am a supporter of the United Nations but I do not delegate to it the right to determine the morality of international conflicts. Of course it would be better if the United Na-

tions had backed this military action, if only for the message it would send to the regime in Baghdad. But we should remember that the United Nations is ultimately an instrument of governments and politicians. Its pronouncements deserve respect, but it is not the arbiter of morality any more than the pronouncements of politicians or governments here are such arbiters.

A further argument is that this is not our fight; this is not in our national interest; it is not in our region. That argument boils down to this: human rights outside this region carry less weight than ones closer to home. I reject that and I hope all senators when they think carefully about that argument reject it also. Human rights are most in need of defence where they are most under threat. It is hard to point to anywhere in the world at the present time where they are more under threat than in Iraq. The same argument could apply to our entry into World War II in 1939. After all, Poland and Czechoslovakia are much further away than even Iraq. Indeed there are many compelling comparisons between the appeasement movement of the 1930s and the antiwar camp in Australia today.

A further argument is put forward that there are alternatives to war. Of all the arguments, I think this is the most tenuous we have heard advanced. It goes like this: it will all be okay as long as we give Saddam one more chance. Give diplomacy a go—that is the argument that is put forward. I think that is naivety in the extreme. We have been giving diplomacy a go consistently for the last 12 years and it has proven to be utterly and completely fruitless. Of the 27 resolutions of the United Nations in 12 years only three could be said to have been complied with by the regime in Iraq. I have more respect for the argument that we can safely ignore the development of weapons of mass destruction by Iraq than the argument that they can somehow be removed by giving diplomacy a further go. Does anyone seriously believe that there would be any cooperation at all, even in terms of those three resolutions apparently complied with by Iraq, if today armed forces were not massed on Iraq's borders? You do not have to be particularly cynical to reach the view that

force is the only thing that Saddam Hussein understands.

For sheer inconsistency, nothing beats the position of those who argue for no war under any circumstances, those who rely heavily on emotive demonstrations of the horrendous effect of war. I know that there are some taking part in the demonstrations and the political debate at the moment in Australia who have not previously been politically active, but there are many who are long-term residents of the Australian Left. Why is this relevant? Because until this debate I have never detected a particularly strong vein of pacifism among the Australian Left.

I can recall being involved in debates over many years on matters such as human rights in El Salvador, Nicaragua, South Africa and Chile, to name just a few. I have heard activists in various places, particularly on campuses around Australia, rail against those evil regimes and urge action against them. When I heard these calls for action in Nicaragua, El Salvador and so forth I imagined that they were talking about military action—apparently not. So what did they want and what have the Left, in recent years at least, wanted Australia to do about human rights abuses in a variety of countries—generally countries with right wing governments—around the world? Intervene militarily? Apparently not, despite the fact that these people were noticeably silent in certain other military actions such as the Soviet invasion of Afghanistan. Impose sanctions? Apparently not, since the Left have strongly opposed the imposition of sanctions on Iraq, at least in recent days.

I have tried valiantly to distinguish the situation of sanctions imposed against South Africa somewhat earlier and the situation of sanctions imposed against Iraq. The only difference I can discern is that in the case of South Africa that government did not divert money for food and medicines into arms, which is exactly what Saddam Hussein has done. Presumably, if the South African government had behaved as Saddam is behaving now, the Australian Left would have argued for the sanctions against South Africa to be lifted. I do not think so.

Today the Left rallies around a popular issue, painting itself as an opponent of war, but I am, frankly, unconvinced. There is no doubt that, had Australia taken part in, for example, a multinational force years ago to end the regime of General Pinochet in Chile, the Left would have been there cheering the troops on the quayside. They are not opponents of war, they are merely opponents of this war—largely, I suspect, because the US is in favour of this war. If the brutal and corrupt regime of Saddam Hussein is not basis enough for international intervention, can there ever be such a basis? If the Saddam regime does not rank highly enough on the cruelty and oppression index of this world to take action against, then what regime does? What greater case can there be for Australia to end gross human rights abuses than the one that exists today and now against Saddam Hussein?

One of the great figures of the 20th century was Mahatma Gandhi. He preached a doctrine of non-violence. He had a powerful effect on the march towards Indian independence and his views were very influential in India but not particularly so outside that country, at least not during his lifetime. Why? The answer is that Gandhi was a contemporary of Adolf Hitler and it was very plain to people in the middle or first half of the 20th century that the doctrine of nonviolence espoused by Gandhi had very serious limitations in cases like Nazi Germany. The analogy I draw is this: the worst mistake we could make at this time in the 21st century would be to assume that state-sponsored thuggery in the model of the Nazis could not happen again. On the contrary, it seems that some leaders since Hitler—Pol Pot is one that springs to mind and Saddam Hussein is another—have refined and improved the model of state control through terror that Hitler pioneered. So the question remains today: given those circumstances, what should Australia do about this situation? I think we have a very clear obligation. We should oppose the existence and continuation of regimes such as this. We should oppose them with all our strength. I would be ashamed to say to a future generation of Australians that I was in a position to help bring about the end of a regime like this and

I failed to act. This motion, unamended, deserves the support of the Senate.

**Senator McLUCAS (Queensland)** (9.30 p.m.)—For any government, surely the decision to participate in a war is the single most significant decision it can make. Surely, too, it is a decision that is taken as an absolute last resort when all other avenues to achieve an outcome have been exhausted. It should be a decision that is made only with the support of the community that the government is purported to represent, and it should be made in the national interests of that community, in the interests of the defence of the nation itself or in the defence of others who are threatened. It follows that the decision to deploy troops should be made in concert with the global community, using principles of internationally accepted law. I say that these sensible and reasonable principles have not been met by Mr Howard. Mr Howard has taken a decision to send Australians into a war zone for the first time for this nation as an aggressor—on the basis of a phone call. The most significant decision a government can take has been taken because Mr Howard received a phone call from the President of the United States—and I say shame!

I move to the second principle and ask: has the decision to deploy troops been taken as a last resort? All the evidence would tell us that it has not. Mr Hans Blix and the United Nations weapons inspection team have, in every report made to the United Nations, stated that progress towards the destruction of weapons of mass destruction has been made. We know that 70 out of 120 al-Samoud missiles have been destroyed. We know that the weapons inspection process is working. Mr Howard is making much of the number of resolutions that have been adopted and the number of years that Iraq has been noncompliant. In the face of Mr Blix's reports, it follows that now is certainly not the time to deviate from a strategy that is delivering the results the international community is demanding—that is, the disarmament of Iraq. That is why Labor believes that diplomacy and the weapons inspectors should have been given every chance to succeed. But that now is not possible, and the losers are all of us: the people of Australia,

Britain and the United States—in fact the whole global community. But, most importantly, the losers are the innocent civilians of Iraq who now face the reality of the horror of war. In the face of the facts, however, our Prime Minister, the Prime Minister of Britain and the President of the United States studiously avoid the question: why now? The motivation for their decision is obviously elsewhere.

This decision has not been made as a last resort and the question still remains of when Mr Howard made his decision. Even up until yesterday morning Mr Howard continued the charade of saying that the decision to engage Australian troops in Iraq had not been made. Well, I am sorry, Mr Howard, but no-one actually believes you. Mr Howard has not been honest with the Australian people over the interestingly named 'predeployment' of troops. It was only when the President of the United States, Mr Bush, let slip that Australia was a member of the coalition of the willing that we here—we the citizens—knew that the deal had been done. It took a foreign leader to come clean with the Australian people.

This decision has not been made with the support of the Australian people. Mr Howard has said that Australians who do not agree with him—and he says that he knows that there are plenty—should take their anger out on him and his government and that Australian troops should not be targeted. To be frank, this is stating the bleeding obvious. Australians from all parts of the country have repeatedly said that they know and understand that the troops are simply doing their job, doing what the government of the day has directed them to do. To me his words are truly offensive. That Mr Howard would use these words to suggest that our community would act in such a way is to send a message that harassment of troops is occurring. That is like Mr Lindsay, the member for Herbert, when he beat up a story for his own personal political gain and to the detriment of the people of Townsville and Thuringowa.

The Australian people, like the Labor Party and like every senator and member in this place, irrespective of their political leanings, unconditionally support our troops.

It is not an issue. And Mr Howard, along with the members of the Liberal and National parties, needs to take care with his language and with the intentionally hidden intent. Words are powerful, especially in war. Words need to be chosen carefully to reflect the truth, especially in war. Mr Howard has, in many of his addresses, listed the many atrocities of Saddam Hussein. The President of the United States also used part of his recent address to graphically describe the horrors that have been perpetrated against the Iraqis. Senators Hill and Vanstone listed them again today in question time.

I say to the senators opposite: we know these horrors, and so do Australians. We know that Saddam Hussein must be disarmed. We know the atrocities that he has committed against his people. And we also know that this war will not deliver the outcome that we all desire. The repeating of the list of horrors does nothing to strengthen our collective desire for him to be disarmed, and so we need to ask: just what is the intention of the repeating of the list of horrors? I suggest that it is to justify and to legitimise the decision to go to war. It is an emotive attempt to gather greater support for the government's position. But it is not frank, it is not honest and surely it is not right. As I have said: words are powerful.

Mr Peter Lindsay, the member for Herbert, has had difficulty over the last few months finding the words to describe his view about the potential for, and now the reality of, this war. On 24 September 2002 on the ABC AM program the MP for Herbert, Mr Lindsay, said—and I ask you to listen carefully:

Make no mistake, these are extraordinarily dangerous times for the world and for Australia. If the US goes in there without a mandate from the United Nations it could well be that the influence and the power and the status of the United Nations will be damaged forever. Terrorism must not go unchallenged but, equally so, for a nation to just unilaterally decide to go in without proper reason or proper support from the United Nations, I think puts that nation in the same basket as the terrorists.

Mr Lindsay, I agree. Mr Lindsay was again reported, on 5 February 2003 in the *Australian Financial Review*, as saying that he re-

mained firmly opposed to unilateral action against Iraq. On Tuesday of this week—yesterday—he was reported as maintaining his stance that there should not be a war against Iraq without United Nations approval. He is quoted as saying:

I haven't changed my stance—there's some reason why that is the case.

Then he goes on:

I'm being mysterious, it will come clearer in the next couple of days.

And then there was the backflip today, when he advised his constituency that the UN mandate for war was in existence, according to him, through resolutions 678, 687 and 1441. These resolutions have been in place for months, and in some cases years, and today Mr Lindsay has finally found the wriggle room to call them a mandate. Yesterday he had no mandate and today he has. No, Mr Lindsay, it is not mysterious; it is political doublespeak. And politicians wonder why our constituents are angry. When they are treated like fools, they deserve to be angry.

Has the decision to deploy troops to a war in Iraq been made in the national interest, for the good of Australians? How will this decision affect the safety of Australians? The Prime Minister has attempted to link Saddam Hussein to the events of September 11 and to Bali, but he has presented no evidence and defence commentators worldwide have denigrated any suggestion that there is any link. But, worse, respected commentators have identified that a unilateral invasion of Iraq will increase the likelihood of Muslims—especially young and disaffected Muslims—being attracted to terrorist organisations. This is not only in the Middle East but also in other Muslim nations, including Indonesia. Like Australia, in Indonesia the church and the state are separate institutions. Indonesian leaders, for better or worse, have attempted to manage the Islamic fundamentalist elements in their country. Indonesia is an ethnically and culturally diverse country which has tried to balance—some will say with varying levels of success—these competing interests to achieve a level of peace.

But an attack on Iraq may well be used by Muslim fundamentalists in countries like



Indonesia to incite hatred and division, potentially destabilising our closest neighbour. This is not in the interests of our nation. Our first responsibility must be in our region. This is not selfish. We have played our part further afield when required. But surely, with nations in our region currently grappling with fundamentalism and fundamentalist groups as well as the rapidly unfolding events in North Korea, we have a responsibility in this part of the world. Lord Douglas Hurd, the former British conservative foreign secretary, asked:

Do we help or hinder this essential struggle against terrorism by attacking Iraq? ... Would we thus turn the Middle East into a set of friendly democratic capitalist societies ready to make peace with Israel, or into a region of sullen humiliation, a fertile and almost inexhaustible recruiting ground for further terrorists for whom Britain is a main target?

His concerns are for Britain. Mine are for Australia, and they are equally valid.

Australia has played a part in the international community for over 50 years through its association with the United Nations. As a nation we have benefited from this relationship, just as our involvement has benefited others. This longstanding connection has now been jeopardised, placing Australian interests outside the recognised international decision making structures. Maintaining the trust of many countries has now been put into question and, again, Australia will be the loser. We will no longer have the ability to be able to act as an even-handed player in diplomatic circles. The ramification of this decision in future international dealings was clearly not considered when Mr Howard obediently and subserviently responded to the phone call from Mr Bush.

The decision sets a dangerous precedent for future conflict management. Unilateralism has now been legitimised. What moral right will Australian representatives in international forums have to oppose future unilateral action? What ability will we have to advocate compliance with international law? I concur with the sentiments of Professor Margaret Reynolds, President of the United Nations Association of Australia.

**Senator Ian Macdonald**—Is this the ex-Labor senator?

**Senator McLUCAS**—It is; in fact, it is the ex-Labor and well-respected former senator from North Queensland. She said:

It is a very sad day for the people of Iraq but it is also a very depressing day for Australians who value respect for good governance, the rule of law and human rights.

Professor Reynolds can teach us much.

There has been, especially in Britain, condemnation of the French for their position on the invasion of Iraq. We have heard similar sentiments expressed here in the chamber today. Outrage has been expressed at the potential use of their veto at the United Nations Security Council. To this end, a few facts may be helpful. Since 1990, there have been 13 times when the veto has been used at the UN Security Council. Nine of these vetos have been employed by the United States, most of them in relation to Israel. Two have been exercised by the Russian Federation and two by China. It is simply not true to say that France has overexercised her veto power.

The case for this war has not been made. Mr Howard has not exhausted all other possibilities to deliver the disarmament of Iraq. He has taken this decision without the support of the Australian community and outside of Australia's national interest. He has jeopardised our nation's standing in the international community. This war is wrong. Our troops should be returned home, and the proper process within international law and through the United Nations should be pursued.

