

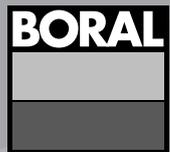
The Sydney Papers

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BORAL



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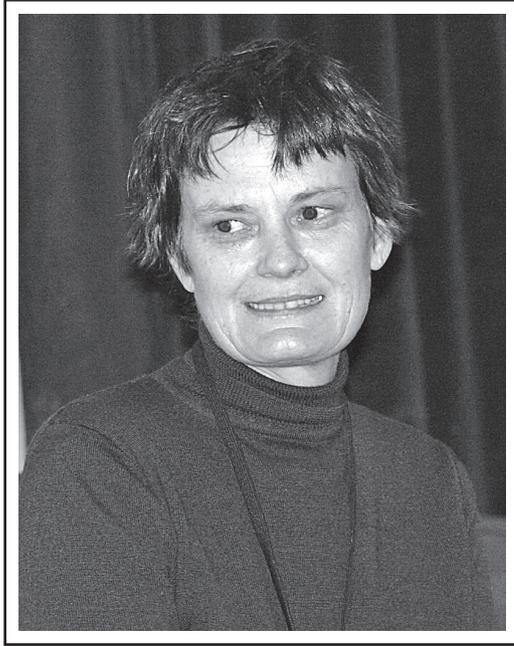


Photo - David Karonidis

Margo Kingston

Political commentator for *The Sydney Morning Herald* online, Margo Kingston is also the author of *Not Happy, John!*, a book which has been described by Tony Fitzgerald QC as Kingston's "admirable contribution to the 'heavy labour' of maintaining democracy in Australia". The book and its title became a rallying cry for opponents of the Howard Government in the lead up to the 2004 federal election. On Tuesday 10 August 2004, Margo Kingston addressed The Sydney Institute to elaborate on her unhappiness with the Howard years.

NOT HAPPY, JOHN!

Margo Kingston

The day after Mark Latham was elected ALP leader by a whisker, I had a coffee with a Liberal MP, stunned by Latham's ladder-of-opportunity victory speech. "We're in trouble," he said. "Latham has updated Menzies' *Forgotten People*."

This is the Menzies' quote which so resonated with Latham's metaphor of the ladder of opportunity, and which has been so thoroughly corrupted by the neo-liberal political philosophy which now commodifies and degrades us all:

When the war is won, for every hundred boys and girls who now pass into higher schools and universities there must be a thousand. Lack of money must be no impediment to bright minds. The almost diabolical skill of men's hands in the last 40 years must be supplemented by a celestial skill of men's minds and a generosity of men's hearts if we are not to be destroyed by the machines of our creation. In common with other members of Parliament, I must increasingly realise that my constituents are not seventy thousand votes, but seventy thousand men and women for whose welfare and growth I have some responsibility. To develop every human being to his fullest capacity for thought, for action, for sacrifice and for endurance is our major task; and no prejudice, stupidity, selfishness or vested interest must stand in the way. ("The Task of Democracy")

I then read all of Menzies' 1942 *Forgotten People* talks on 2GB radio in the depths of World War 2, where he set out the political philosophy upon which the Liberal Party was later formed. I was moved to tears by some of what I read, both by its old fashioned idealism and its extraordinary relevance to today's world. He devoted several talks to democracy – its nature, its sickness, its achievements and its tasks. He explained what he believed the values were that we were sacrificing so much for, and sought to inspire Australians and their leaders to live by and honour those values when the war was won to make the oceans of blood spilt worth it, for all of us.

Menzies saw democracy in almost spiritual terms, and its custodians, our elected representatives, as charged with a sacred duty to preserve and enhance it. He was a builder for the long term – of a frank and fearless public service and of a world class university system open to all Australians with the capacity to make use of it.

Early liberalism, devoted to wresting absolute power from kings and queens, wholly distrusted the State, and saw the rule of law as the citizens' protection against its excesses and maximisation of human freedom from State interference as its defining goal. Later, social liberalism, which Menzies' quote epitomises, married individual rights with the belief that part of the State's role was to maximise equality of opportunity, and thus substantive individual freedom. As he said in "Has Capitalism failed":

In envisaging the future world after the war, we should not seek to destroy this driving progressive element which really represents one of the deep-seated instincts of man, but should seek to control and direct it in the interests of the people as a whole... We shall do much better if we keep the good elements of the capitalist system, while at the same time imposing upon capital the most stringent obligations to discharge its social and industrial duty. The old conservative doctrine that the function of the State was merely to keep the ring for the combatants has gone forever.

He was wrong. We never learn, do we? Extracts from Menzies' *Forgotten People* talks became embedded in my book *Not Happy, John! Defending our democracy*, as I sought to prove that far from being the torch bearer of Menzian Liberalism, John Howard has destroyed it from within, and in so doing has plunged our democracy into a crisis which only the people of Australia, working together, can now salvage.

I thought – wrongly as it turned out – that I would be asked in interviews to justify my belief in Menzies' Liberal vision in the light of what many see as the indelible stain on his credentials as a champion of Australian liberal democracy – banning the Communist Party in 1950. After all, Menzies, a devotee of John Stuart Mill, said in "Freedom of Speech and Expression":

The whole essence of freedom is that it is freedom for others as well as for ourselves: freedom for people who disagree with us as well as for our supporters; freedom for minorities as well as for majorities. Here we have a conception which is not born with us but which we must painfully acquire.

Why is this freedom of real importance to humanity? ... What appears to be today's truth is frequently tomorrow's error. There is nothing absolute about the truth. It is elusive... If truth is to emerge and in the long run be triumphant, the process of free debate – the untrammelled clash of opinion – must go on.

There are fascist tendencies in all countries – a sort of latent tyranny ... Suppression of attack, which is based upon suppression of really free thought, is the instinctive weapon of the vested interest ... great groups which feel their power are at once subject to tremendous temptations to use that power so as to limit the freedom of others.

The easily forgotten truth (is) that the despotism of a majority may be just as bad as the despotism of one man. Fascism and the Nazi movement ... elevate the all-powerful State and makes the rights of the individual not matters of inherent dignity, but matters merely of concession by the State. Each says to the ordinary citizen, "Your rights are not those you were born with, but those which of our kindness we allow you."

Power is apt to produce a kind of drunkenness, and it needs the cold douche of the critic to correct it ... The temptation towards suppression of thought and speech is greatest of all in time of war because at such a time people say, "Let us have strength!" – all too frequently meaning, by "strength", suppression; whereas the truth is that it requires more strength of character to sustain adverse or bitter criticism than to say, with a grand gesture, "Off with the critic's head!"

I had a chat with Queensland Senator George Brandis, one of the seven true-to-label MPs in the Federal Liberal Party. He produced some fascinating research about Menzies' attitude to banning the Communist Party, which, far from proving Menzies a hypocrite, proved the depth of his principles, and the extraordinary circumstances which saw him forgo them in the case of the CPA.

On 24 May 1940, the Menzies Government imposed a ban on some CPA publications, and later declared it an illegal organisation under wartime powers. The decision was uncontroversial, as the Soviet's non-aggression pact with Nazi Germany had precipitated the war.

Yet Menzies had tenaciously resisted the ban, twice rejecting recommendations to Cabinet before finally signing off. The War Cabinet initially decided "it was inadvisable to declare the party an illegal organisation", rejecting a joint recommendation from all three defence services. (Paul Hasluck, *The Government and the People 1939-1941*, Canberra, Australian War Memorial, 1952, pp 582-94.) Instead, Menzies established a committee of the defence services, the police and the Department of Information to re-examine the question. That committee also recommended a ban, but Menzies again said no. The Cabinet submission records that Menzies' reluctance "in view of the danger of infringement of the rights and privileges of innocent persons should approval be given to principles without regard to the details and methods of implementing them and the provision of safeguards to prevent their abuse".

Menzies insisted that a ministerial sub-committee "consider the course of action to be followed" before finally agreeing to the ban.

In 1942, after the Soviet Union joined the Allies, the Labor Government withdrew the ban, again without controversy. (Leicester Webb, *Communism and Democracy in Australia: A Survey of the 1951 Referendum*, Melbourne, Cheshire, 1954, pp. 6-7.) At the 1943 election, only the Country Party, led by Arthur Fadden, campaigned

for a ban on the CPA. (Ulrich Ellis, *A History of the Australian Country Party*, Melbourne University Press, 1963, p. 274.)

The first Federal Platform of the Liberal Party, founded by Menzies in 1944, did not seek to ban the CPA, and at the 1946 election, again only the Country Party campaigned to do so. Menzies made his attitude clear in a parliamentary speech on May 15, 1947 on a motion that the Chifley government hold an inquiry into the CPA:

One reason why I have repeatedly expressed the view that these people should be dealt with in the open is that I have complete confidence in the basic sanity of our own people. If we deal with these people openly we shall defeat them; but we cannot deal with them openly unless their operations are known, unless they themselves are known. (House of Representatives *Hansard* 15 May 1947 pp. 2460-1.)

In contrast, the Country Party's John McEwen demanded that members of the Communist Party be dealt with "as traitors".

Menzies' turnaround was forced upon him by domestic political necessity coupled with profound world events, including war-like actions by the Soviet Union. Domestically, his Coalition partner's strident campaign to ban the CPA was joined by an internal rival, Richard Casey, who sought to take over the Liberal leadership by citing Menzies' refusal to ban the CPA as a sign of weakness.

Fast forward to the rise of One Nation and the government's attempts to deregister it in the Courts through secret funding from big business while refusing to openly debate the merits of its policies. And then to John Howard's post-Tampa legislation, drafted in his office, which sought to exempt all Commonwealth officials from the jurisdiction of our courts in relation to the boat people, even for murder. Only WA Liberal Judi Moylan abstained, citing Howard's failure to allow any time to consider its ramifications. When Beazley said no, he was cursed with Howard's accusation of weakness throughout the 2001 election campaign for forcing the PM to amend his plans, and the false claim that some boat people were terrorists.

Fast forward to Howard's post election response to 11 September 2001, to rush through parliament draconian limitations on fundamental civil rights of liberal democracy through anti-terrorism laws which defined political and industrial protests as "terrorist acts", and allowed the Attorney-General to unilaterally ban political organisations without reference to parliament. And to his ASIO laws, which allowed unlimited, secret detention and interrogation of people not suspected of terrorism without access to lawyers or even notice to their families.

Only desperate brinkmanship from the true Liberal remnants – Brandis, Moylan, Marise Payne, Petro Georgio, Brett Mason, Christopher Pyne and Bruce Baird forced Howard to water down

his terrorism and ASIO laws. The only power which gave them the clout to outstare Howard was that he did not have the numbers in the Senate, and that Labor, under siege from Howard for standing up for fundamental liberal values and proper checks and balances on untrammelled executive power – was bolstered by leaked threats from dissident Liberals that they could cross the floor in the Senate. Howard then proposed that the Senate's power to veto legislation be abolished, which would have ended the only effective parliamentary review of executive government decisions, and the last leverage of true liberals in the Liberal Party.

And he's still at it – just last week, in a Senate report, Payne and Mason joined with Labor to condemn proposed “*consorting with terrorists*” laws as potentially criminalising legitimate social and religious festivals, the giving of legal advice, and investigative journalism. They said the government had not even proved the case for any need for the new laws! Howard has presided over the collapse of consensus in the political class that civil and human rights are not to be tools for party political gain, or to be torn away from citizens through cheap and cynical scare campaigns putting unbearable political pressure on a responsible opposition. This shaming of the Menzian Liberal tradition has included a pre-fascist fetish to attack minorities and feed the community's fear of difference.

In this regard, I'd like to quote the 1942 Menzies talk I found the most inimical to John Howard's idea of leadership in times of war. In “Hatred as an instrument of war policy”, Menzies protested against government advertising, urging Australians to despise the Japanese:

It appears to proceed from a belief ... that the cultivation of the spirit of hatred among our own people is a proper instrument of war policy.

The real question is whether we should glorify such a natural human reaction into something which ought to be cultivated and made a sort of chronic state of mind. ... In a Great War like this, bitter moments are the portion of many thousands of people, and one must respect that bitterness and its cause. But if we are to view war problems from a national point of view and – what is even better – from a world point of view, then we must inevitably conclude that if this war with all its tragedy breeds into us a deep-seated and enduring spirit of hatred, then the peace when it comes will be merely the prelude to disaster and not an end of it.

... Is it thought that Australian civilians are so lacking in the true spirit of citizenship that they need to be filled artificially with a spirit of hatred before they will do their duty to themselves and to those who are fighting for them?

... Peace may be all sorts of things – a real end of war, a mere exhaustion, an armed interlude before the next struggle. But it will only be by a profound stirring in the hearts of men that we shall reach goodwill.

... It does not mean that in some dreamy or philosophic fashion we are to forget that the salvation of mankind requires that this generation of ours should be ready to go through hell to defeat its devils. But it does mean that we should refuse to take the honest and natural and passing passions of the human heart and degrade them into sinister and bitter policy. We shall, in other words, do well if we leave the dignity and essential nobility of our cause unstained and get on urgently with the business of so working, so fighting, and so sacrificing ourselves that the cause emerges triumphant and the healing benefits of its success become available as a blessing not merely for us but for all mankind.

When did Menzies' wisdom lose its force in the Liberal Party? When did his spirit die? And how do we revive it, for the sake of all Australians? In the 1997 Menzies memorial lecture in London, Howard said:

Menzies had a deep respect for the political freedoms and personal liberties, the parliamentary democracy, the rule of law, and a free press that were Britain's great gift to Australia. It is no exaggeration to say that these principles constitute the foundations on which Australia's strengths as a nation are built.

I seek to prove in my book that Howard has betrayed all of these foundational principles to such an extent that he could, if he wins again, destroy them through his belief that the ends always justify the means. While he mouths these empty phrases to justify opposing a bill of rights for Australians, more and more true Liberals are now calling for one as the only protection left for our civil rights and freedoms.

The current weakness of our democracy is clearly shown in its failure to hold Howard to account for his misleading and deceptive conduct in taking Australia to its first war of aggression in Iraq against the wishes of the Australian people. The British and American parliaments and media have comprehensively shown us up.

My belief in strong democratic institutions, the rule of law, the separation of powers, and ethical government were forged by my experience as a Queenslander, a police state under the rule of Sir Joh Bjelke-Petersen. I am a small "l" Liberal, greatly distrustful of State power and extremely mindful of the need for legal protection against its abuse. It is no coincidence that some of the strongest advocates against Howard's pre-fascist policies come from Queenslanders, including Senators Brandis and Mason and Tony Fitzgerald QC, a traditional liberal destined for the High Court until he did his duty as Royal Commissioner into Queensland police corruption. At the Sydney launch of my book, Tony *said*:

In a speech last year, the author Norman Mailer described democracy as "a state of grace that is attained only by those countries which have a host of individuals not only ready to enjoy freedom but to undergo the heavy labour of maintaining it".

Australians generally accept that democracy is the best system of government, the market is the most efficient mechanism for economic activity and fair laws are the most powerful instrument for creating and maintaining a society that is free, rational and just. However, we are also collectively conscious that democracy is fragile, the market is amoral and law is an inadequate measure of responsibility. As former Chief Justice Warren of the United States Supreme Court explained: "Law presupposes the existence of a broad area of human conduct controlled only by ethical norms.

Similarly, democracy in our tradition assumes that a broad range of political activity is controlled only by conventions of proper conduct. Especially because individual rights are not constitutionally guaranteed in this country, justice, equality and other fundamental community values in Australia are constantly vulnerable to the disregard of those conventions.

Mainstream political parties routinely shirk their duty of maintaining democracy in Australia. This is nowhere more obvious than in what passes for political debate, in which it is regarded as not only legitimate but clever to mislead. Although effective democracy depends on the participation of informed citizens, modern political discourse is corrupted by pervasive deception. It is a measure of the deep cynicism in our party political system that many of the political class deride those who support the evolution of Australia as a fair, tolerant, compassionate society and a good world citizen as an un-Australian, "bleeding-heart" elite, and that the current government inaccurately describes itself as conservative and liberal. It is neither.

It exhibits a radical disdain for both liberal thought and fundamental institutions and conventions. No institution is beyond stacking and no convention restrains the blatant advancement of ideology. The tit-for-tat attitude each side adopts means that the position will probably change little when the opposition gains power at some future time. A decline in standards will continue if we permit it.

Without ethical leadership, those of us who are comfortably insulated from the harsh realities of violence, disability, poverty and discrimination seem to have experienced a collective failure of imagination. Relentless change and perceptions of external threat make conformity and order attractive and incremental erosions of freedom tolerable to those who benefit from the status quo and are apprehensive of others who are different and therefore easily misunderstood.

(Yet) we are a community, not merely a collection of self-interested individuals. Justice, integrity and trust in fundamental institutions are essential social assets and social capital is as important as economic prosperity.

In order to perform our democratic function, we need, and are entitled to, the truth. Nothing is more important to the functioning of democracy than informed discussion and debate. Yet a universal aim of the power-hungry is to stifle dissent. Most of us are easily silenced, through a sense of futility if not personal concern.

My book is an attempt to persuade Australians that there comes a time when political disagreements must be put aside to fight together for the one thing we all agree on – a vibrant liberal democracy in which politicians represent the public interest, not their own or those of their donors and benefactors, and in which every Australian, through the People’s House, can have a say in the determination of our future.

Since the 2001 election, Webdiarists of most political inclinations – left, liberal, conservative and nationalist – have discussed the grave and growing threat to our democracy posed by the Howard regime. The rise of refugee activism has brought voters of many colours together in a campaign which, while reviled by the majority, has grown and strengthened and become more determined over time. The release last weekend of the *plea* from 43 of our top retired defence, diplomatic and public service leaders – Australian elders – calling for truth in politics and for Australia to put its national interest before subservience to the USA, is further proof of this trend towards Australians coming together to defend our democracy.

Since the launch of my book, I met Liberal Party elder John Valder, who has adopted the book’s title to convene a “*Not happy, John!*” campaign to rid the people of John Howard in Bennelong. He is the first establishment Liberal I’ve got to know well, and to our surprise we both like each other and have more in common than not when it comes to our values. We have appeared together at a public meeting called to discuss how Australians can reclaim our democracy.

In “*Not happy, John: angry outsiders take on Howard*”, Michelle Grattan wrote of the extraordinary stands being made by Brian Deegan, Andrew Wilkie and John Valder in the lead up to this election, the most important in my voting lifetime. She quoted Bob Montgomery, professor of psychology at the University of Canberra, on why the unlikely trio have done so: “They have in common,” Montgomery says, “the phenomenon one sees through history, ‘of people willing to take a stand that may be costly for them but satisfies their need for integrity’.”

Since the book’s release, I have received dinner invitations from people I would never otherwise have met, in walks of life I have never encountered. The topic: how to join forces to fight for the Australian values which make us special and which are close to being lost forever. Now is the time to begin that fight, together, and many Australians who’ve never before been involved in politics are looking around to spot others with defiance in their eyes also prepared to take the time and bear the cost of doing what they can to remove the Howard regime, give the Liberal Party the chance to rediscover the traditions and values which made it great, and create a mass movement to insist that liberal values are brought back into the mainstream of Australia’s faltering democracy.

For all its faults, and there are many, I believe the election of a Labor Government and a strong Senate will give the people a breathing space to mobilise to make the health of our democracy a crucial issue during the term of the next government and at the next election. I'd like to end with a quote from Menzies and a quote from my book:

Menzies, 1942:

What, then, must democracy do if it is to be a real force in the new world? ... It must recapture the vision of the good of man as the purpose of government. And it must restore the authority and prestige of parliament as the supreme organic expression of self-government.