Finally, I take this opportunity to commend the selfless volunteers who have organised in their communities across the country to bring a greater public understanding of and attention to the potential for war. They are a mixed bunch, in many cases, proudly calling themselves 'the mob'. They come from all walks of life, from the left and the right of politics. They are young and old; they are women and men. A great many are parents, but some are not. I thank them for organising, for their drive to be precise and accurate in their language, for their expressions of support for the troops that have been

deployed, for their love of their country and for their recognition of the need for peace.

**Senator TIERNEY (New South Wales)** (9.47 p.m.)—I rise tonight to take part in this debate on the motion on Iraq. Last night on Sky News I watched Tony Blair, the Prime Minister of Great Britain, in the House of Commons putting down a very persuasive case for ending Saddam Hussein's evil regime in Iraq once and for all. Was anyone over on the other side of the chamber watching? You should have been. Here was the Labour Prime Minister of Great Britain showing real leadership of his party against opposition and standing his ground on a matter of great principle. Blair remonstrated with his wavering Labour colleagues that a failure to act would bring disastrous consequences for the world. He said:

But back away now from this confrontation and future conflicts will be infinitely worse and more devastating.

He continued:

To retreat now, I believe, would put at hazard all that we hold dearest. To turn the United Nations back into a talking shop; to stifle the first steps of progress in the middle east; to leave the Iraqi people to the mercy of events over which we would have relinquished all power to influence for the better ... This is not the time to falter.

I remind the chamber that I am quoting the Labour Prime Minister of Great Britain. He went on:

This is the time ... for this House ... to show that ... we will confront the tyrannies and dictatorships and terrorists who put our way of life at risk; to show, at the moment of decision, that we have the courage to do the right thing.

It is a great pity that our Labor opponents opposite do not follow the courageous leadership of Tony Blair, Labour Prime Minister of Great Britain.

The themes espoused by Tony Blair last night have often been taken up by our own Prime Minister. Mr Howard has said that we cannot walk away from the threat of Iraq's continued possession of weapons of mass destruction to our region and to the wider world. He maintains that the conviction of the government is to disarm Iraq and help bring about the long-term security of the world. Disarming Iraq is therefore manifestly

in the national interest of Australia. If all diplomatic efforts and the threat of military force come to nothing and Saddam Hussein is allowed to continue on his path, history will judge us very harshly—like we judge the appeasement of Hitler in the 1930s. If Saddam Hussein is allowed to survive in the new age of terrorism, the evil will spread like a cancer throughout time and space. History may see September 11 and Bali as just the first stage of a frightening new world where the use of terror and weapons of mass destruction becomes widespread.

Throughout human history there have been evil regimes and empires that have oppressed people, often for hundreds of years. After almost 25 years of suffering in Iraq under a cruel and evil dictator, we now have a unique opportunity in human history to rid the world of such a scourge. The Arab Baath Party has been in power since 1968 and Saddam Hussein has held the presidency since 1979. In this time, the Iraqi government has committed a vast number of crimes against the Iraqi people and others, using terror through various levels of police, military and intelligence agencies to control and intimidate large numbers of the Iraqi population. The two Iraqi groups that have suffered much of the abuse are the Kurds in the north and the Shiah populations in the south. Two decades of oppression of Iraq's Kurds and the Kurdish resistance culminated in the 1988 genocidal campaign with the use of chemical weapons against Kurdish civilians resulting in over 100,000 deaths. After the Gulf War ended in 1991, Iraq sent military tanks to shell and burn the villages of tens of thousands of Marsh Arabs who were subsequently forced to flee to Iran. The Iraqi military has also used chemical weapons in its war against Iran and committed serious human rights violations during its occupation of Kuwait.

In addition to abuses aimed at Kurds and Shiah Muslims under Saddam Hussein, the Iraqi people have suffered a consistent pattern of gross violations of internationally recognised human rights, including political imprisonment, torture and summary and arbitrary executions. A security network of informants has suppressed independent ci-

vilian institutions and terrorised the Iraqi population into silence. Torture techniques have included hangings, beatings, rapes and burning suspects alive. While thousands of political detainees have died under torture, a staggering number of 'disappearances', believed to range between 250,000 and 290,000, have taken place within Iraq.

Senator Vanstone spoke of human rights violations in this place this afternoon, and it is worth reiterating that Saddam Hussein's regime has been condemned by the United Nations Commission on Human Rights, Amnesty International and Human Rights Watch. Senator Vanstone drew attention to the treatment of women in Saddam Hussein's Iraq as outlined through international agency reports. She spoke of how Iraqi women have endured torture, murder, confinement, execution and banishment. The rape of women in Iraq is systematic. The decapitation of women and displaying their heads on the walls and doors of their houses is an ongoing activity of Saddam Hussein's sons. Senator Vanstone referred to Esra Naama from the Women for a Free Iraq who has described her experiences during the uprising of the first Gulf War when many women entered prisons when they were just 14 years old. She described how many women left those prisons years later, having had up to five children because of the rapes perpetrated against them.

After 25 years of brutality like this, does the opposition really and seriously believe that this is all going to end by diplomacy? Saddam Hussein continues to thumb his nose at all diplomatic efforts put his way. Speakers on the other side are naive enough to believe that if we only try diplomacy for another few months the Iraqi situation will be resolved. United Nations resolutions and diplomacy over 12 years have not worked. He has a quarter of a million troops massed on his doorstep, and that has not worked. President Bush's 48-hour ultimatum for Saddam Hussein and his sons to leave Iraq to prevent war seems not to have worked either. And so after 12 years of failed diplomatic effort it comes down to the last option to end Iraq's agony under Saddam Hussein and the wider threat that he poses.

The question has to be asked, and has been asked: is such a war with Iraq legal? Over the past couple of weeks international lawyers have vied to tell us that an attack on Iraq would breach international law. International lawyer Greg Hunt, our member for Flinders, has worked for the United Nations in Geneva chronicling abuses that occurred during the Bosnian conflict and he was Australia's chief electoral observer in Cambodia during the 1998 elections. He states that military conflict in Iraq will have the full legitimacy of international law. He states that there are three requirements if Security Council members, the United States, Britain and Spain, are to lead an international coalition to enforce the council's resolutions. Firstly, he states, there must be a clear duty on Iraq to comply with the council resolutions; secondly, there must be a clear and unequivocal breach of that duty; and, thirdly, there must be a legitimate and continuing authority for enforcing those actions. All three are present in the current Iraqi confrontation. Iraq's duty is to comply with international law, and it has been reaffirmed through 17 Security Council resolutions over 12 years.

After Desert Storm forced Iraq from Kuwait, the conditions of the cease-fire were that Iraq had to destroy all its chemical and biological weapons. Iraq was, and still is, in material breach of this condition, and its duty to disarm has been continuing and absolute since then. The Security Council has repeatedly found Iraq to be in breach of its obligations and has authorised the use of force on many occasions. For more than a decade Saddam Hussein has been under express United Nations Security Council duty to terminate his chemical and biological weapons programs. He has refused to do so. We should not forget the fact that Saddam Hussein runs one of the most oppressive regimes remaining in the world. Because of these circumstances and Saddam Hussein's unwillingness to accept any diplomatic resolutions, there is a clear legitimacy for enforcement of Security Council resolutions by a coalition comprising more than 30 countries led by three members of the Security Council.

No-one would disagree that since September 11 we live in a very different world. The danger we face is from terrorist movements whose actions are unpredictable and we cannot ignore that countries like the United States and Australia could face possible attack. We cannot ignore the fundamental reality that there is a danger to world security. Rogue states possessing weapons of mass destruction need to be disarmed. Our Prime Minister has said that he believes that the disarmament of Iraq is in the interests not only of world security but also of the security of Australia. I quote the Prime Minister:

The Liberal and National parties believe that if Iraq is allowed to retain her chemical and biological weapons, there is not only the possibility that they may be used against a neighbouring country but that other countries will believe that they can also obtain those weapons.

We will consistently argue this case and, like the Prime Minister, I believe we have a better chance of achieving peace by getting behind the resolution presented by the United Kingdom, the United States and Spain.

**Senator WONG (South Australia)** (9.59 p.m.)—We stand here tonight on the eve of this country going to war, and I wish to place on record that I am appalled that this government has taken this decision at this time. It is a decision that flies in the face of logic, that is against the wishes of the vast majority of the international community and is a reckless decision. It is not in Australia's national interests. I will return to this issue shortly. First, I want to speak tonight about the Iraqi people. They are a people who have suffered much, not only from the documented repressive brutality of the Iraqi regime but also from the destruction that was wreaked by past wars, including the Gulf War, and by the sanctions imposed against them. Think tonight of the Iraqi people and what lies ahead for them.

It is interesting that, over the last few hours and days, the government rhetoric has moved away from disarmament towards regime change. One has to ask: why is this the case? Perhaps it is because there is too much evidence that the UN disarmament was achieving outcomes that they must now turn to the issue of human rights abuses. This new

found concern of the government for human rights abuses perpetrated by Hussein's regime, frankly, is nothing short of nauseating. For senators on the other side of the chamber to sit there and lecture us on the suffering of the Iraqi people and use that as a justification for going to war with them is simply beyond logic.

We have read press reports in the last days of US military plans for the war against Iraq. There have been reports of a tactic known as 'shock and awe'. 'Shock and awe' is a reference to a bombing strategy that may involve the unleashing of 3,000 missiles over a two-day period. This has been estimated in the press as being 10 times the bombing which occurred during the first days of the Gulf War. Does anyone in this chamber truly believe that civilians will not be harmed in such an assault? I ask those opposite: how can you rely on past atrocities to justify this sort of military action, which will inevitably involve civilian casualties? A regime's past atrocities cannot of themselves justify going to war against its people—the very people whom we say we wish to save. Saving does not mean bombing.

Australia is a democratic and free nation, and we should always work to bring about a better world. We should work to alleviate poverty, to build respect for human rights and for the dignity of the individual, and to foster real democracy in countries where there is none. But we should also remember the physician's maxim, 'First do no harm.' Belatedly and selectively, this government is arguing that we should bomb Iraq on the basis of its human rights abuses. It is an argument for international humanitarian intervention. If those of you on the other side seek to argue this doctrine, surely your first premise ought to be that you seek to better the lives of those who live under the yoke of oppression. Bombing them is hardly betterment.

You also ought to be consistent about this. I do not recall you calling for the invasion of Iraq in 1988 when news of the Kurdish massacre reached us. Do you propose to invade Zimbabwe or any of the other regimes that perpetrate human rights abuses on their peoples? Did you support sanctions against

South Africa when it was under an apartheid regime, the human rights abuses of which are well documented? You did not. This Prime Minister, who is arguing now—on the basis, amongst other things, of human rights abuses by the Iraqi regime—for our participation in a war against the Iraqi people, in 1986 opposed sanctions against the South African apartheid regime. The hypocrisy is nauseating. If humanitarian imperatives are your motives, where is the government's plan for a postwar Iraq? What is your policy for rebuilding this country after you supposedly liberate it? Where is your plan for reconstruction? We have heard little or nothing on these issues.

A second primary justification the government uses for participating in this war is that it is in Australia's interests because of the terrorist threat. As I understand it, the argument is that Iraq will supply weapons of mass destruction to terrorists. This war on terror is a very useful thing. It can justify many things without much scrutiny. The fact is—and the government knows this—that there is no credible evidence of a link between al-Qaeda and Iraq, no credible evidence of a link between Iraq and the attacks of September 11 and no credible evidence of any link between Iraq and the attacks in Bali. You do not need to take my word for it.

**Senator McGauran**—We won't.

**Senator WONG**—I am sure you won't. I am quoting from—as Kevin Rudd called it—that great ALP bastion, the CIA. The CIA, through its director, George Tenet, said in a letter to the Foreign Intelligence Committee of the United States Senate on 9 October 2002 that, at present, the likelihood of Iraq providing weapons of mass destruction to terrorist organisations was remote. That is the CIA's own advice. Obviously, it is not good enough for this government, which seeks to draw some link between the war on terror and this brutal regime of Saddam Hussein as a justification for going to war as part of a coalition of three countries, without the sanction of the United Nations.

I say suspicion is not enough. To justify going to war we need more than suspicion. What sort of world would we live in if suspicion alone was justification for participation

in unilateral military action outside the auspices of the UN? It is not a particularly stable or peaceful prospect. Before we participate in a war, we must be able to justify it, and we must do that because we are a civilised and democratic country. We do not go to war except in the most extreme circumstances. We are a country that is slow to take up arms—and that is as it should be.

So what are we doing tomorrow? Tomorrow, Australian forces will participate, presumably, in an attack against another country. They will do so without the support of the international community through the United Nations and without cogent evidence to demonstrate that Iraq presents a real and present danger to Australia's security. This is not a game. We cannot simply apply a precautionary approach: 'Let's attack him just in case he is a threat.' Our standards of democracy as a civilised and free country require more than this. Australia only goes to war if we can demonstrate real and present danger to our security and if there are no other options. Neither of these tests has been met. This action is disproportionate to the threat. So why are we going? We appear to be going because we are blindly following the United States.

If we want to know about Australian government policy on Iraq, we need only to listen to the person who writes it, President Bush, who last month told us that Australia was indeed part of the coalition of the willing. This is not an attack on the American alliance, but an alliance does not mean we simply follow a president who acts contrary to the views of the United Nations and the international community. Those across the chamber ought be reminded of article I of the ANZUS alliance, which has been much discussed in these last hours in the Senate and requires us to resolve international conflict through the United Nations. We have not done that. Where does the government's decision leave the ANZUS alliance when its first article has been abandoned? The United Nations should have been allowed to continue its work. Yes, it was slow and painstaking, but the reports from Dr Blix and El-Baradei did report substantial progress—

**Senator Ian Macdonald**—Twelve years is a long time.

**Senator WONG**—I did not hear you 12 years ago calling for the invasion; I did not hear you in 1988 calling for an invasion. You are calling for it now because it suits you to do so and because President Bush demands that we participate in the coalition of the willing. That is the reality of your position.

**Senator Ian Macdonald**—Do you think we should give them another 12 years?

**The ACTING DEPUTY PRESIDENT (Senator Cook)**—Order! Senator Wong, would you please address your remarks to the chair?

**Senator WONG**—I will do so, Mr Acting Deputy President. I want to turn to two issues—terrorism and hatred. The tragic reality is that this war against Iraq is being used as a surrogate for the war on terror. We cannot get to Osama bin Laden, so we will get Saddam instead. Unfortunately, the Iraqi people are in the way. The war on terror is not, of itself, a justification for a war on Iraq. Surely there are two things that we learnt from September 11 and Bali. The first is the preciousness of human life and the second is that hatred is the greatest weapon of all. What do we think our participation in this war—as one of only three nations—will do, without the support of the international community through the United Nations? What do you think it will do to our relations with our region? What will it do to our international standing and how will it be seen by the Muslim world? What fertile ground will it supply the fundamentalists around the world to recruit people to their cause? It is a war that is guaranteed to sow seeds of hatred, not of peace.

One thing we learnt from September 11 and Bali—if we did not already know this—is the preciousness of human life. Those of us who lost family, friends or colleagues in those attacks do not need that explained. Perhaps though, we should take a moment to ask ourselves about the preciousness of the lives of the people we do not know, people on the other side of the world—mothers and fathers, brothers and sisters who work, like the rest of us, to make a life for themselves.

Does it matter to us that they are people just like us who happen to live in Iraq? Do we really help them by bombing them? Do we really free them by killing them?

I close by briefly making mention of our troops. My argument and the Labor Party's argument is with this government, not with our troops. Our troops have the support of the Labor Party, even if we cannot agree with the decision that has been made to send them. Our thoughts are with them and their families, as are our prayers for their safe return home.

**Senator WEBBER (Western Australia)** (10.11 p.m.)—Why, of course the people do not want war. But, after all, it is the leaders of the country who determine the policy and it is always a simple matter to drag the people along, whether it is a democracy or a fascist dictatorship, a parliament or a communist dictatorship. Voice or no voice, the people can always be brought to the bidding of the leaders. That is easy. All you have to do is tell them they are being attacked and denounce the pacifists for lack of patriotism and exposing the country to danger. It works the same way in any country. So said Hermann Goering in 1946. These words truly demonstrate the fraud that has been perpetrated on the Australian people. These words, spoken by one of the Nazi puppet masters during the Nuremberg trials, resonate strongly in 2003.

We have been strung along for over a year. We have been told that the Prime Minister would not answer hypothetical questions in the lead-up to this war. We were told that there were links between Iraq and al-Qaeda. We were told that this was in our national interest. We have been told that we are a target, as is any Western country. We were told that there were weapons of mass destruction. No-one can find them, but the US and Britain know where they are.

Just look at the ridiculous places these weapons were claimed to be stored, each one more ridiculous than the last. The silliest of course was that they were floating around the oceans on merchant ships. How could that be? The US Navy, with over six carrier battle groups around Iraq, could not actually find them, but these weapons exist. And then the

Prime Minister had to link it to Bali and claim afterwards that he was misquoted. These examples of course are, in Goering's words, 'Tell them they are being attacked.' To support his other argument—that being 'denounce the pacifists for lack of patriotism and exposing the country to danger'—those who are against the war have been accused of being un-Australian. We were called a mob. We are ridiculed for being anti-American. Therefore, apparently, we must be pro-Saddam. We must support that terrible regime if we are against the war. We are hippies, peaceniks and, most despicably, traitors and treasonous. Our opposition to the war is thrown in our face just like Goering suggested it would be.

Our leaders, the Australian cabinet, and the members of the Liberal and National parties will all have to accept responsibility for this war. There will be no hiding from this decision. You have brought it to the Australian people in your unthinking subservience to the wishes of the President of the United States. We did not ask for it, nor do we accept it. And yet again, the master of the wedge, the Prime Minister, got his licks in earlier this week. He invoked our fellow Australians in the Defence Force. He intends to hide behind the need to support our troops when they are under threat of their lives and wellbeing, to mute criticism of this war—the code being, 'If you don't support the war, you don't support our troops.' I reject this completely for the fraud that it is.

Let us not criticise our brave fellow Australians who are over there doing their job and, by default, let us not criticise the war or those who are determined upon it, apparently. No-one in this place intends to criticise our armed forces for doing what they are being made to do, but that will not mute our criticism of the Prime Minister, the cabinet or the members of this government. There will be no place to hide from this decision. You collectively made it and you can wear the consequences. There is a very simple reason why we will not support this war—that being the need for long-term peace. Peace is not simply the absence of war. Peace is a positive condition, the rule of law. What this war does is to replace the rule of

law—that being international cooperation—with the law of the strongest. The strongest in our world means the US. The US can do whatever it wants to because it is the only superpower.

I look at this world and I have come to understand that it did indeed change on 11 September 2001. Immediately after that terrible event there was almost universal support for whatever action the United States chose to take to prosecute the war on terror. But how is it possible that such support can evaporate so quickly? It is possible, and has indeed come to pass, because the American President has chosen to ignore the rule of international cooperation and to replace it with the rule of pre-emption. Wherever and whenever he chooses to act, he will, and the price of that approach is increasing worldwide opposition to his administration. Just because you are the only superpower does not mean that every other sovereign nation in the world is going to go along with you.

Of course, in this country we have been one of the strongest supporters of this rule of pre-emption. This government has determined that, like much of the 20th century when Australia's foreign policy was based on support for the British, in the 21st century it will be based on support for America. 'Poor fellow my country' indeed when our own liberty as a nation is squandered on the altar of the American rule of pre-emption. What is going to be our approach to issues that directly affect our national interest and do not concern the Americans? What international framework will we be able to apply when we choose to follow the Americans now, when they choose to disregard it? The rule of international cooperation is not something that can be sacrificed lightly. As with so much else that this government does, we are living under the selective application of principle. If we want to be part of the international community, a community united by the UN framework, then we cannot opt in or opt out on an issue by issue basis.

Personally, I am not surprised by the actions of this government. This government has attacked the United Nations continuously over the last seven years. Any time the United Nations does something that is criti-



cal of Australia then it is ridiculed. Why then should this be any different? Those of us on this side of the chamber are strong supporters of the United Nations. Australia played a leading role in much of the early work of the UN, and it is with deep regret that we are now undoing much of it. There are some who think that, if this war is over quickly, the Prime Minister and the President will be able to trumpet their success and run an argument that they were right and we were wrong. Let us be clear on this matter: the Australian people will not accept such an attempt. Just because it may be over quickly and just because our side wins does not make it right. Any move in this direction will not work, because the Australian people are not that stupid. There will be no winners in this war. The reality is that there never are. War is always the worst option. It is important that I conclude with the words of a serving soldier. When reflecting on war, William Sherman said:

It is only those who have neither fired a shot nor heard the shrieks and groans of the wounded who cry aloud for blood, more vengeance, more desolation. War is hell.

If for one minute you think that a short war will allow you to argue that you are right, you are all sadly mistaken.

**Senator KEMP (Victoria—Minister for the Arts and Sport)** (10.20 p.m.)—I rise to speak on this extremely important issue—one, I believe, which goes to the very heart of Australia's national interest. As the Prime Minister expressed so powerfully, there is probably no decision more difficult than that which a government takes when it makes a decision to send young men and young women to war. It is a complex and difficult issue, but the problem with complex and difficult issues is that in the end decisions have to be made. They cannot be ducked. They cannot be wrapped up in a series of clichés in the hope that somehow we can avoid the essence of the massive problem that the world is now facing.

I mentioned glib clichés, which tend to flow out sometimes in these debates. Senator Webber, who has just left the chamber, said that there are no winners in war. Tell that to the servicemen of World War II. What sort of

world would it be if Japan and Germany had been allowed to have their say on the future of the way the world conducted its affairs? That is the nonsense that is often spoken. The fact that, as I said, it is an extremely difficult and complex issue—and I accept that people of goodwill will differ—does not allow us to avoid in the end having choices. It is interesting that the Labor Party has said this time that public opinion is not with the government. We shall wait and see. The issues are now being explained in detail to the public, and the debate has reached a high level of intensity. We will see in the end where public opinion lies.

It is a strange argument for the Labor Party to run. This government has won public opinion at three separate elections; it has obtained mandates for its policies at three separate elections. After those three separate elections the Labor Party in this Senate has attempted to frustrate the votes of the Australian people. I think the performance of the Labor Party on this issue has been appalling. Every effort has been made to score cheap political points. Every effort has been made to wring out some narrow domestic advantage on this issue. There has been a tradition in this country, which has been observed more often than not, that we try to keep foreign policy issues out of narrow domestic politics.

**Senator Sherry**—Like Vietnam?

**Senator KEMP**—The reason we do this, Senator, is that we do not want to give aid and comfort to this country's critics. I accept there will be times when the issues are so great that these differences will break out, but I believe it is something that an opposition party should do with caution. If you look at the performances of Mr Simon Crean, of Mr Rudd, of the Mark Lathams and others of this world, you will see that every effort has been made to wring out some narrow domestic advantage on what is an enormously serious issue.

It is interesting to note two speeches that have been made in the last 48 hours—the first by Mr Simon Crean, the Labor Party Leader of the Opposition; the second by Mr Tony Blair, the Labour Party Prime Minister of the United Kingdom. Both these men are

faced with serious dilemmas in their own parties. Make no mistake: the Labor Party is bitterly divided over this issue in both countries. But how different the leadership of Mr Simon Crean, Labor Party leader in Australia, has been from that of Mr Tony Blair, Labour leader in the United Kingdom. What different positions they have adopted and how different their speeches have been.

It is interesting to compare some of those speeches. Mr Simon Crean said, for example, that he 'fails to recognise the connection between Iraq's possession of weapons of mass destruction and terrorism.' In his speech he said that the Prime Minister had 'failed to make the case for war and failed to establish the link between Iraq and terrorism.' That is what the Labor leader in Australia said. The Labour leader in the United Kingdom said in the House of Commons of the United Kingdom:

And these two threats—

that is, terrorism and weapons of mass destruction—

have different motives and different origins but they share one basic common view: they detest the freedom, democracy and tolerance that are the hallmarks of our way of life.

... ..

And the possibility of the two coming together—of terrorist groups in possession of WMD, even of a so-called dirty radiological bomb is now, in my judgement, a real and present danger.

The failure by Mr Simon Crean to give any weight to this connection, I believe, could have catastrophic effects for our people. He ignores what essentially goes to the heart of Australia's national and security interests. He ignores the obvious risk to peace. Let me contrast two other interesting quotes from these two Labor leaders. Mr Simon Crean asked, 'Why don't we acknowledge the progress being made in the United Nations? Why don't we acknowledge that the UN Security Council is capable of achieving a unanimous decision?' But Mr Tony Blair, the Labour Prime Minister, said:

Just consider the position we are asked to adopt. Those on the Security Council opposed to us say they want Saddam to disarm but will not countenance any new Resolution that authorises force in the event of non-compliance.

Simon Crean said yesterday:

I do not believe the argument is whether this is legal or not legal; it is just that it is wrong. It is wrong to go to war in these circumstances.

Clearly, Mr Simon Crean does not have the foresight of the British Labour Prime Minister, Mr Tony Blair, who stated in his parliament:

This is not the time to falter. ... but ... to show that we will stand up for what we know to be right, to show that we will confront the tyrannies and dictatorships and terrorists who put our way of life at risk, to show at the moment of decision that we have the courage to do the right thing.

Yet what is the situation? Mr Tony Blair is faced with dissension in his own party, but he dealt with that; he showed leadership. I believe that history will judge Tony Blair very favourably for the courage he has shown. But what has happened in the Australian Labor Party? How tired I have become of Labor Party senators standing up and saying, 'We have had a consistent policy on this issue.' The word went out from the caucus, 'Everyone's got to get out of this parliament and say that we've had a consistent policy on this issue.' I can see Labor Party senators smiling because they know that I am right. But the fact is that they have chopped and changed on this issue as Simon Crean and the Labor Left have tested the wind and tested public opinion. At one moment they said, 'We believe it should have gone to the UN. But if there is a veto we will look at what is behind that veto.' Then, against the wishes of Mr Rudd and against the wishes of the Labor Party Right, Senator Stephen Conroy, the position was changed. Under no circumstances would the Labor Party support any action that did not have the endorsement of the United Nations.

There is a difference, of course, between the Australian Labor Party and the British Labour Party. In this country, the Labor Party Right were rolled—and comprehensively rolled. They understand that, in order for Mr Simon Crean to shore up his failing leadership, he had to pander to the Left in his party. To his undying shame, that is precisely what Mr Simon Crean has done. How stark is the contrast between Mr Simon Crean and Mr Tony Blair, two Labor leaders speaking

about the same issue within 24 hours of each other and dealing with precisely the same problem facing the world. How stark is the contrast between the leadership they have shown.

If you listen to the Labor Party speakers on this issue, the great Satans in this debate are apparently Mr John Howard and President George Bush. How rarely have they mentioned Saddam Hussein. How rarely have Labor Party speakers spoken at any length about the monstrous evil that this man has wreaked upon his country and the wider world. Add up the number of words that Labor senators have spoken about the evils of George Bush. Add up the number of words that they have said about the evils of Saddam Hussein. There is a fellow yawning in the gallery because I am mentioning Saddam Hussein. I am mentioning the bloke who has wreaked monstrous evil on this world. Four million of the 20 million people of Iraq have fled that country because of the deprivations of Saddam Hussein. We have a country that in 1978 was more prosperous than Portugal or Malaysia. Now it is a country whose people's lives are wrecked through an utterly impoverished state. We have a country that is led by a person who has indulged in monstrous evil, torture and imprisonment of his people. Do you think some Labor Party speakers could deal with that issue? Do you think some Labor Party speakers could actually deal with the fundamental evil that we are facing in this world? I invite the public to listen precisely to what Labor Party speakers say. No, the great evil in this world is not Saddam Hussein. According to the Labor Party; it is George Bush and John Howard. How sick is the Australian Labor Party.

When you read Tony Blair's speech and you read about the torture Saddam Hussein has inflicted on his own people, you wonder at the balance and the judgment that Labor Party senators are bringing to this issue. I exclude from that the members of the Labor Party Right, but I wish they showed the courage, to be quite frank, to stand up and make their views known. Tony Blair, in his speech, was not scared to speak about Saddam Hussein. That did not worry him at all, because he was focusing on the major evil.

He said that the brutality of the repression, the death and torture camps, the barbaric prisons for political opponents and the routine beatings for anyone who is suspected of disloyalty, or whose family is suspected of disloyalty, are well documented. And listen to this, Mr Acting Deputy President: just last week someone accused of slandering Saddam was tied to a lamppost in a street in Baghdad, his tongue cut out, mutilated and left to bleed as a warning to others. That is the monstrous evil that we are dealing with, and it seems to me that there is one Labor leader who understands that. There is one Labor leader who, despite the problems in his own party and despite what he perceives as public opinion in the UK, is prepared to take a lead and to focus on the major issue that is confronting the world. We have a Labor leader in this country, Mr Simon Crean, who has gone MIA—missing in action. I believe that he will be judged harshly.