... The truth is that ever since the wise men gathered about the village tree in the Anglo-Saxon village of early England, the notion of free self-government has run like a thread through our history. The struggle for freedom led an English parliament to make war on its King and execute him at the seat of government, confined the kingship itself to a parliamentary domain, established the cabinet system and responsibility, set in place the twin foundation stones of the sovereignty of parliament and the rule of law on which our whole civil edifice is built.

The sovereignty of parliament. That is a great phrase and a vital truth. If only we could all understand it to the full, what a change we would make! Sovereignty is the quality of kingship, and democracy brings it to the poor man's door.

(Not happy, John! Defending our democracy, Chapter 2, "Yours not to reason why")

I visited a friend after Bush declared "mission accomplished" in Iraq, at a time when the lies, the spin and the psychological assaults inflicted by the Coalition of the Willing's governments on any public servant who told the truth were becoming horribly clear.

My friend said, 'Margo, we usually find out thirty years later that they lied to us to send us to war. What happens when we find out almost instantaneously? And what happens if nothing happens?'

I answered: 'I guess it would mean that we don't treasure our democracy any more, and that means it will die.'

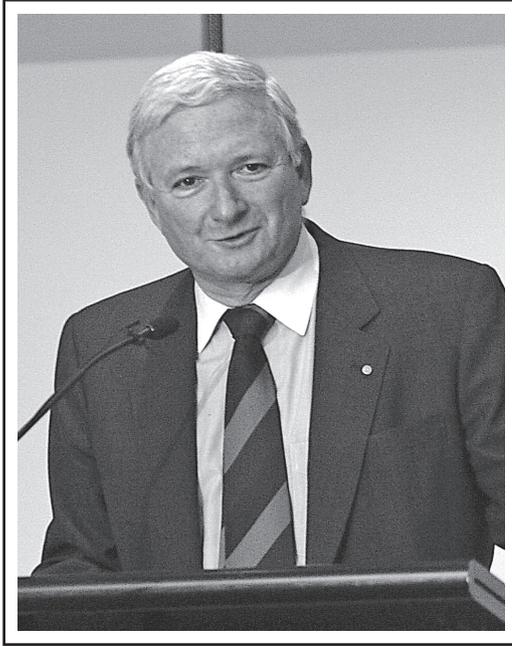


Photo – David Karonidis

Nick Greiner

The Hon Nick Greiner, former premier of New South Wales, is Chairman of the Australian Subscription Television and Radio Association (ASTRA). On Monday 16 August, Nick Greiner addressed The Sydney Institute to argue the case for revising the anti-syphoning legislation and for substantial deregulation in the area of free-to-air coverage of sporting events. As he put it, “Commercial television has been loaned a scarce public asset and given a legislatively enshrined protection to provide free digital television services. There can be no public benefit in allowing these same networks to provide subscription television services using a public asset given to them for the opposite purposes.”

AUSTRALIA'S MEDIA

FUTURE – A PAY TV PERSPECTIVE

Nick Greiner

I come before you this evening as a long-term passionate consumer of all media, particularly when the content is sport, politics, news or business: a one time public policy reformer with a firm belief in the virtues of the market place, of consumer choice, of light handed regulation based on the public rather than sectional interests and of competition both qualitative and quantitative: a businessman who naturally believes in the importance, indeed primacy, of creating shareholder value based on giving customers what they want and loving them to death in the process and finally, as the Chairman of the Australian Subscription Television and Radio Association for the last seven months, coming from my non-executive involvement with a private equity firm which has been the driving force of the current resurrection of AUSTAR, the regional subscription television service.

I state that background, I would certainly not call it qualification, as one's starting premises tend to greatly influence where one comes out on the range of complex public policy and business issues encompassed in the future of Australian media. We also need to acknowledge at the outset the usual caveats about Australia's limited population, huge distances between the major cities and relative media immaturity compared to the US and the UK.

The challenge in attempting to design the desirable future for Australian broadcasting is an exercise in walking fine lines between the capacity of technological progress, the changing preferences of consumers and the necessity to ensure financial viability, indeed profitability, of the good players so as to enable the requisite continued investment in both content and technology.

Thus, I believe that the criteria on which to judge a media scenario are consumer choice, technical flexibility and economic sustainability. These of course will sometimes be mutually inconsistent and on other occasions mutually dependant. That is where the Federal Government must soon make considered judgements. Given the long lead times and capital intensive nature of media investment there is also a strong case for continuity and consistency of regulatory approach.

While technology changes are revolutionary, evolution is the best path for government and the new Australian Communications and Media Authority.

At an umbrella level, you would expect me to believe that the long overdue end to both cross-media ownership laws and restrictions on foreign ownership should occur as quickly as possible. I do. They are based on the long out-dated prejudices amongst Australia's politicians. If there ever was a real public interest need for these restrictions in the name of diversity of content, especially regarding news, it is transparently the case that they are actually counter productive to the public interest in the twenty first century.

So, quickly, on my three areas of technology consumers and profitability. We all know, although people in my age bracket may not entirely understand, that technology now provides a veritable cornucopia of individual choice. Choice as to time, real time or any time, anywhere. There is almost infinite detailed control in the hands of individual audience members unconfined by state, national or international boundaries. This trend will continue.

Consistently consumers, especially those under 35, feel unconstrained about particular technologies, are equally comfortable with mobile phones, the internet, portable computers, free and subscription television, DVDs and so on. These younger consumers are becoming control freaks, willing and able to pick and choose what they see, when they see it and how they see it. They are truly comfortable with a personalised overall information and entertainment experience. This trend is not capable of being stopped by vested commercial interests or regulators. That is not to say it cannot be delayed and the cost and effectiveness of the customisation influenced and, indeed, that is where much of the heat but not light in the media debate is concentrated. That is to say it is focussed on money. The Australia free-to-air television industry, the AM and FM radio sectors have long established track records of profitable operation which goes along with significant political influence. Whereas, the decade of subscription television has seen some \$8 billion invested, the bankruptcy of most participants with FOXTEL and AUSTAR surviving platforms only now in sight of viable financial outcomes.

The essence of the subscription offering is providing a quantity and quality of choice which people are prepared to pay for and thus no surprise that our long term vision for the media is for it to be as free and unregulated as possible. We believe the question is what path is chosen towards this result over the next five to ten years.

Overseas experience, while helpful in forecasting the consumer/technology interface, cannot be applied willy nilly to our situation. Subscription television is about half a century old in the US and the

structure of the UK industry, dominated by the separately and generously funded BBC, is quite different.

So enough of principles and comparisons. Where do we come out on the issues that will entertain the government to be elected in October as it looks at the statutorily required reviews, particularly of the digital world? Ahead of the election everyone has amazingly gone to water on the subject of a fourth commercial channel. ASTRA believes that the correct principle is that the government should not stand in the way of anyone wishing to invest in an additional free-to-air channel(s), but this issue needs to be seen in conjunction with decisions on multi-channelling and anti-siphoning: "To introduce multi-channelling without permitting additional commercial television licences to be offered to the community will entrench the incumbent commercial operators and provide no opportunities for a new entrant to purchase programming for their new service. It would in effect give new commercial television licences only to the incumbent oligopoly and lock out the benefits of new competition, diversity and investment growth in television broadcasting." (ASTRA) In practice "fourth" network becomes the metaphorical "forty-fourth" and of course would never exist.

I do not believe that new commercial licences will impact the quality of existing free-to-air services; indeed, they might arguably enhance them. Likewise, as many industry observers have started to concede, the FTA networks value will increase as the audience fragments as their capacity to deliver any sort of mass audience will be even more obvious and more exclusive. That is presumably why the networks in the UK as they lose audience share which is an equally inevitable development here, are actually increasing their advertising revenues. Nevertheless the defence of the status quo is a predictable and understandable position for FTA.

It is obviously doubtful that the economics would see new commercial licensees start and, more importantly, succeed. When the Government eventually decides that it will move to the next stage of increasing choice we do not oppose free-to-air multi channelling, but *if* and *only if* at the same time the other anti-competitive rules most notably anti-siphoning are substantially eliminated. In other words, we believe that such multi channelling expansion should only occur at an appropriate point in the development of the subscription sector given the fact that multiple channels are an essential and distinguishing characteristic of our sector which, as mentioned, is still at a developmental stage. Equally the regulatory playing field must at that time be level.

We believe that the notion of subscription multi-channelling by the free-to-air (sounds a bit like a contradiction in terms to me) is

entirely ridiculous given that they would be being provided on publicly owned spectrum.

Commercial television has been loaned a scarce public asset and given a legislatively enshrined protection to provide free digital television services. There can be no public benefit in allowing these same networks to provide subscription television services using a public asset given to them for the opposite purposes.

We believe that in chronological order there should be a decision regarding more commercial licence or licences; a moratorium against further multi-channelling by the existing FTA players until say 2010, *then* a deregulated playing field with the reform of anti-siphoning occurring at the same time.

I need to say something about the anti-siphoning. This is the set of rules which was created by the Keating Government and continues to be supported by both sides of Australian politics on the ground that the “punters” are entitled and indeed expect to view free sport. Both my previous occupation and everyone’s acceptance of the sports mad nature of the Australian public, suggest there can be no doubt that the icon events, or what in Britain are known as the crown jewels, can and should be on free-to-air television. No-one in their right mind would seek to take the Melbourne Cup, State-of-Origin Rugby League, the NRL and AFL Grand Finals, the Australian Open Tennis Final and similar events off free-to-air. In any case, the owners of those rights, the sporting bodies would ensure the opposite for their own manifest self-interest as well as the interests of their fans. The ratings ensure their live national broadcast.