There have been a number of occasions in this country when the Labor Party has gone missing in action on the big issues, not the least of them being when the Labor Party opposed the Federation of Australia. In the First World War, the Labor Party split because it could not deal with the issues that it was facing. In the Depression, a massive issue that faced this country, the Labor Party split again. We can ask: where was the Labor Party on the issue of the Cold War? They split again. Now we are facing another difficult issue, and where is the Labor Party? Where is the leadership of this party? Where is the leadership of these senators who are standing up and who are too prissy to mention the words 'Saddam Hussein' or the torture inflicted by this man?

It was very instructive to listen to the answer that Senator Vanstone gave in question time today. Senator Vanstone drew the Labor Party's attention to the torture that has been inflicted on women in Iraq. What would you have expected Labor Party senators, particularly the women, to do? You would have expected them to listen to Senator Vanstone, who was quoting facts. What they did was interject, yell and interrupt. Somehow, Senator Vanstone was doing a terrible thing in pointing out to the public and to this par-

liament the shocking effects of the regime of Saddam Hussein and the prison practices which he allows to take place in his country.

We are facing an issue of fundamental importance to this world. Where would the UN be if nothing were done? Where is the UN now? The Labor Party says, 'If the UN does it, it is all right.' Surely, an issue is right because of the moral imperative that it has and not because it is endorsed by the UN. As a consequence, we now have the absurd position that Mr Crean has put the Labor Party in. Apparently, if the UN endorsed this it would all be all right. But, apparently, it is not all right. It has nothing to do with the moral issue that is involved here, Senator Cook.

Then, of course, Mr Crean has asked whether the Prime Minister would bring the troops home. Apparently, Mr Simon Crean said that he would bring the troops home. Should the other troops remain in place? Should the British troops and the American troops remain in place? According to the Labor Party, as far as I understand it, they should. And they should wait around for months and months while Saddam Hussein leads the world on. After 12 years, this man has failed to carry out the resolutions of the United Nations. After 12 years! And the Labor Party still want us to give this man more time. More time to do what? More time to fool the world? More time to create weapons of mass destruction? More time to inflict terror on his people? I accept, as I said at the start of this speech, that this is a difficult issue and I accept that there will be people that will not agree with the position that I have put. But I have to say that one would have expected a more serious and considered contribution from the Labor Party than the mindless attacks on Americans, the mindless attacks on President Bush, and the pathetic attacks on the Prime Minister.

It is difficult, because the Labor Party, I believe, is hopelessly divided on this issue. It will be interesting to hear people like Senator Conroy, Senator Ray and Senator Ludwig, who has already revealed his hand—and it was predictable from you, Senator. Senator Forshaw has to make his speech. These are big issues. I notice that the last speakers in

this debate are practically all members of the Labor Right. They include Senator Bishop, Senator Collins, Senator Conroy, Senator Ray and Senator Forshaw. They are all about to speak last. How loathe they are to come into this chamber. (*Time expired*)

**Senator MOORE (Queensland)** (10.40 p.m.)—When I left this place yesterday, I was surprised by the fact that nothing outside had physically changed. It was an extremely beautiful evening with a stunning full moon and it was intensely peaceful. This environment contrasted greatly with the ongoing debate in this place. We had just been told by our Prime Minister that he had committed our country to war—to an invasion of another country. We had heard explanations for this decision, based on the horrific human rights record of Iraq. Government senators listed terrible human rights crimes and atrocities from Iraq. The message to us was that we must go to war; there was no alternative.

Somehow, the debate about war was clinical, noble and strategic while the activity of the Iraq government was evil and bloodthirsty. The message for us in this debate—which the Prime Minister agreed we must have, and in a period when reason would be made plain—was that the time was up and we needed to take action. However, what is the purpose of this debate, this opportunity to have our say? The decision has already been made. It has been announced here and to the world at exactly the same time. What do I say to the people from all over the country who demand in their letters and emails to me that I, as an elected representative, do 'all in my power to change this decision'?

The Prime Minister, in his flurry of media statements, has 'promised to spend all of his waking hours explaining to Australians his decision to commit our troops to Iraq'. He has admitted that there are many people that do not agree with his decision. He feels secure that he has the full support of the members of his government and, listening to the speeches here and media comments, he certainly has that support, and the government line is tight and secure. It is not only his waking hours, but also those of the whole government, which have spread the story

about protection from terror, national security and the evils of Saddam.

While we have heard this message, we do not accept it. We do not agree that we will learn to accept the government's position. We do not agree that our belief that this decision is wrong shows any weakness of intellect, lack of patriotism, nostalgic allegiance to anti-Vietnam days, disloyalty to our country or lack of support for our troops and their families. This communication process, promoted by the Prime Minister, seems to be only one-way. The fear, anger and helplessness of Australians opposed to this war are not being acknowledged by their government. The outpouring of community protest, where people made a clear choice to gather publicly with a simple message of 'no war', has not been acknowledged.

Sometimes the protests are almost apologetic. People need to explain that they have never contacted a politician before, or that they are really quite hard-working Australians who want to express an opinion which is in disagreement with their government. The myth that only agitators or political activists take part in protests is still alive and encouraged in some parts of the community. The recent peace marches, letter campaigns and candlelight vigils have provided the opportunity for people—now, in 2003—to express an opinion publicly and to attempt to influence their government. Unfortunately, we have seen that heartfelt messages have not been valued and that there has been an outrageous attempt to dismiss the honesty, motivation and intelligence of protesters.

The Prime Minister has described the crowds as 'the mob', and attempted to label the protesters as misguided or uninformed whilst, naturally enough, acknowledging their right to protest. Others have been much more direct in their attacks and have used dated stereotypes to describe anyone with an alternative opinion. The people in Mount Isa organising a peace rally, the marches at Noosa Heads, the amazing crowds in Brisbane and the family at Woorim—who intend to sit quietly on their verandah and meditate so that in spirit they can join with all the other vigils in wishing for peace—all have a common goal. They have a message for the

Prime Minister: they have heard him, they have heard George Bush, they have heard Tony Blair, and they are not convinced.

The real problem is an overwhelming sense of inevitability. We have been manoeuvred into a sense that we are powerless. Last week, even before the Prime Minister publicly announced his decision to formally support the US invasion of Iraq, on local radio in Brisbane there was a discussion about the public response to the issue. After the high-profile activity surrounding the public peace marches there was a reduction in public comment. Was it because people did not care or had they been diverted by other events? After all, the football season had started. No, there was just an awful feeling of inevitability. We had not been convinced that predeployment meant anything other than preparation for action. The massive coverage of troop farewells and grieving families, with stirring national music, was all reinforced in the media by visions of troop activity in the deserts around Iraq. All the media was talking about the war, how it would operate and who would be involved. Commercial media outlets are competing for the title of 'Your voice in Iraq' and 'You'll get your news from the front'.

We have been bombarded by patriotism. There is a culture of this being a righteous war to protect and to free, that we are part of a coalition of the willing and that we are in partnership with our traditional ally, the USA. We have heard the terms 'treason', 'appeasement' and 'apologist for Saddam'. There has been a genuine effort to marginalise protest. It has not been an effort to repress or bully protesters into submission; rather it has been a much more shameful attack on dissent—an attempt to outmoralise, preach and take some high ground of conscience. Against the people who support peace there has been an allegation made that we are supporters of Saddam Hussein and that we support human rights abuses inflicted on the Iraqi people. Those are the same human rights abuses that, tragically, have been happening for years without any demand for military action by any coalition of any willing.

It is an international shame that human rights are being abused in Iraq, as indeed it is an international shame that human rights are being abused in many parts of the world. Amnesty International, Human Rights Watch and the UN maintain a shame list and call on all nations to work together to identify and address these issues. Unfortunately, this is not peculiar to Iraq, and no meticulous listing in this place of horrors can justify the invasion of their country and the inevitable horrors of war. The Prime Minister referred to putting 'human suffering into the balance' of the equation. Any such equation degenerates into a macabre contest between the outrage of government behaviour in Iraq and the impact of war. The media coverage, complete with graphics and statistics, describes the effects of a short war based on 'shock and awe' as contrasted with a drawn-out battle in the streets of the cities. In both scenarios there are victims, because there is no such thing as a victimless war.

As we farewell our troops and wish them well, we know that there will be casualties. As we watch the media coverage of Iraqi civilians and soldiers—people like us, who have different views and opinions and different levels of support for their government—we know that there will be casualties. The horrific pictures of the victims of the 1991 war, the gas attacks on civilians and the victims of Saddam Hussein sanctioned human rights attacks have one common element: people. The human suffering in the Prime Minister's equation does not differentiate the cause of the suffering. War kills and maims regardless of its justifications. It defies belief that human rights can be protected or sanctified by war.

I want to quote a young peace activist writing to her family from the horrors of another war—the war zone of the Gaza Strip:

... I'm witnessing this chronic, insidious genocide and I'm really scared, and questioning my fundamental belief in the goodness of human nature. This has to stop. I think it is a good idea for us all to drop everything and devote our lives to making this stop. I don't think it's an extremist thing to do anymore. I still really want to dance around to Pat Benatar and have boyfriends and make comics for my coworkers. But I also want this to stop. Disbelief and horror is what I feel. Disappointment. I

am disappointed that this is the base reality of our world and that we, in fact, participate in it. This is not at all what I asked for when I came into this world. This is not at all what the people here asked for when they came into this world ... I did not mean that I was coming into a world where I could live a comfortable life and possibly, with no effort at all, exist in complete unawareness of my participation in genocide.

This quote came from a young woman called Rachel Corrie, who became a victim of that war. She understood while she was there—and also, to our shame and sorrow, after she is gone—that there is no such thing as a victimless war.

The Australian Labor Party supports the United Nations' efforts. There is a long-standing history of our nation being an active participant in the UN. Whilst there is no argument that there are problems in that organisation, we are committed to our role as a member state and to the objective of nations working together to achieve peace. Until this week, our Prime Minister publicly shared this position. Australia has now joined the United States and the United Kingdom—subject to a vote in that parliament—in walking away from the UN and supporting unilateral action against Iraq. This decision, already taken by the Prime Minister, is without the full support of the Australian people. While the Prime Minister and his government continue to tell us why he has committed to war, he needs to also tell us why they have taken action without United Nations sanction. He has said that he is 'extremely disappointed' that the UN did not show the necessary resolve to support war. We remain extremely disappointed that, as a country, necessary resolve seems to indicate a necessary war.

Margaret Reynolds, a former senator for Queensland and now the National President of the United Nations Association of Australia, has urged all Australians not to give up in demanding a say in Australia's future and that it is important that we continue to advocate peaceful resolution of conflict. I hear this message and the messages from the many people across the country who have been involved in peace action. Despite my personal frustration at this meaningless process of a debate without real process, because

the decision has already been made, and despite the catastrophe of war, the government process continues and the people of Iraq need all our support in the future.

The Prime Minister has stated that the government is committed to helping the people of Iraq in the future and to building a new Iraq. This must be the critical message for now. This government must ensure that appropriate resources are provided to assist the people in postwar Iraq, be it the fast war sought by the coalition of the willing or the drawn-out problems feared by us all. This will provide some real options for us to operate as a government rather than just a speaking platform. There must be the form of support to respond to the horror caused by the war—the necessary war; this necessary war—and the genuine willing need to sign up for the duration rather than just the shock and the awe.

This week a group of women gathered in the public area of this place to share their protest and their voices. Their lament haunts me. The words written by local women Judith Clingan and Glenda Cloughley, quoted earlier by Senator Crossin, reflect my personal feeling as I struggle with the reality that there will be a war and that I and my family are safe and secure at home. I end my speech with the lament, which reads:

Open the doors of the chambers  
Open your minds to our song  
We sing for peace, through the power of love  
Hear the wisdom of women  
Hear our song  
Weep for our sisters in danger  
Weep for our brothers and children  
Sound the cries of grief and despair  
Sound the lament for the dead

**Senator PATTERSON** (Victoria—Minister for Health and Ageing) (10.53 p.m.)—And sound the lament for the women of Iraq. I rise tonight to indulge in the luxury that I share with all Australians to speak freely and without fear of reprisal before an audience of my peers. I join the company of those who have freely marched the city streets across the country in protest against war; those who have freely assembled to express their opin-

ions on Iraq, some might think inappropriately assembled outside the Treasurer's home—to advertise where he lives and to give out a *Melways* is totally unacceptable and I hope those on the other side think so—but at least they did so without being arrested or subjected to tyranny or persecution; and those senators who have freely spoken before me in the chamber.

In Australia we would call this luxury a right. We have a right to free speech. The establishment of this right is no accident. We do not just happen to have free speech. We do not continue to have free speech just because we deserve it. We have it because those who came before us fought for it. We keep it because it is so intrinsically linked to our experience of liberty that we will fight to keep it. A total of 22.7 million Iraqi men and women have neither the luxury nor the right to that which we 19.7 million Australians take for granted. I share the concern of my colleagues—on this side of the chamber, anyway—at the false logic of those who feel that an endorsement for war can be found in a lack of explicit opposition. As Senator Vanstone, in response to those who would say that they oppose war, has put it:

... as if it follows that anyone else is in favour of a war; as if anybody could be in favour of that as an ideal option.

War is neither a primary nor a preferred outcome, and it is certainly not a decision that has been taken lightly by the cabinet. For Australia, the scope of our involvement in any military deployment is not restricted to our obligation to act in the best interests of the nation. We must also assess our responsibility as a member of the international community and our obligation, as the Prime Minister has put it, to 'stand up for our principles and defend the peace and democratic values when dangers emerge in the international environment'. Despite former resolutions of the United Nations, Iraq persists in its attempts to produce chemical, biological and nuclear weapons and long-range missiles. This presents a situation as dangerous as it is unacceptable. To that end, the commissioning of Australian troops to the coalition force against Iraq has been undertaken with the intention to disarm Iraq of its pro-



hibited weapons of mass destruction for the long-term security of the global population.

In recent weeks I have spoken to people across the country on the matter of the potential conflict with Iraq. Where people have opposed the war it has mostly been for two key reasons, the first being that we should not act without the support of the United Nations Security Council and the second that they felt Iraq should be afforded more time to disarm. The truth is that the use of force to disarm Iraq never required an additional resolution to be passed by the Security Council. It would certainly have been preferable to the extent that it may have applied sufficient pressure to Iraq to honour its 1991 commitment to both ceasefire and disarmament without the use of force. Security Council resolution 678 adopted in 1990, however, already provides for the legitimate use of force for the disarmament of Iraq and restoration of international peace and security to the area. To that end, whilst certainly preferable, an additional resolution is by no means essential to any action taken by the coalition forces. As for having more time, I would have thought that 12 years would have been long enough. In his statement to the United Nations on 14 February this year, Hans Blix said:

... a document, which Iraq provided, suggested to us that some 1,000 tons of chemical agent were unaccounted for.

Whilst Iraq had claimed that all such weapons had been disposed of, there exists no documentation to substantiate their claim. This in itself seems cause for concern, particularly when Dr Blix in his most recent address on 7 March identified that:

Iraq, with a highly developed administrative system, should be able to provide more documentary evidence about its proscribed weapons programs.

Saddam Hussein seems to have had enough time to train and support terrorist organisations and to contribute to the systematic violation of human rights. I will not go into those as some have been outlined tonight, particularly by Rod Kemp. Saddam has had enough time to lose 1,000 tonnes of chemical agent and yet not enough time to adhere to the requirements of the 1991 Security Council resolution to cease-fire and disarm all

weapons of mass destruction. Forgive my cynicism when I ask: exactly how much time does he really need? Should we give him enough time to use the estimated 500 tonnes of sarin, mustard gas and VX nerve agent, one of which has the ability to cause death in under three minutes from muscular paralysis and the cessation of breathing? Or perhaps just enough time to implement his known capacity to produce and use the 38,000 litres of botulinum toxins that are among the most lethal toxins in existence and lead to paralysis before death?

Saddam Hussein has been afforded every possible opportunity to honour his commitment to disarm. Rather than following processes implemented by the United Nations, however, he has spent the past eight years obstructing the very inspectors dispatched to verify his compliance. His obstruction of the UN mandate reached its peak four years ago when inspectors were flatly refused entry to Iraq. This obstructionism has created a climate in which we cannot afford to be anything but sceptical of Iraq's motivations. If they are known for their administrative efficiency and if they have managed to keep documents pertaining to the destruction of other weapons of mass destruction, how is it that there is no evidence pertaining to the 1,000 tonnes of chemical agent? If they are so adamant that they have nothing to hide, why will they not allow witnesses and scientists to be interviewed outside Iraq where their testimony will be free from undue influence? I am conscious that we are running short of time and that many of my colleagues have yet to express their views. I seek leave to incorporate the last paragraph of my speech.

Leave granted.

*The paragraph read as follows—*

The decision to commit Australian forces to military conflict in Iraq has been the most difficult decision I in conjunction with my colleagues have had to make. It is a decision with which I hope future governments are never faced. However, as the Prime Minister stated in his address yesterday, 'We cannot walk away from the threat that Iraq's continued possession of weapons of mass destruction constitutes to its region and to the wider world.'

**ADJOURNMENT**

**The PRESIDENT**—Order! It being 11.00 p.m., I propose the question:

That the Senate do now adjourn.

**Multiculturalism**

**Senator STEPHENS (New South Wales)** (11.00 p.m.)—At a time when the world is entering into a war without the sanction of the United Nations and tensions between countries remain high, it is important to re-emphasise the need to ensure that those tensions between countries do not translate into tensions between ethnic groups within Australia. This Friday, 21 March, is Harmony Day. The aim of this day is to provide an opportunity for promoting our community's success as a multicultural society, recommitting ourselves to respect, goodwill and understanding between Australians of all backgrounds and saying no to racism. Harmony Day also coincides with the United Nations International Day for the Elimination of Racial Discrimination. Australia has a proud history of multiculturalism and openness, but we can do better. Racism exists in Australia. We must acknowledge this and work towards eradicating it.

I am concerned that this government tends to want to paper over racism where it exists in our country. In March last year, the United Nations Special Rapporteur on Racism reported on Australia to the United Nations Commission on Human Rights. His report acknowledged:

... substantial efforts are being made by the Australian Government to end racism and racial discrimination.

The report makes 10 recommendations, including reviewing the basis of multiculturalism policy so that it is based upon recognition of the right to difference and to cultural identity, and that the Australian government:

... continue, improve and intensify the efforts already being made to combat racism and racial discrimination against the Aboriginal peoples, in particular by attacking their extreme poverty.

This is a report that should have been taken very seriously by our government. Instead, the credibility of the report and UN human rights mechanisms were attacked. The Race

Discrimination Commissioner, Dr William Jonas, said:

The response to the Special Rapporteur's report extends the attacks of the Government on the UN human rights committees to other UN mechanisms. It is a continuation of this denial of the existence of racism in Australia ... The Government must stop obfuscating and shooting the messenger. Australia's international reputation is better served by acknowledging that, like every country of the world, we do have problems with racism and by recommitting to genuine efforts to address the issues.

Tonight in particular I do not need to point out the disdain with which this government has treated the United Nations, particularly its human rights mechanisms; but it needs to be said that the government cannot seriously attempt to improve matters without acknowledging valid criticism from authoritative bodies. To accept criticism and to undertake to improve is a sign of strength that our Prime Minister and this government have failed to manifest in their time in government. But it is in this spirit that I would like to talk briefly about some other areas in which Australians can do much better in respecting each other.

Recent events in the Middle East and the terrorist attacks in New York and Bali have had no small impact on many Australian communities. People are frightened and worried by these events. Many have been confronted, perhaps for the first time, by their lack of knowledge about other countries, cultures and religions. In some circumstances this lack of knowledge and this fear have manifested as racism. There has been a well-documented increase in attacks on, and racial vilification aimed at, Muslim Australians over the past year. On talkback radio there was a marked increase in anti-Muslim and anti-Arab sentiment after September 11. Over the course of 2002 there was a dramatic increase in the number of anti-Arab and anti-Muslim letters published in our newspapers. There was also an increase in the number of letters published in mainstream newspapers that crossed the line from vigorous political criticism to racial vilification directed at Jewish people.

Recently I was approached by a group of mothers from the New South Wales Jewish

community. They told me a little about how they had been living over the past few years, and I was surprised and somewhat shocked by the level of threat of racial attack that this community has been living under. I had no real understanding of the level of stress this has caused whole communities—schools, community organisations, religious organisations and young Australian men and women going about their everyday lives. In 1992 the Executive Council of Australian Jewry's database recorded 140 reports of violence, vandalism, harassment and intimidation directed at members of the Australian Jewish community and Jewish institutions. This included incidents of property damage, assault and direct harassment. In 2002 that same database noted 625 reports of incidents, defined by the Australian government as 'racist violence' against Jewish Australians, given to the ECAJ or its constituent bodies. There were 131 incidents reported in one month alone. There were 39 reports of street harassment, the highest number ever for this type of incident—and these were the reported incidents. How many more have not been reported? The report of the Executive Council of Australian Jewry noted:

It is of great concern to the Jewish community in Australia that synagogues in Sydney, Canberra and Perth have been subjected to arson attacks.

This group of mothers told me that in 2001 more than 13,000 homes in Sydney's Jewish community received a copy of a leaflet entitled *Community security alert*. This was, of course, well before the Prime Minister's famously pointless fridge magnet. The publication is quite extraordinary; it contains information of a much more practical and sobering nature. It covers how to recognise, and act upon, suspicious objects, letters and parcels, suspicious people or cars, hate mail, telephone bomb threats and hate calls, street attacks, graffiti and threats to personal security. These kinds of threats are happening in Jewish communities around Australia on a regular basis. School lessons are regularly being disrupted by bomb threats. Schools have had to hire security guards. Jewish men and women are advised not to congregate in public places because of their high state of alert. Children are too frightened to wear religious symbols. School girls are harassed

by cowards who recognise their school uniform.

I was utterly ashamed, not only by the obvious level of distress being experienced by these mothers for their children and their communities but also by the actions of small-minded people against children in our community. These are not things that we would expect Australians to have to worry about on a daily basis. This situation is a clear example of one way in which Australia is not free of racism or racist attacks. In Australia, anti-Semitism is often considered to be a thing of the past or a precinct of the most radical fringe groups. Some in the Jewish community have expressed concerns to me that political views are finding expression in anti-Semitism, an example of which is the recent political protest against Israel in which protesters were calling out, 'Kill all the Jews.' This should not be acceptable in Australia, regardless of your views on the political situation in the Middle East. This political situation is so fraught, involving so much bloodshed on both sides, that you can understand why people hold strong views on the matter, and express them in an emotional way.

But we must be clear on one thing: racial vilification cannot be justified. In Australia, we are proud to allow open and robust debate on all matters, including the situation in the Middle East. We are proud for our country to be home to people from all over the world and we strive towards enabling people from very different backgrounds to live together peacefully, with respect for one another and their views. We cannot allow people living in our country to be punished or vilified for the political actions of their countrymen overseas. Just as we cannot blame Americans in our midst for the actions of George W. Bush and just as we cannot blame Muslim Australians for the actions of Islamic extremists, we cannot vilify Jewish Australians according to what has been happening in Israel. We cannot use a passionate political view as an excuse for racism.

One inspiring alliance, which has formed out of all this tension, occurred last year. It was the formation of the Australian National Dialogue of Christians, Muslims and Jews.

Multiculturalism could be considered as the ethical underpinning of our country—it concerns valuing diversity, respecting difference in others, judging people on their own merits and approaching other people with a spirit of openness and consideration. As we move ever closer to war, it is more important than ever that we take good care of our fellow Australians and promote harmony in our communities.

### France

#### European Union

**Senator SANTORO (Queensland)** (11.10 p.m.)—At this time in our national story many Australians are perhaps feeling a little anti-European or, at least, anti-French. The spectacular train wreck that France has contrived at the United Nations, with its preemptive veto against the Americans, has certainly focused attention on the recasting of global alliances, which it seems is now under way. If these were normal times, we should be astonished at these events. Perhaps we are astonished, no matter that the times are far from normal. There is—and, I believe, rightly so—a lot of anger at the French and their veto in advance, which destroyed any last hope that the United Nations would remain relevant in the fast-moving confrontation with Saddam Hussein's Iraq.

It is said by some that what we are seeing is a strong bid by the French for a leadership role not just in Europe but also globally—something the French, like the British, gave away years ago, along with their great power status. No-one should be surprised; after all, grandeur is a word with French roots, and so is delusion. In France, these two terms have been in sync for a very long time indeed. The French are Europe's eccentrics. Europhiles have always known this, and some of us have even been known to love them for it. But we in Australia need to watch very carefully what is going on with the French, not so much because there is any real risk of something happening that is profoundly contrary to our national interests but so that swiftly shifting geopolitics in Europe—in Eurasia, in fact—do not catch us completely unawares.

I think the French are indeed playing the latest variant of the great game of global politics. Their mission appears to be to create a counterpoint to American leadership, with the French at the head of this endeavour. This is not the time to speculate on their capacity to win that particular contest—should it, in fact, actually have begun. But it is an appropriate moment to look at the European Union, of which France is so large a part and so strong a voice, and to consider its impact on us now and its likely greater impact in the future.

Consider these facts. The EU is already Australia's largest economic partner, and the Australian government acknowledges the need for closer cooperation. We certainly need to understand Europe as a growing economic and even political entity that has set out to rewrite the rules of statecraft and national power. The EU is undergoing profound changes, with 13 new member states expected to join over the next few years, including most if not all of the former dominions of the now defunct Soviet empire. The euro zone currency area, with 12 member states at present—including the big two, Germany and France—is expected to bring new elements of price comparability within the zone. This in turn will help to simplify and increasingly synchronise transnational transactions.

The institutional links between Australia and the EU are also growing and strengthening. The National Europe Centre has been established at the Australian National University. Chris Patten, Britain's last Hong Kong governor and now a member of the European Commission responsible for external relations, will be here next month for formalities associated with that—he in fact opened the centre last year—and for the regular meeting of EU and Australian ministers.

It was my pleasure recently to meet the Ambassador of the European Union in Australia, Piergiorgio Mazzocchi, for an interesting conversation, only some of which was in Italian. The ambassador makes what I believe is a central point in the growing relationship between Australia and the EU: bilateral relations are rarely static and, given

the rapid evolutionary process of the European Union and of Australia and New Zealand, it is imperative that relations are regularly revisited to identify initiatives aimed at revitalising them. The point I would like to make tonight is that we should not let our present differences with the French—in fact, with any of our friends—stand in the way of exploring possibilities for greater mutual economic, cultural and political benefits.

We are this week, as a nation, engaged in the opening round of what I personally hope—and I am sure I am joined in this hope by millions of Australians—will one day soon be an Australia-United States free trade agreement. It is not a paradox that, while looking for that success and working for it, we should be working also for closer relations with Europe. Indeed there is a strong argument that, in these dangerous days for the world, as the Americans, the British and we face down Saddam Hussein, we should be very careful to put all disputation into a tightly ordered context. That dispensation should extend to our approach to the EU's expensive and market-limiting common agricultural policy.

Everyone knows that this piece of bureaucratic bubble wrap is designed to keep European, primarily French and German, farmers on the farm by putting them on the public pension list. To Australians, and particularly Australian farmers, this is monumentally unfair and stands as the most idiotic piece of public policy since Ozymandias built his tower. As a corrective to the CAP, we might pause to recite his tale here. As the story goes:

I met a traveller from an antique land who said: Two vast and trunkless legs of stone stand alone in the desert. Near them, on the sand, half sunk, a shattered visage lies, whose frown and wrinkled lip, and sneer of cold command, tell that its sculpture well those passions read, which yet survive, stamped on these lifeless things, the hand that mocked them, and the heart that fed. And on the pedestal these words appear: "My name is Ozymandias, king of kings, look upon my works, ye mighty, and despair!" Nothing beside remains. Round the decay of that colossal wreck, boundless and bare, the lone and level sands stretch far away.

Perhaps one day not too far into the speculative future CAP will have gone the way of Ozymandias.

These are times of change, if not in common agricultural policy. Last year, in a landmark first address to the National Europe Centre at the ANU, Chris Patten said something very interesting, very apposite and very challenging:

As the EU increases its fields of action, and asserts itself more on the global stage, it is fuelling an increasing amount of soul-searching and debate in Europe. Does the EU suffer from a democratic deficit? What are the implications for national sovereignty? Will a written constitution bestow greater popular legitimacy? These are serious questions, and the answers may have even more serious implications.