However, the Australian list, despite some recent improvements both in content and in de-listing procedures, i.e. the opportunity to have events removed from the lists if the rights are not taken up by free-to-air within three months of the event, remains simply crazy. Umbrella statistics quoted by both sides of this debate are mind-numbing. Some examples will be more instructive:

- French Open Tennis remains on the list even though free-to-air coverage is two half-hour daily packages in the ABC;
- Rugby League, State-of-Origin Game 1 was broadcast free-to-air at 11.00 pm in all States except New South Wales and Queensland.
- All of every match in the AFL Premiership remains on the anti-siphoning list yet consistently less than a third of AFL games are broadcast live.
- All NRL games are on the list, yet Channel 9 broadcasts none live, two of seven on delay.
- Outside of New South Wales and Queensland one needs to be an insomniac to be a Rugby fan. I can’t for the life of me understand why the 60,000 people who turn up to watch Australia play a

rugby union test in Perth are happy to be second-class citizens if the match happens to be played in Melbourne, Sydney or Brisbane.

I couldn't help laughing that it was apparently Alexander Downer's inability to see the final putt in the recent British Open which caused the new Minister for Communications to agree to look at the issue again, particularly so as to develop a meaningful "use it or lose it" model to stop hoarding. The reality of course if the anti-siphoning regime became more realistic, is there would be more rather than less sport on free-to-air television simply because of the competitive pressures. More than 40 per cent of the television schedules of the main terrestrial networks in the UK in May this year were devoted to sport because it delivers young predominantly male viewers who attract advertisers and thus revenues. Thus the notion that free-to-air coverage of sport in Australia is helped by anti-siphoning is a myth occasionally propagated by vote hungry politicians and of course by the only real beneficiaries, the FTA networks.

In my model by the end of this decade but hopefully before we will have a limited list, such as occurs in the UK and other countries that have any list at all, which covers finals weekends at Wimbledon and the other entirely obvious events but not events that are never shown on a free live national basis. Hopefully before then, given both Liberal and Labor comments of recent times, there needs to be an effective use it or lose it system put in place.

The existing availability of live national sport on television is a disgrace – it is arguably less than in any comparable country.

Around the world governments are sweating on the take-up digital television services and whether or not to switch off the analogue. In Australia there is a mixed picture, but generally you would say take-up has been slower than hoped for. This of course has been essentially because the consumers were voting with their feet in terms of what is available on free-to-air and the cost of changing.

Personally the opportunity to catch up with the news at night whenever I want to and from multiple sources on Skynews or the opportunity to see what I missed as my rugby league team suffers another loss are tremendous plusses. Skynews will be introducing voting during the forthcoming election campaign – voting for your favourite contestant evictee or whatever on an interactive basis is already popular even though it is by phone on FTA programs.

The notion that allowing free-to-air multi-channelling would be a good policy initiative to accelerate digital take-up is unsustainable. What needs to happen is that the quality of the customer proposition of digital free-to-air needs to be such as to have people want to switch and the coverage and equipment availability to improve. Indeed, this is now happening. As we speak there are reportedly near a million

homes with digital services, FTA or subscription and the sharply accelerating trend will no doubt continue. Again the market working and not needing heavy handed regulatory efforts to help it.

Another more significant change will come with the introduction of personal video recorders in 2005. This of course is a further example of what you want when you want it and with the capacity to screen out advertisements. The inevitable result of convergence, of the range of competition from computer games, the internet, mobile phones and whatever, is that people will want to maximise the satisfaction they get from whatever hours they spend with television and devices which help achieve that easily and cheaply will be rapidly taken up.

People will be able to get for example instant pictures as well as results of their favourite football game anywhere in the world sent to their mobile phone, and then able to watch the highlights at any time of their choosing and for the addicted, the whole of replay again at a time of their choosing and with a whole range of interactive options. A continuum of choices both as to timing, content and technology not an either/or situation.

Further digital services will of course continue to be offered on both subscription and FTA. Again the lead set by subscription eg regional weather, press of button voting in the election campaign, more movie viewing options will only accelerate the so far limited FTA response. In time a range of non-TV datacasting services will also be available.

At the moment, Australian broadcasting space is characterised by frenetic competition and frenetic public antagonism between free and subscription with an amazing amount of competitive abuse from some free-to-air executives. Me thinks they protest too much. It is not a simple zero sum game.

In the long term, the only possible and indeed desirable outcome is a co-operative relationship where each of the players does the things they do best and provides a unique selling proposition both to viewers, advertisers and other stake-holders, that suits their own particular capabilities. To give a real world example, in the United States some golf tournaments which of course go over four days are shown on ESPN on Thursday and Friday and NBC on the weekend. An example of the market in all its aspects, working and being allowed to work. Equally, as Dawn Airey recently pointed out, advertising of golfing products has begun to move from magazines to golfing telecasts as effective television niches emerge.

In conclusion there is a place for everyone in the media sun. The combination of technological improvements i.e. new services, changing consumer preference and aptitude and a measured regulatory approach which neither seeks to enshrine the status quo nor move

rapidly to an end game will produce the best result for the public and acceptable outcomes for operators, investors, content providers and other stake-holders.

The next government and ACMA will need the wisdom and patience to provide a framework which allows it to happen.

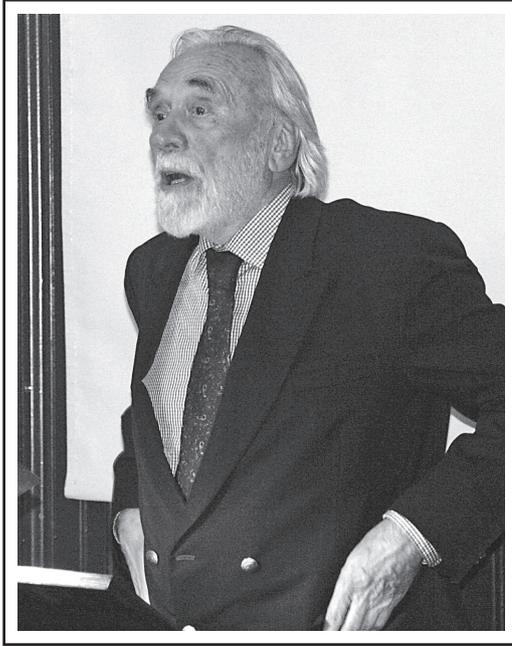


Photo – David Karonidis

Frank Welsh

British historian Frank Welsh is the author of *Great Southern Land: A New History of Australia* (Penguin 2004) which is the first substantial history of Australia to be written by a non-Australian. In the introduction to *Great Southern Land*, Frank Welsh explains that he spent five years writing the book because he loves Australia and the people, and that he found writing about Australians a privilege. “Australia is probably the most successful society in the world and the most agreeable to live in,” he writes. Frank Welsh addressed The Sydney Institute on Tuesday 24 August 2004.

GREAT SOUTHERN

LAND; A NEW HISTORY

OF AUSTRALIA

Frank Welsh

Whilst this talk is indeed a British writer's view of Australian history, it comes from a background of many years research in imperial and colonial affairs, during which I have been impressed by the varied approaches to similar problems attempted in different countries, particularly by Canadian, South African and Australian authorities. If there is any merit in what has turned out to be an alarmingly weighty book it is perhaps this comparative treatment; and I should apologise to New Zealand for a seeming neglect, but it should be understood that every credit given to Australia applies across the Tasman Sea, and that some Australian errors were there avoided.

Two centuries of neglect

From the beginning of the seventeenth century the theory that a large land mass existed in the southern hemisphere, which had been current since the Middle Ages, was finally proved correct. Those insatiably inquisitive navigators, the Portuguese, had already nosed around the coasts of New Guinea, and William Janszoon had traversed the Gulf of Carpentaria, but it was his Dutch colleagues aiming for the Spice Islands and glorious riches, who hit – often quite literally – on the land they called New Holland.

Dirk Hartog was the first to do this, and within 30 years of his 1616 voyage several thousand miles of coast, from Cape York to the Great Australian Bight and the southern coast of Van Diemen's Land had been charted, leaving open the question of how far New Holland extended to the East, its relation to New Guinea and the mystery of the eastern littoral. But having discovered so much no one paid the new continent any attention. At a time when the Dutch, Spanish, French and British were all energetically expanding their commercial Empires, the Great Southern Land was neglected. On the basis of a few landings the country was dismissed as worthless and the inhabitants as sullen and unwelcoming. Money-making, then as now the

major Western interest, seemed impossible. "We cannot anticipate any great results from the continuation of such discoveries, which besides entail further expenses for the Company," grumbled the directors of the United East India Company. Rewards were accordingly sought elsewhere and not only in Asia. New Holland was ignored, but Dutch settlers founded a colony in Cape Town which, by the time the British decided to claim the Dutch discoveries as their own, extended 500 miles along the coast and inland through the Karoo wastes to Graaff-Reinet. Nor, of course, was it profit that attracted the first European settlement, nearly two centuries after William Janszoon's voyage, but a convenient solution to an embarrassing political problem.

Any historian cannot help but be impressed by the consistent inconsistency and opportunism of politicians, from Queen Artemisia of Halicarnassus waiting to see how the battle of Salamis was going before committing her own forces to the Greek side, through the impudent appropriation of Tory policies by Britain's New Labour, to the recent invasion of a Middle Eastern country in pursuit of terrorists who – then, at any rate – were not there, in order to counter weapons of mass destruction which did not exist, but is nevertheless proclaimed as a triumph of freedom and democracy. So it was in England with William Pitt's government of 1786-7

Crime and punishment was then an engrossing topic, fuelled by the disastrous Gordon riots in 1780, and by the continuous threats to property made by widespread, if often minor larceny. What had been a popular punishment, that of transportation to work as indentured labour in the American colonies having been made impossible after the American Revolution, some alternative deterrent was eagerly sought. Faced with similar problems European governments were able to use more interesting methods of execution, such as breaking on the wheel, burning alive, dismemberment or sending culprits to the galleys. Lacking such expedients, and having no tradition of penal imprisonment, hanging was about the only punishment available to the British, and one that, public opinion being what it was, could only be sparingly used. Until something better could be devised convicts were stored in disused ships, under miserable conditions, a practice now restored after a lapse of two centuries.