He went on to say:

My own view ... is that Europe can learn lessons from Australia's own growing pains. After all, you tackled more than a century ago many of the debates that we in Europe are launching today.

That is a relevance we Australians can, and should, proudly claim as old Europe, whatever our shared difficulties might be, searches for answers to problems that, as Mr Patten said last year, we have already largely solved.

#### **Information Technology: Internet**

**Senator LUNDY (Australian Capital Territory)** (11.17 p.m.)—The recent release of the Australia Institute's sensational report *Youth and pornography in Australia: evidence on the extent of exposure and likely effects* has re-ignited public debate about under-age access to sexually explicit material on the Internet. This issue is not new, even though many parents—just as the co-author of this report, Clive Hamilton, said on radio—are experiencing the Internet through their children's eyes for the very first time. In fact it was a debate that we had here in this chamber nearly four years ago when the coalition introduced the online services bill. This legislation sought to do a number of things. It decreed online content as analogous to video content for the purposes of classification. It created a framework for an industry code of practice which included ISPs being required to provide filter downloads on their web site. It also established a

take down regime for sexually explicit web sites without age protection on servers in Australia administered by the Australian Broadcasting Authority. The legislation also established NetAlert, an independent body designed to host the hotline for complaints and provide information to net users about filters.

At the time, the coalition argued that this would protect Internet users from unwanted exposure to sexually explicit material. However, there was a mismatch between the rhetoric and the reality of the government's regime. Because of the open, global nature of the Internet, it is not possible to unequivocally block certain types of content. It was only through the cooperation of the Internet Industry Association that a code of practice that gave some credibility to the government's regime was established. The Broadcasting Services Amendment (Online Services) Act is largely symbolic and, I think, a lazy attempt to mislead Australians into believing that the coalition actually cared about and had met the objective of helping protect Australian citizens, especially children, from illegal and highly offensive material.

This is not the case and there has been little effort to empower parents with the knowledge and confidence they require. As a result, suspicion and concern about their children's use of the Internet has grown in the minds of many parents. At the time of debating this act, Labor argued that the concept of legislating to require filter use at ISP level was not technically feasible. This is still the case. Whilst filters have improved, their use at the desktop is still the most effective and gives parents the greatest control. We argued then, and argue still, that the best ways to help parents make the right decisions for their children are to provide the resources to educate them about the risks of some on-line content and make the tools for managing Internet content at the desktop at home accessible.

I should say that there are equally powerful arguments for educating parents about the vast merits of Internet usage, but, unfortunately, that angle has never featured strongly in the coalition's agenda; rather, their approach is reactionary. The coalition choose to

characterise the Internet as a threat, not as an opportunity. So when this latest Australia Institute report was published, I was disturbed by the tendency for some to immediately succumb to the sensationalism and hyperbole without a thought for the facts as they have been established in previous debates in this place, in Senate inquiries and in a number of reputable studies.

Independent experts continue to expose flaws in filter technology. A 2001 CSIRO report found that, despite improvements in filtering technology over the years, there is no filter that is 100 per cent effective in keeping out all undesirable material without simultaneously blocking acceptable content. Even the regulatory body responsible, the Australian Broadcasting Authority, acknowledged in relation to filter technology that none of the products currently available meet users' expectations with regard to blocking accuracy, useability and system performance. Therefore, the suggestion that the entire Internet should be filtered is unrealistic and inappropriate.

Unfortunately, such a short memory regarding the debate in 1999 about Internet content has led the coalition to already offer support for greater censorship by actively considering proposals for unworkable, quick fixes that involve filtering the Internet at the ISP level. Let us be clear about this: this would mean that all Internet content available to Australians would be prefiltered by ISPs in accordance with the standards of censorship preferred by the coalition government. This ridiculous proposition is made even more absurd when the weaknesses of filtering technology at this level effectively ensure that it would not work anyway.

For parents unfamiliar with the Internet, all this seems like intimidating and impenetrable jargon. I have a great deal of sympathy for people in that position. The role for the government is to remove this barrier to parental involvement with their children's use of the Internet. This can be done through education, through raising parents' awareness, information sharing about solutions, helping parents develop practical Internet skills and encouraging them to be involved in the Internet in the home.



Unfortunately, the coalition has quite shamefully underfunded the very organisation it set up to educate parents about safe Internet surfing. NetAlert has been staffed by the coalition over the past three years, receiving over \$1.5 million per year to educate the rapidly growing Internet using community in Australia. Following a very shaky start, most of this money has been spent on shallow 'brand building' and promotion. The real work is yet to be done. The NetAlert Executive Director, Alan Tayt, has had to go cap in hand to the minister for \$10 million that he estimates will be needed to do the job effectively over the next three years. Without a coalition commitment, NetAlert could be wound up in the next month, leaving parents high and dry in their efforts to protect their kids.

The coalition has also dragged its feet combating spam email, a major source of unwanted Internet content that could lead to inadvertent exposure to sexually explicit material by under 18-year-olds. Last year the minister finally acknowledged that spam was of concern because it might contain illegal or offensive material. He said he would produce a report on spam 'to be made public by mid-year'—that was last year, 2002. Yet aside from an incredibly light touch 'interim paper' there has been nothing, not a peep. Meanwhile Labor has already put out a discussion paper on spam and is examining policy options for achieving a solution to this problem. Finally, the coalition has still not handed down its promised evaluation of the online services act, which the minister said in this place on 24 May 1999 would be due on 1 January 2003.

On the other hand, Labor has a constructive alternative to the coalition's lazy hands-off approach. This is to make a genuine effort to assist parents, to help them educate themselves and empower them to manage their Internet content. Parents do not have to be rocket scientists or computer experts to protect their families. It is their choice. With a little assistance parents can learn how to use Internet and email filters to screen out a great deal of unwanted content. Despite the coalition's inaction, Internet service providers have a responsibility under the industry

code of practice to provide these filters and information about their use. The industry has also embarked upon a number of initiatives designed to better identify child-friendly content. Of course, deficiencies in filters mean that parents cannot abdicate their responsibility to monitor their children's Internet use, but there are other simple steps they can take. For example, parents can ensure their kids conduct Internet searches on 'white list' search sites like LookSmart.com or Yahooligans.com, which vet their searchable content. The former, LookSmart, an Australian company, pops up a warning if search results may contain unsuitable content, while the latter, Yahooligans, only searches through sites previously determined by the company to be suitable for children.

Parents can also take commonsense steps such as putting a computer in a well used area of the house and providing guidance to children about what they view, just as happens with television. Parents have the right and the responsibility to decide what their child views. The role of government is to provide as much assistance as possible to help achieve this, not to make these decisions for them. If one thing is to be learnt from the failure of the existing regulatory regime it is that ad hoc censorship and high-level filtering are not the answer. It is about time the coalition government concentrated on effective, realistic solutions and took a serious interest in helping parents to combat this problem.

#### **Employment: Work for the Dole**

**Senator TCHEN (Victoria)** (11.26 p.m.)—I rise to speak on one of the many achievements of the Howard government since 1996, one which has often been denigrated by the Labor Party but is a great success in the community. Tonight I wish to report to the Senate on the achievements specifically of the Work for the Dole program.

The Work for the Dole program was introduced in 1997 by the Howard government. It seeks to lead to a seminal change to the community's attitude to people who are seeking employment but have not yet met with immediate success. Sometimes they are described as the long-term unemployed. The Work for the Dole initiative is based on the



principle of mutual obligation, an idea that it is fair and equitable that people who have needs should receive support from the community and in return should be given the opportunity to contribute something to the community. Putting this principle in practice means that the Work for the Dole program aims to achieve three things: firstly, to help young people who are entering the work force to develop work habits and self-confidence; secondly, to involve local communities in projects that provide community benefits; and, thirdly, to help unemployed people to acquire new experiences and skills that will enable them to explore further career opportunities at the end of their participation in the program.

The Work for the Dole program has been the bane of the Labor Party since its inception. In terms of its aims and the concept, the program is the antithesis of the many failed job creation programs that the previous Labor government attempted before 1996 under the cover of what was jokingly called the Working Nation program. Instead of a top-down, pump-priming exercise like its Labor predecessors, Work for the Dole is a partnership between government, training professionals, the local communities and, most important of all, the unemployed participants. Instead of a disguised employment scheme to remove people for a short time from the unemployment queue by diverting them to short training programs that offer no real benefits either to the unemployed or to the community, Work for the Dole is not an employment scheme at all and it does not measure success by the number of people who become employed after passing through the program. It is nevertheless true that the Work for the Dole program has been far more successful than any of those Labor schemes in helping people return to employment and particularly to the employment of their choice.

The Work for the Dole program has been a resounding success. A number of independent studies have found there is widespread support for the program. The Wallis Consulting Group report, prepared in May 2000, looked at attitudes towards the dole and mutual obligation and found that 89 per

cent of communities supported the Work for the Dole program. A study called *Work for the Dole: a net impact study*, completed in August 2000, found that prospects of leaving unemployment benefits were 60 per cent higher for those having completed Work for the Dole than for similar job seekers who had not participated in the program. The job seekers satisfaction survey in 2001 found that 75 per cent of Work for the Dole participants were satisfied with their placements. Since the commencement of this program in 1997, over 215,000 placements have been made—50,000 of them in my own home state of Victoria—involving nearly 12,000 projects, of which 3,100 were in Victoria.

The success of the Work for the Dole program, as I said, is based on partnership. It is not merely a government initiative as such. Local community support, the interest of the participants and the dedication of the professionals involved have brought about that success. An illustration of that success is that, for the last four years, the Department of Employment and Workplace Relations has presented the Prime Minister's Achievement Awards to participants in the Work for the Dole program. Tonight I attended the 2002 awards night, which brought together the best participants, the best supervisors and the best community work coordinators in the program. The awards night brought together the top 13 participants and 34 projects involving community work coordinators and sponsors. There are four categories of awards for the best Work for the Dole activity: Caring for the Community, Caring for Our Heritage, Caring for People and Caring for the Environment. The other two awards are for the best participant and the best supervisor. The best supervisor category had 11 finalists. I would like to commend the people who have made Work for the Dole such a great success. I have a list of all the participants, the CWCs and the supervisors nominated for the awards. I seek leave to incorporate the list in *Hansard*.

**Senator Mackay**—We have not seen the document.

**The ACTING DEPUTY PRESIDENT (Senator Watson)**—They have not seen the document, so they will not give leave.

**Senator TCHEN**—I am sorry. It is just a list of the participants.

**Senator Mackay**—We have not seen it.

**The ACTING DEPUTY PRESIDENT**—Keep going.

**Senator TCHEN**—I particularly wish to commend a number of the participants. The winner in the participant category is Mr Peter Harvey of Queensland, whose has been described in the citation as a great volunteer who gave a lot of his time to interacting with the residents in the aged care home that he works for. He was able to handle any task given with confidence and efficiency and became a valuable team member, getting along with all staff and residents.

There were also two finalists, Ms Maria Tzirakis and Mr Daryl Glenn. Mr Daryl Glenn is of particular interest to me because he comes from Bendigo in my home state. One of the projects which won the award Caring for People is also from Bendigo. The CWC is the Salvation Army Employment Plus and the sponsor is the Bendigo and District Aboriginal Cooperative. But I would particularly like to say something about Mr Daryl Glenn. He was unemployed for 11 years before he undertook the Work for the Dole program. He had serious barriers to gaining employment prior to his Work for the Dole placement. When I talked to him, he said that basically he had limited work experience and very little experience interacting with people. He was shy and was not able to express himself very well and was uncomfortable with people. The Work for the Dole program enabled him to work in a team, which allowed him to open out. He is now, in fact, a Work for the Dole advocate. He works at a recycling operation where he converts discarded goods into useful products. He learnt new skills in cutting scrap metal, creating barbecues out of old heaters, cutting firewood, customer service and sorting wood for resale. He is now employed full time with Future Employment Opportunities at a transfer station.

The other Bendigo project which won the award in the Caring for People category is the On the Pulse project by the Salvation Army Employment Plus, sponsored by

Bendigo and District Aboriginal Cooperative. This activity developed a partnership between—(*Time expired*)

**The ACTING DEPUTY PRESIDENT (Senator Watson)**—Is leave granted for the incorporation of the document?

Leave granted.

*The document read as follows—*

**Best Work for the Dole Participant 2002**

Norman Scott, Albany, WA—Restoration Works & Walk Trail Maintenance (CWC: Albany & Districts Skills Training Inc; Sponsor: Albany & Districts Skills Training Inc)

Kareen Delacruz, Warnambool, VIC—Uniting Church Childcare Project Assistance (CWC: Barry Smith & Associates/Your Employment Solutions; Sponsor: Uniting Church Childcare)

Alicia Alderton, Wynnum, QLD—Community Works (CWC: Mission Australia; Sponsor: Mission Australia)

Ken Lock, Wollongong, NSW (Indigenous Time Capsule (CWC: Wollongong City Employment Training; Sponsor: Wollongong City Employment Training)

Paul Dhurumurra Ganambarr, Elcho Island, NT—Community House Painting Project (CWC: Darwin Skills Development Scheme; Sponsor: Darwin Skills Development Scheme/Galiwin'ku Community Council)

Richard Long, Burnie, TAS—Construction of 1909 Bleriot XI Replica Aircraft (CWC: Tasmanian Business & Employment; Sponsor: TAFE Tasmania)

Olivia Dykstra, Southbank, VIC—Supporting Schools Programme (CWC: Australian Education Industry Centre; Sponsor: Australian Education Industry Centre/Toorak Primary School)

Peter Harvey, Pialba, QLD—Skill Centred Regional Queensland, Fraser Coast (CWC: Skill Centred Regional Queensland; Sponsor: Fair Haven Retirement Village)

Michael Butler, Semaphore Park, SA—Investing in Our Heritage (CWC: Jobs Statewide Inc; Sponsor: Jobs Statewide Inc/Fort Glanville Conservation Park)

Warren Nannup, Chapman River Park, WA—(CWC: Mission Australia; Sponsor: Mission Australia/Coastcare)

Maria Tzirakis, Arcadia, NSW—Vision Valley Trail Blazers (CWC: Wesley Uniting Church; Sponsor: Vision Valley)

Cameron Sharp, Caboolture, QLD—Step Forward (CWC: Cadet Training & Employment;

Sponsor: Cadet Training & Employment/Humpybong State School)

**Best Work for the Dole Activity 2002—Caring for Our Community**

Surfs Up 2—Lakes Entrance VIC (CWC: East Gippsland Institute of TAFE; Sponsor: Surf Life Saving Lakes Entrance Inc)

The Bakery—Artrage Arts Centre—Northbridge, WA (CWC: The Gowrie; Sponsor: Artrage Festival)

Keepit Community Resources—Gunnedah, NSW (CWC: H&H Accredited Training; Sponsor: H&H Accredited Training/Mark Golledge)

For the Community—Ravenswood, TAS (CWC: Tasmanian Business & Employment; Sponsor: Ravenswood Walk Tall Association Inc)

Beautification and Restoration of the Community Hall—Kuranda, QLD (CWC: QiTE; Sponsor: Ngoonbi Cooperative Society Ltd)

GV Billabong Gardens (Goulburn Valley)—Shepparton, VIC (CWC: Central Victorian Group Training Co; Sponsor: Central Victorian Group Training Co/GV Disability Centre)

Musicoz—Wollongong, NSW (CWC: Wollongong City Employment Training)

Wembley Bike and Timber Recycle—Wembley, WA (CWC: Mercy Community Care; Sponsor: Mercy Community Care)

St Peter's Quiet Garden—Paynesville, VIC (CWC Bairnsdale Adult Community Education (BALE); Sponsor: St Peter's by the Lake Anglican Church)

BCDC Courier Charity Fund Project—Ballarat, VIC (CWC: Best Community Development; Sponsor: Best Community Development)

**Best Work for the Dole Activity 2002—Caring for Our Heritage**

Maintenance Mania—Orange, NSW (CWC: Central West Community College; Sponsor: Central West Community College/Parish of Holy Trinity Orange)

Construction of 1909 Bleriot XI Historic Aircraft—Burnie, TAS (CWC Tasmanian Business & Employment; Sponsor: TAFE Tasmania, Burnie Campus)

Mission Ship—Stones Corner, QLD (CWC: Mission Australia; Sponsor: Mission Employment Stones Corner)

National Archives of Australia Project—Frankston, VIC (CWC: Barry Smith & Associates/Your Employment Solutions; Sponsor: National Archives of Australia)

Wyong Shire Heritage Centre Restoration—Wyong, NSW (CWC: Wyong WorkWise Inc; Sponsor: Wyong Shire Heritage Centre)

Precinct Construction & Steam Train Restoration Project—Warwick, QLD (CWC: Mission Australia; Sponsor: Southern Downs Steam Railway Inc)

Restoration of the C47-B Douglas Dakota—Port Adelaide, SA (CWC: Jobs Statewide Inc; Sponsor: The South Australian Aviation Museum)

Pearl Lugger Restoration—The Floria—Cairns, QLD (CWC: Townsville Employment Training Inc; Sponsor: Northern Training & Development Services)

The Stables—Portland, VIC (CWC: Portland Workskills; Sponsor: Portland Workskills)

**Best Work for the Dole Activities 2002—Caring for People**

Kidz Bizz—Coopers Plains, QLD (CWC: Mt Gravatt Training Centre Inc; Sponsor: Village Avenue Community Church)

On the Pulse—Bendigo, VIC (CWC: The Salvation Army Employment Plus; Sponsor: Bendigo & District Aboriginal Cooperative)

Brighton Garden Club/Service Inc—Bridgewater, TAS (CWC: Mission Australia; Sponsor: Brighton Garden Club/Service)

Jingili Kindergarten—Jingili, NT (CWC: Darwin Skills Development Scheme; Sponsor: Darwin Skills Development Scheme)

Better Community—Berkeley, NSW (CWC: The Illawarra ITEC Ltd; Sponsor: St Mary's Retirement Village-Hostel)

Keep on Sailing—Labrador, QLD (CWC: Queensland Vocational Training College; Sponsor: Mission Australia - Nerang)

Our Youth—Our Future—North Hobart, TAS (CWC: Mission Australia; Sponsor: Lady Gowrie Tasmania)

Shoalhaven Advance Industries North Nowra Nursery—North Nowra, NSW (CWC: Wesley Uniting Church; Sponsor: Shoalhaven Advance Industries)

**Best Work for the Dole Activity 2002—Caring for Our Environment**

State Forest maintenance & Recreation Development—Watagan Mountains, Cooranbong, NSW (CWC: The Salvation Army Employment Plus; Sponsor: State Forests of NSW)

Indigiscapes in Redland—Capalaba, QLD (CWC: Mt Gravatt Training Centre Inc; sponsor: Mt Gravatt Training Centre Inc)

Linear Park Biodiversity Project—Linear park—Walkerville & Vale Park, SA (CWC: Eastside SA Inc; Sponsor: Statewide Group Training)

Gecko Recycle Project No 2—Tugan, QLD (CWC: Queensland Vocational training College; Sponsor: Gold Coast & Hinterland Environment Council association Inc)

Tilligerry Habitat State Reserve 2—Tanilba Bay, NSW (CWC: Eastlake Skills Centre Ltd; Sponsor: Tilligerry Habitat Association Inc)

Wetlands Support for Townsville & the Burdekin—South Townsville, QLD (CWC: Conservation Volunteer Australia)

Parklands Heritage-8 Mile Creek Project—Thurgoona, NSW (CWC: Mission Australia; Sponsor: Regional Skills Inc)

#### **Best Work for the Dole Supervisor 2002**

Sturt Smith, Collie, WA—Hands of Opportunity (CWC Mission Australia; Sponsor: Collie Community Recreation Association)

Jacob Arnold, Dandenong, VIC—Visy Modern Arts Project (CWC: Barry Smith & Associates/Your Employment Solutions; Sponsor: Youth Assist)

John Berry, Newcastle West, NSW—State Forest Maintenance & Recreation Development (CWC: The Salvation Army Employment Plus; Sponsor: State Forests of NSW)

Harold Johnson, Worongary, QLD—Light Horse Heritage assist (CWC: Queensland Vocational Training College; Sponsor: Community Services Australia)

Gaine Tanner, Mt Barker, SA—Community Support Program (CWC: Baptist Community Services; Sponsor: Baptist Community Services/Forest SA)

Kay Casey, Lockridge, WA—Lockridge Community Assistants (CWC: AMA Services; Sponsor: Lockridge Community Group)

**Senate adjourned at 11.37 p.m.**

### **DOCUMENTS**

#### **Tabling**

The following government documents were tabled:

Aboriginal and Torres Strait Islander Social Justice Commissioner—Reports for 2002—

Native title.

Social justice.

Aboriginal Land Commissioner—Reports and explanatory statements by the Minister

for Immigration and Multicultural and Indigenous Affairs—

No. 61—Maria Island and Limmen Bight River land claim no. 71 and part of Maria Island Region land claim no. 198.

No. 62—McArthur River Region land claim no. 184 and part of Manangoora Region land claim no. 185.

No. 63—Lorella Region land claim no. 199 and part of Maria Island Region land claim no. 198.

Advisory Panel on the Marketing of Infant Formula in Australia—Report for 2001-02.

Australian Law Reform Commission—Report—No. 95—Principled regulation: Federal civil and administrative penalties in Australia, December 2002.

Native Title Act—Native title representative bodies—Reports for 2001-2002—

Aboriginal Legal Rights Movement Inc.  
Mirimbiak Nations Aboriginal Corporation.

United Nations—

International Covenant on Civil and Political Rights—Human Rights Committee—Communications—

No. 881/1999—Recommendation.

No. 900/1999—Views.

Optional Protocol to the International Covenant on Civil and Political Rights—Communication—No. 1127/2002—Outline.

#### **Tabling**

The following documents were tabled by the Clerk:

Aboriginal and Torres Strait Islander Commission Act—Notice under section 142S in relation to the Torres Strait Regional Authority 2003, dated 25 February 2003.

Aged Care Act—Allocation Amendment Principles 2003 (No. 1).

Australian Communications Authority Act—Radiocommunications (Charges) Amendment Determination 2003 (No. 1).

Australian Meat and Live-stock Industry Act—Australian Meat and Live-stock Industry (Export of Sheep and Goats from Northern Ports) Amendment Order 2002 (No. 1).

## Broadcasting Services Act—

Commercial Television Conversion Scheme Variation 2003 (No. 1).

National Television Conversion Scheme Variation 2003 (No. 1).

## Civil Aviation Act—Civil Aviation Regulations—

## Airworthiness Directives—Part—

105, dated 13 [5], 14 [3], 27 [4] and 28 [8] February 2003; 3, 4 [4], 5 [5], 6 [3], 7 and 10 [7] March 2003.

106, dated 3 [4], 4 [4] and 5 [2] March 2003.

107, dated 7 and 26 February 2003; and 4 and 5 March 2003.

Exemption No. CASA EX08/2003.

Class Rulings CR 2003/11 and CR 2003/14-CR 2993/19.

Commonwealth Authorities and Companies Act—Commonwealth Authorities and Companies (Financial Statements for reporting periods ending on or after 30 June 2003) Orders.

Corporations Act—Regulations—Statutory Rules 2003 No. 31.

Criminal Code Act—Regulations—Statutory Rules 2003 No. 30.

Customs Act—CEO Instruments of Approval Nos 1-3 of 2003.

## Defence Act—Determination under section—

58B—Defence Determinations 2003/4-2003/6.

58H—Defence Force Remuneration Tribunal—Determination No. 1 of 2003.

Environment Protection and Biodiversity Conservation Act—Instrument amending list of specimens suitable for live import under section 303EB, dated 17 February 2003.

Extradition Act—Regulations—Statutory Rules 2003 No. 34.

Financial Management and Accountability Act—Financial Management and Accountability (Financial Statements for reporting periods ending on or after 30 June 2003) Orders.

Financial Sector (Collection of Data) Act—Determination of reporting standards RRS 320.0, RRS 320.1, RRS 320.2, RRS 320.3, RRS 320.4, RRS 320.5, RRS 331.0,

RRS 332.0, RRS 391.0, RRS 392.0, RRS 393.0, RRS 394.0 and RRS 010.

Financial Transaction Reports Act—Regulations—Statutory Rules 2003 No. 32.

Goods and Services Tax Bulletin GSTB 2003/1 (Addendum).

Goods and Services Tax Ruling GSTR 2003/3.

Primary Industries (Customs) Charges Act—Regulations—Statutory Rules 2003 No. 27.

## Primary Industries (Excise) Levies Act—

Primary Industries (Excise) Levies (Rice Levy) Specification 2003.

Regulations—Statutory Rules 2003 No. 28.

Primary Industries Levies and Charges Collection Act—Regulations—Statutory Rules 2003 No. 29.

Product Ruling PR 2003/6.

Public Service Act—Public Service Commissioner's Amendment Directions 2003 (No. 1).

## Radiocommunications Act—

Radiocommunications (Compliance Labelling—Electromagnetic Radiation) Notice 2003.

Radiocommunications (Electromagnetic Radiation—Human Exposure) Standard 2003.

Radiocommunications Licence Conditions (Apparatus Licence) Determination 2003.

Radiocommunications Licence Conditions (Temporary Community Broadcasting Licence) Determination 2003.

Radiocommunications (Receiver Licence Tax) Act—Radiocommunications (Receiver Licence Tax) Amendment Determination 2003 (No. 1).

Radiocommunications (Transmitter Licence Tax) Act—Radiocommunications (Transmitter Licence Tax) Amendment Determination 2003 (No. 1).

Space Activities Act—Regulations—Statutory Rules 2003 No. 33.

Taxation Ruling TR 2003/1.

Wednesday, 19 March 2003

SENATE

9807

Telecommunications Act—

Telecommunications Numbering Plan  
Variation 2003 (No. 2).

Telecommunications Numbering Plan  
Variation 2003 (No. 3).

Therapeutic Goods Act—

Conformity Assessment Standards Or-  
ders Nos 1 and 2.

Medical Device Standards Orders Nos  
1-3.

**QUESTIONS ON NOTICE**

The following answers to questions were circulated:

**Drought****(Question No. 909)**

**Senator O'Brien** asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 13 November 2002:

With reference to the media statement released by the Minister for Agriculture, Fisheries and Forestry, on 6 November 2002, concerning Commonwealth drought assistance:

- (1) How much of the claimed \$800 million to Agriculture – Advancing Australia has been expended on these programs.
- (2) How much of the expended funding has been expended on: (a) advertising and/or promotion; (b) communication programs; and (c) departmental and/or program administration.

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

- (1) The original budget allocation for the Agriculture – Advancing Australia (AAA) package from 1997-2004 was \$834m, including \$60m estimated cost-to-revenue for Farm Management Deposits. AAA program funding is administered by four agencies: the Commonwealth Department of Agriculture, Fisheries and Forestry (AFFA); the Commonwealth Department of Transport and Regional Services (DOTARS); the Commonwealth Department of Family and Community Services (FaCS) and the Commonwealth Department of Treasury. Total Departmental and administered expenditure to 31 January 2003 for programs administered by AFFA totals \$439m. Information on AAA expenditure by other agencies should be sought from the relevant portfolio Ministers.
- (2) Figures for (a) advertising and/or promotion and (b) communication activities are not differentiated. The total expended by AFFA on general AAA communication activities since 1997 is \$7.3m. In addition, \$0.725m of the FarmBis program budget was expended on communication and promotion activities. (c) Departmental and/or program administration expenditure by AFFA on AAA programs to 31 January 2003 totals \$56m.

**Industry, Tourism and Resources: Energy Policy****(Question No. 1136)**

**Senator Brown** asked the Minister representing the Minister for Industry, Tourism and Resources, upon notice, on 24 January 2003:

- (1) (a) What permanent committees with members from outside the public service advise the Minister on energy policy; and (b) for each committee can the following information be provided: (i) the committee's terms of reference, and (ii) a list of its members, their terms of appointment, and the institutions or organisations to which they belong.
- (2) (a) What temporary or ad hoc committees have advised the Minister on energy policy in the past 5 calendar years; and (b) for each committee can the following information be provided: (i) the committee's terms of reference, and (ii) a list of its members, their terms of appointment, and the institutions or organisations to which they belong.

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

**1. The following are permanent committees to advise the Minister on energy policy:****1 (a) The National Oil Supplies Emergency Committee**

The National Oil Supplies Emergency Committee reports to the Ministerial Council on Energy, through the Standing Committee of Officials, on issues confronting national supply of crude oil and petroleum products.