Indentured labour was only possible in already established colonial societies, where farmers and tradesmen could supervise their impressed servants, and such colonies still remaining were mainly in the West Indies, already well supplied with slaves. A penal settlement would have to start from scratch, in very different circumstances, and increasingly worried attempts were made to find suitable sites. The coast of Africa was tried but most of the convicts died – not altogether a bad thing, some of the more conservative politicians believed, but more humane counsel prevailed. When the famous and respected Sir

Joseph Banks, President of the Royal Society, renewed his suggestion that one of the spots he had previously visited with Cook in HMS *Endeavour* might make a suitable penal colony, the relief was apparent. Botany Bay sounded an irresistibly attractive destination, suggestive of lush vegetation, and providing a happy alliteration.

In truth Banks' was an outrageously bold proposal, almost, given the methods of transport, the means of communication and the scanty knowledge of what might be expected at the destination, the equivalent of a modern inter-planetary expedition. Some wide-ranging discussion was needed. Looking through the archives, one can almost hear the debates taking place in Westminster corridors. Did not New South Wales seem a possible route to China, now becoming interesting as the opium trade from India expanded? Was there not a remarkable potential source of spars and sail cloth in that spot called Norfolk Island, somewhere off the coast? Certainly the land itself looked unpromising, but it could probably support a few hundred convicts and their guards. And besides, as one future (fictitious) Australian governor remarked, "Something was bound to turn up", or as Banks himself put it more pompously, "so very large a land must somewhere furnish Matter of Advantageous Return". Later writers have argued that it was economic benefits, perhaps more respectable as foundation for a colony than mere expediency, that led to the despatch of the First Fleet. But the key factor, the winning argument, was that it would get rid of some convicts and possibly discourage others; and there was always the chance that some might make good. At least the French would be warned off the turf.

A serious omission

But it was the same, perennially-annoying French, who caused the first interruption to Australian development by storming the Bastille in July 1798, eighteen months after the First Fleet landed. British interest in New South Wales thereafter dissolved amid the threats of revolution and the beginning of 30 years of conflict, which spread over the rest of the world, to all four of the continents. Not until the end of the war, and the adjustment of British society to post-war conditions which began in 1815, did the Antipodean prison colonies receive much attention. While this second period of neglect made life often uncomfortable and difficult for the newcomers it was the beginning of disaster for the old Australians, the Aborigines.

It was bound to be devastating, this intrusion by technically advanced and abundantly self-confident newcomers into scattered communities of hunter-gatherers. No very convincing parallel can be traced in other imperial records. Only perhaps the Inuit of northern Canada or the Bushmen of the Cape, were so purely hunter-gatherer societies, and neither of these had developed in such isolation as

had the autochthonous Australians. Inuit had been in contact with American Indian tribes and European fishermen for hundreds of years. For even longer Bushmen had lived alongside Khoikhoi – better known as Hottentots – skilled pastoralists, who in turn mixed with the black Bantu peoples. But Australian Aborigines were faced, without any previous experience, by a sudden irruption which brought with it devastating diseases and demanded radical readjustments.

It was the unexpected suddenness that was so damaging. Canadian Indians had been given time to adjust. More than 250 years after the first European arrivals there were still only 60,000 French Canadian settlers and hunters, and they were scattered over a huge area, from the Gulf of Mexico to Hudson Bay, and from Nova Scotia to the Great Lakes – and the culture of French Canada was much more akin to the Indian pattern than were those of any British colonists. Time was not allowed to the Aborigines.

Even so, much that might have been achieved was not attempted. Wartime pressures did not prevent an immediate and sustained missionary effort in South Africa – and missionaries were the essential interlocutors between intruders and those intruded upon. Within 20 years of the British occupation of the Cape of Good Hope, English, Scottish, Dutch and Swiss missionary societies had sent out their ministers to live among the African communities, spreading not only the Word, but teaching basic literacy and other skills which enabled Khoikhoi to adapt to British customs and to integrate into colonial society. Nothing of the sort occurred in New South Wales or Van Diemen's Land. The sole concern of the colonial pastors and priests was with their white flock, prisoners and settlers alike. It was nearly 40 years later, in 1825, before the first serious mission to the Aborigines was undertaken by the Nonconformist minister Lancelot Threlkeld – and Threlkeld, although dedicated to his work was not a man of the heroic stature of the African missionaries, and lacked official support.

At this point I must put in a word in favour of that often maligned cleric, Samuel Marsden, and not only because he was a member of my own college, at that time a centre of evangelical enthusiasm. A key figure for 44 years in the colony's history, Marsden, a successful farmer and rigorous magistrate, and the most influential figure in church life for most of his stay, was not an attractive figure, portly, choleric and disputatious. But Marsden's diagnosis of what was needed was the most accurate to emerge in colonial Australia. He appreciated that "a roving life in the wilderness is not necessarily a barbarous one" and that "the missionary must track the wandering savage in the desert" rather than immediately attempting "the preliminary discipline of a civilising process". But Marsden's zeal was directed to another channel, that of proselytising and instructing the Maori. In New Zealand his efforts were continuous – seven missionary

voyages between 1814 and 1837 – during which the foundations for a new colony were established.

This missed opportunity had long-lasting effects in Australia. At the Cape Khoikhoi were recruited into at least the lower levels of political society: by 1811 the first Khoikhoi Regiment, later the famous Cape Mounted Rifles, had been formed, and used, among other things to keep order among the settlers; six years later James Read, son of a Scottish missionary and a Khoikhoi girl, was able to address the House of Commons on African affairs. Canada's first Indian to sit in a colonial legislature, the Iroquois chief John Brant, elected to the Upper Canada House of Assembly in 1830, also acted as a Superintendent for Indian Affairs. And Chief Crazy Feathers (Peter Jones), a Methodist minister was at the same time active in promoting (successfully) Indian land rights. But it was another 130 years before Australian Aborigines, at best neglected, left to exist on the fringes, with no insulation against the shock of the new, could claim similar prestige or authority,

It could have been otherwise. Had a Van Diemen's Land mission been founded at the time of the first settlement the indigenous community might have been saved, in spite of its innate fragility. The colony had, after all, been granted 20 years of relative tranquillity after the first clash in 1804, and Tasmanians had shown themselves remarkably quick to adapt to new technologies and customs. But when the sporadic aggression of bushrangers was replaced by the inexorable pressure of settlement the opportunity for integration was lost. George Augustus Robinson's well-meant endeavours were too late – and, like Threlkeld, Robinson was a flawed figure.

Later missionaries accurately represented the values of their own times, tending towards condescension, impatience, and lack of respect for Aboriginal cultures. There were to be no James Reads or Peter Jones in 19th century Australia. The best, and a poor best it was, that could be managed by colonial administrations was to attempt protection; “to smooth the pillows of a dying race”.

No land is an island

Dealing with a subject at once extensive and complex, but satisfactorily limited in space and time as Australian history, there is a temptation to describe it in a linear manner, progressing from event to event, cause to effect as worked out in the land itself. But any country's history is embedded in that of the rest of the world – no land is an island entire to itself.

Many of the most critical dates in Australian history are therefore those which took place elsewhere. Had the Anglo-Japanese Treaty been saved at the 1921 Washington conference – as it might have been had Billy Hughes, in fighting form, attended – subsequent history

might have been quite different. But without a doubt, the assembling of a new Westminster parliament in November 1830 marked a turning point in Australian history as a Whig government took power pledged to reform.

What sort of reform and how much of it was to be attempted was unclear, but Great Britain and the Empire were set on a fresh path. The lesson of the American rebellion had been well-learned. Reluctant colonies were not worth having. First Canada, and then Australia were given the opportunity to decide their own futures which would include, if they asked, independence. It took time for an acceptance of this view to work through political society, but on 8 February 1850 Lord John Russell was able to introduce a Bill which provided that, all the Australian colonies, including those still to be recognised in Port Phillip and Brisbane, were to be given model constitutions, which they would be at liberty to alter as they wished: and he added in the debate “I anticipate...that some of the colonies may so grow...that they may say ‘Our strength is now sufficient for us to become independent of England. The link is now become onerous to us. The time has come when we think we can, in amity and alliance with England, maintain our independence.’” If so, then “we of this great Empire shall have the consolation of saying that we have contributed to the happiness of the world”.

It was, as James Stephen, the eminence grise at the Colonial Office said privately “a policy of cheerfully relaxing, one after the other, the bonds of authority as soon as the colony itself clearly desired that relaxation”. It was for the colonists themselves to “cut the last cable which anchors them to us” and to “assume the consequent responsibility”. And of course, a century and a half and more later, none of the Canadian or Australian colonies to which Stephen referred, have taken that step.

What followed this offer of self-government and even independence is what I am tempted to term the Australian miracle, that astonishingly rapid transformation of colonial societies first into self-governing entities, and then into a united federal nation. In 1828 the first tentative steps away from arbitrary gubernatorial control were taken by appointing – not electing – some private persons to the New South Wales Council, and by allowing emancipists to sit on juries. Only 28 years later, in 1856, New South Wales, South Australia and Tasmania all elected responsible governments and set about moulding these according to the electorate’s will.

It was an astonishingly short time – consider for example how little distant seems 1976 when the dust was settling over the dismissal by Sir John Kerr of Gough Whitlam’s government – and an achievement that seems perhaps insufficiently appreciated in Australia. Certainly I was shocked to see that the new Melbourne museum, in its extensive

– and expensive – collection gave no hint of the quite extraordinary transformation of the scattered settlements of the Port Phillip district into the state of Victoria, within 20 years or so. Somewhat primly, an anonymous curator informed me that “while self-government is not stated it is implied. A careful reading of the Australia Gallery does provide information about the settlement and growth of Melbourne’. *Hamlet* without the Prince of Denmark?

Nor, perhaps, is the achievement of Federation recognised as remarkable. Surely no country other than Australia could, at the turn of the century, have carried through so informed and constructive a debate, the result of which was to create a state which accorded with the wishes of the people themselves – while I appreciate that reservations need to be made about the near-absence of women and Aborigines. The astonishing spectacle of a nation deliberately forming itself is matched only by that of the American colonists in 1777. Even so, the Americans had benefited by well over a century of elected governments, and as Samuel Eliot Morrison wrote, “needed merely to maintain, develop, and correct, the state of things political and religious which already existed”.

But the United States was lamentably slow to translate the Rights of Man into fact – nearly another century before slavery was totally abolished, and another 100 years before social freedom for blacks was acknowledged, whereas in the decade after Federation Australians created – again based on a national consensus – a welfare state, notably more advanced than that in Canada, federated 50 years previously, or in Great Britain itself, although the new Liberal government was even then making bold moves towards reform.

A sheltered society

This achievement, it should be noted, was made possible because Australian governments were able to concentrate on domestic policies, insulated from external threats and pressures. Foreign relations were confided to the Imperial government, which at the time had other pressing concerns, including the passage of an Irish Home Rule Bill and the looming shadow of a World War. There was a price to be paid for this productive interlude of tranquillity, and the payment was duly, and generously made in the hills of Gallipoli and in the trenches of Picardy.

Another penalty was exacted, less sharply and dramatically, for the other protection afforded to pre-First World War Australian government, the shelter of the White Australia Policy. The unprecedented social advances embodied in what might be called the Deakin consensus, which gave Australia a high wage economy, depended on economic protection. Industries were insulated from competition by external tariffs, and workers were guaranteed a living wage both by

regulation and by the exclusion of cheap foreign labour. The White Australian policy was aimed primarily at Chinese and Indian workers, but secondarily also at European emigrants. Australia intended to remain as far as possible predominantly British, as indeed it did, until well after World War II, a watershed in Australian development from a congeries of colonial societies into a confident nation. The penalty for this prosperity, apart from international condemnation, was a static and un-enterprising economy, with manufacturing lagging behind its Asian neighbours, and a work force sheltered from any need to improve productivity. Not until the economic transformation of the Hawke-Keating governments did Australia begin to shake off the restrictions imposed at the beginning of the century: but agricultural and mineral resources remained the foundation of the country's wealth.

Perhaps equally damaging was the price paid for excluding non-British immigrants. Quite apart from encouraging unpleasantly racist attitudes which bolstered and justified the exclusion of non-whites, twentieth century Australia evolved into a dull monoculture which encouraged so many talented men and women to make their careers overseas, who were not replaced by immigration: between 1938 and 1945, at a time when Britain and America benefited from an influx of brilliant European immigrants fewer than 6,500 were admitted to Australia. My own recollection goes back some 35 years, when I found that Melbourne and Sydney, although larger, were both depressingly like some British provincial cities with more agreeable climates – but Manchester had an internationally famous newspaper and orchestra.

Today a visitor's reaction would be very different. Since the late fifties, following the admission of Hungarian refugees and the abolition of the infamous dictation test the population of Australia has doubled, and the effects are everywhere obvious. Australia's capital cities have become metropolitan centres and Australia recognised as a major player on the world stage – and while welcoming the infusion of new cultures has retained the old virtues of tolerant friendliness and an insistence on fair play for all that impressed such earlier visitors as Anthony Trollope, Charles Dilke and Beatrice Webb

But reservations are sometimes voiced that Australia, it is claimed, has not developed a true national identity. A new flag, a new constitution, a more independent foreign policy less closely linked with that of the USA, a re-appraisal of indigenous institutions are all advanced as necessary changes – and a comparison with that other old Dominion, Canada, suggests that this may well be so.

The debate promises to be interesting.

FUNCTIONS - 2004



Photographer: David Karonidis



Photo – David Karonidis

Yuli Ismartono

Yuli Ismartono, executive editor of *Tempo* magazine and a well known professional in the fields of public affairs and journalism, visited Australia as part of a five member delegation of Indonesian citizens to talk about democratic reforms gained since Suharto. Her main message was that Indonesia is very serious about instituting democratic change although there is still much reform needed in the justice system. Her comments took on added meaning following the successful outcome of the 2004 Indonesian Presidential election. Yuli Ismartono addressed The Sydney Institute on Monday 30 August 2004.

AUSTRALIA-INDONESIA

RELATIONS

YULI ISMARTONO

My colleagues and I are very pleased to be here. I'll straight away explain what we are doing here.

We are a group of five concerned private citizens on a goodwill visit to update what's going on in Indonesia. There's been a lot of changes since Suharto stepped down in 1998 and we feel it's important to come to Australia and explain or clarify, and try to ease the mistrust that's been evident for years, even as late as last week, as I will show you later from the headlines in our respective newspapers.

But, first of all, I'd like to introduce our group. Our head of the delegation, Wirjono Sastrohandoyo, is a former ambassador to Australia, France and Austria and currently a fellow at CSIS, the Centre for Strategic International Studies. He is also well-known as the chief negotiator in the Aceh conflict. He was successful. They signed an agreement but he frequently reminds us it's the implementation that was very difficult and that was stalled.

Another person with the delegation is Dr Salim Said. He is a political scientist but because he could not practise political analysis during the Suharto years, he turned to critiquing films. As he says, when he's doing the job of criticising the government, which he's doing right now as a talk show host among his many activities, that means there is democracy in Indonesia. But when he's back critiquing films, that's when the country is in trouble. The other person with us is Noke Kiroyan, who is a businessman. He is chairman of the Indonesian-Australian Business Council (IABC) in Jakarta, and also the President-Director of Rio Tinto in Jakarta. Last but not least, is my colleague, Fajrul Falaakh. Fajrul is a law professor at Gajah Mada University. His expertise is Constitutional Law. Fajrul is one of the Directors of the Nahdlatul Ulama (NU) which is the biggest Muslim organisation in Indonesia.

Let me begin by repeating that there are new and exciting happenings in Indonesia, developments that need to be explained in greater detail. So why are we visiting Australia? This is our first stop of a mission that will take us to the United States and Europe. We consider

Australia to be very important because you are our closest neighbour to the south. And yet this is how we stand right now between Indonesia and Australia: "Forty per cent of Australians see Indonesia as a threat." That is a recent headline in the *Jakarta Post*. This came out following a report from Australia about a survey which indicated that more than 36 per cent of Australians still consider Indonesia a security threat. Not long after that, was the news that Australia had acquired missiles and was pointing them to the north. So it sent our government into a tizz and we had to get clarification about that.

Mistrust has been around for a long time between our two countries. Perhaps too long, and it's probably time to redress it, particularly when Indonesia is, at long last, on its way to democracy and ready to be a good neighbour.

What happened in 1998 was a real landmark in our history. Suharto stepped down after more than three decades of authoritarian rule. Hopes were high then that we would finally be able to democratise. Indeed, democracy had been elusive as far back as the 1950s, right after our independence, when Sukarno was president. As you know, he was the president who imposed a *guided* democracy. Then under Suharto's New Order, we initially had some freedom, but the regime then turned repressive. We cannot claim to have had real democracy in Indonesia under those two presidents. But at long last, in 1998, Suharto, under great pressure, finally stepped down and laws were changed, promising more freedom, allowing for better representation, more freedom of expression and allowing a freer media.

As you know, my magazine *Tempo* was banned for good by Suharto in 1994, after temporarily banning us twice before that, crippling us. Finally in 1994 he said "that's it with *Tempo*, we've had it" and we were not allowed ever again, by Suharto, to publish.

We had to wait until he was gone from the political scene before we could publish again, because then President Habibie did away with the requirement for media companies to have a licence to publish. That was the way Suharto banned us. He just withdrew our licence to publish and we couldn't do anything. But Habibie, who immediately replaced Suharto as the interim president, did away with that, and subsequently Abdurachman Wahid, the very liberal but somewhat erratic president, did a lot more to free the press.

Many reforms in banking, monetary and trade policies were adopted right after 1998, at the beginning of what we call the *reformasi* period. New and more representative elections were to take place, freedom to assemble prohibited under Suharto led to the creation of alternative unions to the existing, government-sanctioned associations. And, happily for us, the military was stripped of most of their political power and the police was separated from the armed forces, answering directly to the president. And there were serious attempts

– not always successful – to bring the corrupt to court. A son of Suharto, Tommy, if you recall, who in the past could get away with murder, was tried and convicted for attempted murder and is now serving time at a remote island south of Java.

One promising change was the implementation of decentralisation, aimed at empowering the provinces by devolving power from Jakarta to the regions. But this early euphoria turned to dismay, Indonesia was slow in recovering from the crippling economic crisis. In the early years of *reformasi*, Indonesia was transformed from an east-Asian miracle, with rapid economic growth and low inflation, to a country that for a while experienced severe economic growth rate, almost negative. One of the biggest problems emerging from this was high inflation and unemployment. In 1999, according to the Board of Statistics, the proportion of people living below the official poverty line increased from 11 per cent, which is 22.5 million in 1996, to 24 per cent, to 49.5 million people at the end of 1998. Corruption remained a serious endemic problem and coupled with legal uncertainty, much-needed foreign investment stayed away from Indonesia.

The violent aftermath of the East Timor referendum and later the bombings in Bali and at the Marriott Hotel did more damage to the economy and to national confidence. And worse, the government and political institutions were very slow to change, creating a leadership vacuum. In the span of five years we had three presidents. As you remember Habibie, as vice-President, replaced Suharto when he resigned. There was an election of sorts. And even though Megawati Sukarno Putri, won the majority, there was such a hassle about her being a woman president that she finally had to accede to the brilliant manipulations of Abdurachman Wahid, who convinced her that the people didn't want her as president, so it might as well be him, as his party came in second. So she gave up in tears and was ready to become vice-president. But she got her way back when Abdurachman Wahid was almost impeached and had to step down. Finally Megawati, two years after the election, got to be what she wanted, which is Presidency of Indonesia. She has now joined the ranks of children of other presidents like Benazir Bhutto and Gloria Macapagal Arroyo.