**1 (b) (i) Terms of Reference**

The Committee will:



meet as required to consult on major matters relevant to the management of a national liquid fuels emergency including the preparation and testing of the National Fuels Supply Emergency Response Plan; and

operate as a means of sharing information between, and learning from the experience of, the Commonwealth, State and Territory Governments and the oil industry, in relation to oil shortages.

1 (b) (ii) *Membership*

Members of the National Oil Supplies Emergency Committee – March 2003:

Name	Organisation
Stuart Smith	Chair, Department of Industry, Tourism and Resources (ITR), Commonwealth
Marie Taylor	ITR
Rod McKinnon	Emergency Management Australia
Alex Gerrick	Defence
Michael Epps	Defence
Maurice Overy	Ministry of Energy and Utilities, NSW
Greg McLeish	Department of Natural Resources and Environment, Victoria
Barry Adams	Office of Energy, QLD
Geoff Wood	Energy Safety, WA
Michael Leane	Energy, SA
Andrew Lea	State Emergency Service, Tasmania
Subhash Chandra	Department of Business, Industry and Resource Development, NT
Mike Castle	Emergency Services Bureau, ACT
Brian Nye	Australian Institute of Petroleum
Craig McGrath	Shell
Ron Giblin	Santos
Stephen Challenger	Australian Independent Retailers
Adrian Clark	BP
Barry McDonnell	Caltex
Anthony Edmonds	Mobil

Note: Membership of NOSEC is not limited to a particular time period or subject to an expiry date. Members represent their agency and changes in the membership of NOSEC would be a result of personnel changes in those organisations.

**1 (a) National Gas Pipeline Advisory Committee**

National Gas Pipeline Advisory Committee was established by commitment under the Natural Gas Pipelines Intergovernmental Agreement (IGA) signed by the Prime Minister, Premiers and Chief Ministers on 7 November 1997. The Committee produces an annual report that is received by all relevant energy Ministers.

1 (b) (i) *Terms of Reference*

- monitor, review and report on the operation of the Gas Pipelines Access Law (including the Code);
- provide advice to the Ministers on interpretation and administration of the Gas Pipelines Access Law (including the Code);
- prepare information on the Gas Pipelines Access Law (including the Code) for general publication; and
- make recommendations on amendments to the Gas Pipelines Access Law (including the Code) to Ministers.

1 (b) (ii) *Membership*

The members of NGPAC have a 2 year appointment schedule.

Name	Organisation
Greg Harvey	Chair
George Scherer	Code Registrar (SA)
Kevin O'Brien	Commonwealth (ITR)
Bill Crawshaw	Commonwealth (ITR) (alt)
Brian Steffan	NSW (Ministry of Energy and Utilities)

Name	Organisation
Elsie Choy	NSW (Ministry of Energy and Utilities) (alt)
Donald Hudson	NT (Department of Business, Industry & Resource Development)
John Bradley	Qld (Treasury –Office of Energy)
Peter Naughton	Vic (Department of Natural Resources and Environment)
John Krbaleski	Vic (Department of Natural Resources and Environment) (alt)
Cliff Fong	SA (Office of Energy)
Kym Jervois	SA (Department of Treasury and Finance – Microeconomic Reform & Infrastructure)
Anne Nolan	WA (Office of Energy)
Rolando Custodio	WA (Office of Energy) (alt)
Ray McKendrick	Tas (Department of Treasury and Finance)
David Butt	ACT (Department of Treasury)
Martin d'Este	ACT (Department of Treasury) (alt)
Ollie Clark	The Australian Gas Association
Garth Crawford	
Ralph Mignone	
Allen Beasley	Australian Pipeline Industry Association
Michael Walsh	Australian Competition and Consumer Commission
Russell Phillips	
Greg Shales	
Tony Hayock	Australian Petroleum Production and Exploration Association
Bill Henson	
Colin Martin	
Rod Maddock	Business Council of Australia
Bob Lim	Energy Users Association of Australia
Michelle Groves	National Competition Council
Nick Rizos	Essential Services Commission - Vic
Peter Kolf	Office of Gas Access Regulation - WA

**2. The following ad hoc committees advise/have advised the Minister (or his predecessors) on energy policy in the past five years:**

**2 (a) The Gas Reform Implementation Group**

The Gas Reform Implementation Group was established to finalise the Natural Gas Pipelines Access Agreement and the Gas Access Code for signature by Heads of Government, and to develop appropriate arrangements for administering the Code.

The Gas Reform Implementation Group established an Upstream Issues Working Group in February 1998 (the UIWG). The UIWG was established to conduct a review of upstream issues which influence the growth, diversity and level of competition in downstream natural gas markets and impact on public benefit. The UIWG submitted its formal report to COAG and ANZMEC (The Australian and New Zealand Minerals and Energy Council) Ministers, as required, on 31 December 1998.

**2 (b) (i) Terms of Reference**

There are no detailed terms of reference available.

**2 (b) (ii) Membership**

The Gas Reform Implementation Group was established in 1996 and was dissolved in 1999. Its membership was as follows:

Name	Organisation
Mr Jon Stanford	Chair, The Allen Consulting Group
Mr Bob Neil	Department of Energy, NSW
Mr Phillip Lee	Cabinet Office – NSW
Ms Linda McMillan	Department of Treasury & Finance – Victoria
Mr Peter Naughton	Department of Treasury & Finance – Victoria

Name	Organisation
Mr Bryan Coulter	Department of Mines & Energy - QLD
Dr Les Farrant	Office of Energy - WA
Dr Cliff Fong	Office of Energy Policy - SA
Dr David Harries	Office of Energy Planning & Conservation - Tasmania
Dr Eric Nunn	Department of Mines and Energy – Northern Territory
Mr Martin d’Este	Dept of Urban Services – ACT
Mr Ian Primrose	Chief Minister’s Department - ACT
Mr Don Banfield	Department of Primary Industries and Energy - Commonwealth
Ms Chrys Papadopoulos	Department of Primary Industries and Energy - Commonwealth
Mr Ollie Clark	Envestra Ltd – Australian Gas Association
Dr Allen Beasley	Australian Gas Association
Mr Nick Heath	Esso Australia – Australian Petroleum Production and Exploration Association
Mr Peter Cochrane	Australian Petroleum Production and Exploration Association
Mr Garry O’Meally	Australian Pipeline Industry Association
Mr Bruce Connery	Australian Pipeline Industry Association
Mr Paul Connolly	
Mr David Headberry	Amcor – Business Council of Australia
Mr Bob Lim	Business Council of Australia
Mr Mark Pearson	Australian Competition & Consumer Commission
Mr David Hatfield	Australian Competition & Consumer Commission
Ms Michelle Groves	National Competition Council

## 2. (a) The Gas Policy Forum

The Gas Policy Forum reports to the Ministerial Council on Energy on issues regarding gas pipeline investment, the reform of the gas market and its contribution to the economy and regional development.

### 2 (b) (i) *Terms of Reference*

To provide high level advice to the Ministerial Council on Energy on:

- measures to achieve an appropriate investment and regulatory regime, which encourages investment in gas pipeline infrastructure, growth in the gas market and increased uptake of gas, consistent with the COAG objective of ‘free and fair trade in natural gas’;
- the impacts of national public policy issues on the benefits of gas reform, growth of the gas sector and its contribution to the economy and regional development.

### 2 (b) (ii) *Membership*

The Gas Policy Forum was established in 2000 and its last meeting was August 2001. Its role has effectively been taken over by the Ministerial Council on Energy and its relevant working groups.

\* Denotes primary representative

\*\* Denotes secondary representative

Name	Organisation
Mr David Agostini	Chair, Adjunct Professor, Oil and Gas Engineering, University of Western Australia
* Ms Jane McAloon	Ministry of Energy & Utilities, NSW
** Elsie Choy	Ministry of Energy and Utilities, NSW
* Mr Peter Naughton	Department of Natural Resources and Environment, Victoria
** Ms Kathy Hill	Department of Natural Resources and Environment, Victoria
** Mr John Conoplia	Queensland
* Mr Tom Hassed	Department of Mines & Energy, QLD
*Dr Les Farrant	Office of Energy, WA
**Ms Dora Guzeleva	Office of Energy, WA
* Mr Richard Harris	Office of Energy, WA
** Mr Kym Jervois	Office of Energy Policy, SA
George Scherer	Office of Energy Policy, SA
* Dr Cliff Fong	Office of Energy Policy, SA
* Mr Donald Hudson	Mines and Energy, NT

Name	Organisation
* Dr David Harries	Office of Energy Planning & Conservation, Tasmania
* Mr Brad Page	Department of Urban Services, ACT
**Mr Stephen Paterson	Department of Urban Services, ACT
* Dr Rod Maddock	Business Council of Australia
* Mr Bill Nagle	Australian Gas Association
** Mr Greg Evans	Australian Gas Association
**Dr Allen Beasley	Australian Pipeline Industry Association Inc.
*Mr Nick Heath	Esso Australia, Australian Petroleum Production and Exploration Association
**Mr Tony Haydock	Australian Petroleum Production and Exploration Association
**Mr Ian Israelsohn	Electricity Supply Association of Australia Ltd
**Ms Kanwaljit Kaur	Australian Competition and Consumer Commission
*Ms Suzie Copley	Australian Competition and Consumer Commission
*Mr David Hatfield	Australian Competition and Consumer Commission
**Ms Michelle Groves	National Competition Council
*Mr John Hartwell	Department of Industry, Science & Resources, Commonwealth
**Mr Kevin O'Brien	Department of Industry, Science & Resources, Commonwealth
Mr Bill Crawshaw	Department of Industry, Science & Resources, Commonwealth

## 2 (a) ANZMEC Downstream Petroleum Working Group

This Working Group was established in 1999 and was abolished in 2002. It advised Commonwealth and State Ministers, through ANZMEC, on the development and implementation of the Downstream Petroleum Products Action Agenda.

### 2 (b) (i) *Terms of Reference*

- Monitor and report to ANZMEC Standing Committee of Officials and ANZMEC Ministers on the implementation of the Downstream Petroleum Products Action Agenda, particularly the proposed actions which involve Commonwealth and State jurisdictions.
- In consultation with industry, discuss and analyse downstream petroleum product industry issues of major national policy interest.
- Provide a policy assessment of those issues which are considered of critical importance to the future viability of the downstream petroleum product industry.
- Provide timely reports to the ANZMEC Standing Committee of Officials and ANZMEC Ministers.

### 2 (b) (ii) *Membership*

Name	Organisation
Mr Brian Nye	Australian Institute of Petroleum
Mr Ewen Macpherson	Australian Institute of Petroleum
Mr Bruce Harrison	Australian Institute of Petroleum
Mr Frank Topham	Caltex Australia
Mr Alan Bailey	Mobil Oil Australia
Mr Bill Frilay	BP Australia
Mr Peter Harris	The Shell Company of Australia

## 2 (a) Emerging and Renewable Energy Industry Leadership Group (EREILG)

### 2 (b) (i) *Terms of Reference*

The EREILG provided strategic direction to the development of the Renewable Energy Action Agenda; contribute to the identification of critical strategic issues facing the industry including impediments to the industry's competitiveness and opportunities for growth.

### 2 (b) (ii) *Membership*

The EREILG was established in September 1999 and functioned until the launch of the Action Agenda in June 2000.

The Leadership Group comprised CEOs from companies in the sector.

Name	Organisation
Greg Bourne	Chair, BP Australia/BP Solar
Ted Scott	Stanwell Corporation
Walter Pahor	Energy Developments Limited
Bruce Godfrey	Ceramic Fuel Cells
Rodger Meads	Solahart
Stephen Phillips	Advanced Energy Systems
Cathy Zoi	Energy Technology Investments
Jeff Allen	Integral Energy
Geoff Willis	Hydro Tasmania
Paul Perkins	ACTEW
Gwen Andrews	Australian Greenhouse Office
Patricia Kelly	Department of Industry, Tourism and Resources

## 2. (a) The Renewable Energy Action Agenda CEO Group

### 2 (b) (i) *Terms of Reference*

The Renewable Energy Action Agenda CEO Group's functions were to give strategic guidance to the Renewable Energy Industry Implementation Group to ensure that the activities being implemented met the objectives of the Action Agenda, and to report to the Minister on progress in implementing the Renewable Energy Action Agenda.

### 2 (b) (ii) *Membership*

The Renewable Energy Action Agenda CEO Group was established in June 2000 and dissolved on 5 July 2002.

Name	Organisation
Bruce Godfrey	Chair, Ceramic Fuel Cells
Walter Pahor	Energy Developments Limited
Paul Whiteman	Energy Developments Limited
Greg Bourne	BP Australia/BP Solar
John Ullman	BP Australia/BP Solar
Cathy Zoi	Energy Technology Investments/Next Energy
Ted Scott	Stanwell Power Corporation
Rodger Meads	Solahart
Alan Langworthy	Powercorp
Jeff Elliott	Rheem Australia
Gwen Andrews	Australian Greenhouse Office
Patricia Kelly	Department of Industry, Tourism and Resources

## 2. (a) COAG Energy Market Review Expert Panel

### 2 (b) (i) *Terms of Reference*

Identifying any impediments to the full realisation of the benefits of energy market reform;

Identifying strategic directions for further energy market reform;

Examining regulatory approaches that effectively balance incentives for new supply investment, demand responses and benefits to consumers;

Assessing the potential for regions and small business to benefit from energy market development;

Assessing the relative efficiency and cost effectiveness of options within the energy market to reduce greenhouse gas emissions from the electricity and gas sectors, including the feasibility of a phased introduction of a national system of greenhouse emission reduction benchmarks; and

Identifying means of encouraging the wider penetration of natural gas including increased upstream gas competition, value adding processes for natural gas and potential other uses such as distributed generation, because it is an abundant, domestically available and clean energy resource.

The Review presented its final report to the Government on 20 December 2002. Review processes were overseen by the Ministerial Council on Energy and the final review report was provided to members of COAG through the Ministerial Council on Energy.

2 (b) (ii) *Membership*

Name	Organisation
Hon Warwick Parer	Chair
Mr David Agostini	Adjunct Professor, Oil and Gas Engineering, University of Western Australia
Mr Paul Breslin	ACIL Consulting
Mr Rod Simms	Port Jackson Partners Ltd