In the last six years, Indonesia has muddled through. Lessons were learned from the disastrous first general elections in 1999 which elected Megawati's party but had Abdurachman Wahid become president. We learnt from that. And so the second post-Suharto parliamentary and presidential elections, which took place a few months ago, were a lot different from the one five years before. You've probably heard that they were very, very successful. The parliamentary elections of 5 April were peaceful. India reported killings and shootings and so did the Philippines. Everybody thought it would

happen in Indonesia, looking at its history. But we were as surprised as anybody else that there was no violence. We're very happy about that.

Not only was the government, in the form of the General Elections Commissions, or KPU, better prepared with the logistics and overall management, the people themselves seemed to be eager and better informed about going to the polls. Close to 150 million people went to 400,000 polling stations on 5 July to vote nationally for their representatives, not only at the national level but also at the local and the provincial level. Imagine that, 400 000 polling booths and not one person was shot – threatened maybe, but not shot. I'm not saying that our elections were free from intimidation. You can't make 32 years of authoritarian government disappear overnight.

The military, although they are no longer politically empowered, still exert a lot of influence. To give you an example, we have two cases going on right now. One is about the East Timor case. The soldiers, in full uniform, especially the Special Forces, come as early as 5 am and occupy all the seats in court so that nobody else can sit there. They sit and look at the judges, so you can imagine how intimidating that can be. They were also around at the polling booths, trying to intimidate people. But, as I said before, the people had a mind of their own and were very, very independent. They voted for their local councils, governors, district and village chiefs. There were certainly cries of foul and cheating but international observers confirmed that it was relatively a fair election.

The results were disappointing to Megawati because her PDIP party failed to get a majority the way she did five years ago. As you know the winner was Golkar. In the five years since losing in the previous election, they've got their act together. Their party machine started working and people feel confident that the party with experience is Golkar. So Golkar today has the majority votes in parliament. But that's only in parliament.

The Golkar party was followed by PDIP, of course, and then the PPP, the Muslim party, which is headed by Megawati's vice-president, and the biggest of the united Muslim parties. They did not do too badly, but surprisingly it was Susilo Bambang Yudhoyono's Democrat Party, which came in number five and won 50 seats in parliament. His party was unknown but he is known as a minister who worked under Megawati.

Last month, when the first ever direct presidential elections took place, once again, more than 85 per cent of the people turned out to vote, peacefully. And the biggest surprise of all, predictions of party favour and government coercion, for the first time, did not work. People from the top to bottom were voting independently and enjoying it immensely. I asked my maid who she was voting for. She was coy and said it was secret. But I waited until she came back and she told

me that on the way there, a car with a party banner approached her – I won't say which one it was – and offered her a lift: “you need a ride to the voting station?” She said, why not? When she arrived, there was a table laden with food and she was told, “Please help yourself but make sure you vote for our party, this party here.” And she was told which symbol and so on. They were all very nice, no coercion. They were trying to bribe her, of course. Here's my maid, who does not have an education but was so eager to give her vote, and she told me: “Yes, I ate their food, it was delicious. I rode in their car, but I did not vote for them!” She said it gleefully. And this was how it happened around the country. It was so refreshing and so encouraging to see. The slow democracy, this awareness of the power they had in their vote, is going around in Indonesia today.

But the election is not, of course, about selecting candidates on the basis of policy or platforms. They voted because Bambang was good on television and he could sing. The women loved Bambang Yudhoyono, not as much as they loved General Wiranto. Yudhoyono is the essential Javanese, very modest in appearance, pseudo-modest, but always deferential and true. As a general he was not one of those who carried guns and went out in the field. In fact, he was one of the few learned generals who got two masters degrees, one in political science and one in management. If there are people afraid of militarism coming back because he is a former general, he makes a point of explaining to them that he was one of the main architects of reforms in the military. And he is smart enough to know that if he doesn't change with the times, he will never be elected.

So he got elected, along with Megawati who is known as an “Ibu-Ibu”, very motherly, among her supporters, although she lagged behind Yudhoyono as predicted by the polls. It seems like the polls indicated people wanted change. Yudhoyono won because people are tired of old faces, of people with old mindsets. Indonesians say “old paradigms”. Some people would say that Megawati had her chance in the two years. And she didn't bring too much change while Yudionio has a lot of promise. The voters polled wanted an end to corruption, leaders who could create jobs, keep prices low, improve security and maintain the territorial integrity of the country. Sadly, to me at least, improving the quality of education was last on the list of what voters expected from the leaders.

The presidential race is now between Megawati together with her running mate, and a just-retired general Bambang Yudhoyono whose party only won 54 seats in Parliament. His running mate is a successful South Sulawesi businessman, who like Bambang served as ministers under Mega. Bambang Yudhoyono was Minister for Politics and Security and his running mate was Minister for Social Welfare, Jusuf Kalla. They were both about the hardest working ministers

under Megawati. They worked together well. He was involved in conflicts like Aceh, and Papua, Poso and Ambon. With him was Jusuf Kalla who took care of refugees, of displaced people, and they worked together quite well. But I suspect that one reason for selecting Kalla is because he is a non-Javanese and Yudhoyono is trying to court the Eastern Indonesia vote. Jusuf Kalla is very well known in Eastern Indonesia and has done a lot of campaigning there. East Indonesia is considered to be anything east of Java, for instance Kalimantan, Sulawesi, Papua, and Maluku or Moluccas. Whereas Central Indonesia is of course Java, and then you have Western Indonesia which is Sumatra.

Slowly but surely reforms are being implemented. People now are feeling more empowered. For instance, the Chinese. A lot of change is ongoing with the ethnic minority Chinese who were not even allowed to retain their Chinese names, to write in Chinese, in Mandarin, and always discriminated against. People thought if you were Chinese you were rich, forgetting the fact that the majority of Chinese in Indonesia are poor people. It's only one percent of the Chinese who are really tycoons and now living outside of Indonesia and afraid that they'll be tried for corruption. Once they were forbidden as I said, but now they are free to assert their identity. They have a newspaper of their own, in Mandarin, and they're allowed to form political parties and even associations. This is all thanks to Abdurachman Wahid, the blind cleric who became president. We can thank him for this.

Our *Tempo* magazine for our 17 August National Day was a special edition about the Chinese in Indonesia. This would have been taboo under Suharto. But here we are, writing about the Chinese, their history, how they're doing, and how they still face discrimination. The Chinese for a long time, even after *reformasi*, even after all these new laws, still had to present their citizenship papers whenever they wanted to get a driver's licence or a passport. I don't have to because they look at my brown skin and know I'm not Chinese. So here we are campaigning that the Chinese be given more rights and for their rights to be respected. Did you know that the athlete who went to the Olympics and won our sole gold medal in badminton, is Chinese? Every time there are badminton champions, it is a Chinese. And yet some people don't give them the time of day, and *Tempo* was in the forefront of trying to make this a little bit better.

Empowerment is happening everywhere in Indonesia. I don't know if you've heard, but NGOs are getting together and pointing to their corrupt representatives. Yet it's not happening in Jakarta – Jakarta is too full of corruption and we have so much money being used for bribes – but in small towns in Sumatra, in Sulawesi and Cirebon, West Java, people are really scrutinising their representatives, and saying: He's corrupt! Entire councils, sometimes. Two of

them have been indicted by the prosecutor and they're now facing trial for corruption. I think this is amazing. This is what's going on in Indonesia. We don't know what will happen next, whether the legal action will actually result in convictions but the fact is that they are reported in the newspapers, their names are appearing in papers, in local papers, on local televisions, I think that's a big step forward from the days of post-Suharto.

An encouraging sign of progress is the role of women. In the busy time that we've had in Sydney, I haven't had the chance to talk about the role of women and I think it bears mentioning here. I'm very happy to be telling you here that during the Suharto era the state ideology outlined a woman's five duties as to be loyal to her husband, act as household caretaker, produce future generations, raise her children well and to be a good citizen. Women were obliged to join the state-approved Dharma Wanita associations, usually attached to the husband's place of work. Women were discouraged from forming independent organisations. Today there is a vibrant network of women's associations on a wide spectrum of issues ranging from the need to protect them from violence, from domestic violence and from voter rights, to encouraging women to run for political office. Right now there's a great campaign to help our domestics who are working abroad. As you know, these are very, very poor women who have very little education, so, tempted by the opportunity to make ten times more than what they make in Indonesia, making only ten dollars a month, they work outside in countries like Singapore, Malaysia, Hong Kong, and even the Middle East. Unfortunately their lack of knowledge and their low level of education makes them vulnerable to abuse. They're raped, even murdered, they're abused. So I think we would like to learn from the Philippines how they respect their domestic workers who number in the hundreds of thousands and bring in valuable foreign exchange.

Indonesia is also known as a country where the majority of the population are Muslims. And yet, on a magazine cover recently the first item was "Women and Orgasm". You won't find a cover like that in Pakistan. We have magazines like that all around. When the government did away with the requirement to have a licence to publish, magazines like this mushroomed. Unfortunately for me and for my magazine, we were put in the same category as such magazines or even worse, with pornographic magazines. This is something that we're very worried about – one of the downsides of the freedom of the press. Another big headline on the cover I just mentioned was "Her Former Husband's Pimp". This is something we would have never seen in the days of Suharto. I think we need to improve quality, but it's got to do with the market, and it's everywhere. I'm sure Australia has some of that. Another thing is that among the Muslim women's

associations, there has also been a lot of reform. Muslim groups are reinterpreting Koranic texts and Islamic practices in ways that emphasise gender equality.

The end of the New Order government ushered in an era of unprecedented press freedom in Indonesia and with it all the attendant growing pains of an industry highly regulated through three decades of authoritarian rule. No longer does the media have to contend with former government restrictions or interventions. Instead it must confront one of the products of democratisation itself – a vocal public increasingly aware of its rights. Abdurachman Wahid not only gave us more freedom he also disbanded the Ministry of Information, the government agency which used to monitor us, called us when we were criticising the government. It intimidated foreign correspondents like Sydney's David Jenkins. He was thrown out of Indonesia by the Ministry of Information.

With state publishing permits no longer required, 700 new publications appeared almost over-night, more than 1000 radio stations now crowd the airwaves while 11 national television stations compete for consumer advertising. We are now expecting a second wave of regional television stations in the provinces, so hopefully this augers a new access to information but also a new way to educate the public. In the absence of state censorship, an increasingly savvy and politicised citizenry is resorting to legal action and mob justice when confronted by unpopular reporting. The most prominent of these cases involves *Tempo*, which is being sued for defamation by a controversial business man with powerful friends. When *Jawa Pos*, a provincial newspaper, reported negatively about President Abdurachman Wahid and his political party, the para-militia from PKB stormed the editorial offices of the *Jawa Pos* and thrashed it.

Tempo experienced the same thing last year. We wrote about a business man called Tommy Winata who grew rich from gambling. But he had powerful friends so during the Suharto years we weren't able to investigate him. Now we have that freedom, and so we did. We were looking at his interests in a prime real estate area in Jakarta which used to be the biggest textile market in Indonesia. It burnt down. As you know, in South East Asia if you can't get the squatters out of the way, you just start a friendly fire around dawn when very few people are about. So it was easier to get this done rather than risk a protest. It's not a commendable thing to do but it was done to the Tanah Abang market. We investigated who was behind this fire and why because it was a thriving market although it needed a few renovations. Our investigation indicated reports about a certain Tommy Winata who was interested or had been given a contract or submitted a proposal to the city government to rebuild it. We reported on these speculations and he got very angry.

First, his goons came to demonstrate in front of our office because, after all, it's a democracy. We let them in to have a friendly negotiation and one of the men, upset at what we had to say, threw an ashtray at one of us. The chief editor said this is no good, let's all go to the police station nearby where we can have them witness on our negotiation. We can continue our talks there. You know what happened? My chief editor was beaten black and blue inside the police station and the police did nothing, in fact they applauded. Then they sued us, and we counter-sued. So in two months we had eight cases. Next week the judges will hand down a decision but already the prosecutor is demanding two years jail for our chief editor, effective immediately.

This is the situation with our justice system right now. If you have the money you can buy your verdict and it is a very sad affair. Reform of the justice system is an urgent priority in our agenda. Our lawyers are cautioning us that we might lose the case. We don't know whether our chief editor will go to jail. But it's not just jail; it's that we'd have to pay one million US dollars in damages and publish an apology in about 40 newspapers and magazines – domestic and international. That will kill us. We have a press law, in which it de-criminalises defamation and libel. It's done in other countries, so why not in Indonesia? But the judges opted to use an antiquated Criminal Code inherited from the Dutch colonial era. Of course, there is also an urgent need to professionalise the media.

The good news is that the economy has stabilised, although there's a long way to go before full recovery. We are heading that way; the negative growth rate in 1998 is now 4.6 per cent. It's not yet enough to accommodate the high unemployment that we have. What we need right now is direct foreign investment. For this we have to clean up our act as far as our legal system is concerned.

Which president will be elected? We don't know. We thought it was going to be for sure Yudhoyono, but after Megawati made an alliance with Golkar, the biggest party with the biggest political machinery, now working hard to get the votes, it will be a closer call. But the people now feel free to determine for themselves their own choice, party machinery notwithstanding. I've been asked which one will be more pro-Australian. I think that foreign policy won't change and I think that the new president understands the need to forge better relations with our neighbours. There is a new need to understand each other. As my delegation leader says we are close geographically but we are far distant culturally and there is a great need for us to have more exchanges, to learn more about each other so that we can understand each other better.



Photo – David Karonidis

Garry Woodard

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THE POLITICS OF

GOING TO WAR: VIETNAM AND IRAQ

Garry Woodard

I understand the difficulty I've created by metamorphosing between acceptances and starting time from an impartial historian to the 43rd signatory, as Gough Whitlam has been quick to address me. As 43rd signatory I have become a doddering daiquiri diplomat. There's nothing so ex as an ex ex in Australia, and we didn't need De-Anne Kelly MP, the lady from the land of XXXX, to remind us of that. One bucktail always cocks me up. As to doddering, you must be the judge.

Two years ago, in circumstances I shall explain later, I went to the files on Vietnam, to research in my academic field of how foreign policy was made. To my surprise, I learnt enough that was new or different to warrant a book, and perhaps start another history war. The discoveries relate to the date of the decision, four months before its announcement, to the manner of the decision, relying on military advice which concealed differences amongst them, while public servants, who took a different view, were frozen out, and to personalities.

My book is called *Asian Alternatives*, with equal stress on both words, because I conclude that Australia had regional alternatives to going to war in Vietnam, which would have been acceptable within the framework of the ANZUS alliance. The alternatives related to choosing to focus on the threat nearer to home, from Indonesia to Malaysia and potentially to Australian territory, and to the courses open to Australia to assist South Vietnam. Sending a battalion was not structurally predetermined.

Focus in foreign policy

No one who worked in the then Department of External Affairs, DEA, under Arthur Tange could miss the message of the fundamental importance of focus. Thus you had Dick Woolcott telling you in March last year that the worst pitfall in advancing Australian foreign policy objectives is over-extension. Later Tange took the same message even more forcibly to the Department of Defence. I have a

lot to say about Tange, who happily is the subject of a forthcoming biography by Peter Edwards, the doyen of diplomatic historians.

Another who understood the need for focus was Tange's Minister from 1961-1964, Garfield Barwick. Historians, however, have failed to comprehend or to convey the significance of Barwick shaping a foreign policy based on focus on Australia's capabilities and long-term national interests. Barwick's approach is therefore an integral part of the story of how, after he had gone, Australia over-extended through going to war in Vietnam. Indeed, I argue in my book that if Robert Menzies had granted Barwick's wish to remain Foreign Minister for a further year, until April 1965, the decision on Vietnam would have been very different.

Barwick and Indonesia

The historians agree, and so does an avowed critic, biographer David Marr, that in his Indonesia policies Barwick "showed notable vision and foresight", as Edwards puts it in the official history, *Crises and Commitments*. Indeed, he showed much more than this, notably courage, which I think of as his defining characteristic, and also Tange's, and all the many qualities required for effective crisis management. This was a concept much in vogue at the time as a result of John F Kennedy's successful handling of the Cuba and Berlin crises. Further, Barwick's fruitful cooperation with his officials and diplomats, notably Mick Shann in Jakarta and Tom Critchley in Kuala Lumpur, achieved what I have called "best practice" in Australian foreign policy.

On the day he became Foreign Minister, Barwick moved to extricate Australia from its long-standing support for the Dutch against Indonesia in West New Guinea. He was able to make headway with his stubborn and emotional colleagues mainly because Menzies' two "great and powerful friends" very soon after decided to pull the rug from under the Dutch. Their failure to support their NATO partner, and for that matter another alliance partner, Australia, for Kennedy thought Australia might decide to fight alongside the Dutch, made a profound impact in Australia, a colonial power, with a reputation for racism, much given to apprehension about threats from the North.

In the following January of 1963 Barwick crafted, in conjunction with his Department, a policy of countering Indonesia's next adventure, confrontation of the proposed Federation of Malaysia, by politico-diplomatic policies. He put the primary military onus on the British. Without Barwick, Australia would certainly have become engaged in conflict with Indonesia from the outset, with incalculable long-term consequences for it in Asia, and in the Third World, of which Sukarno was then a leader. By the end of 1964 the tide of

opinion had turned against Sukarno in the UN and in the non-aligned world, where he was called an "Asian Goldwater".

Barwick and alliances

Not to go to war alongside the mother country, except for RAN ships already on overseas deployment, was a radical policy shift. A few months earlier Menzies had been surprised when Barwick contested his observation in Cabinet that if Britain went to war Australia would of course be at war.

The US agreed with Barwick that Britain had the primary responsibility for military support for Malaysia, with Australia and New Zealand one step behind and the US several. In fact Dean Rusk told Kennedy that US support was political only. Barwick sensed that and it satisfied him, but not his colleagues.

The Americans acknowledged the latter's qualms, but also moved to preclude a small country dragging it into war, by defining its obligations to support Australian troops as excluding ground forces, and only applying in a situation of major war, ie not insurgency and infiltration. Again, this satisfied Barwick, who accepted Kennedy's memorandum incorporating these conditions in October 1963.

Relations between allies were hard-nosed. Harold Macmillan cultivated the image of enjoying a special relationship with Kennedy, but privately he complained to Menzies that you couldn't know the mind of a man who conducted tete-a-tete discussions by asking questions. Australia's experience was similar.

Lyndon Johnson followed exactly the same practice of discussion through putting questions. LBJ's secretiveness about what he was going to do in Vietnam in December 1964 and early 1965 agitated Australian Ministers. They did not twig to the reason, that he was determined not to endanger his Great Society domestic program, by conceding that he had embarked on a new policy of military commitment to South Vietnam. In June 1965 Menzies, the spear carrier to the chief in Vietnam, had the mortifying experience of being treated by Johnson as a public talking chief, with no real business being conducted at all.

Barwick acknowledged the value and reciprocal obligations of alliances, but said there would always be occasions when it would not be in Australia's interests to do what an ally wanted it to do.

Barwick and the use of force

Barwick consistently thought Australia should be particularly cautious about resorting to force. In 1962, in asking the US to support his own efforts to put political pressure on Sukarno not to use force in West New Guinea, he said he was not suggesting that the US itself should

threaten force. One of the great ends of policy was to avoid threats and war.

In 1963 he wrote to Menzies, when the British were confidently anticipating that Menzies would agree to its (third) request to put a battalion into Borneo against the Indonesians, urging caution:

We must try to make the British understand that we have to live with Asia and, if we have to make war on a coloured people, we should endeavour not to do so unless Asian opinion is with us. Of course we may not be able to stand out so long but on the other hand we should not be unduly quick to become militarily involved.

In April 1964 a demand for Australian troops in both Borneo and Vietnam was in prospect. Barwick told the London *Times* correspondent in Canberra that Australia's position and power required it to be very careful about using force:

Power unexercised is powerful, but once power is exercised (particularly by a smaller power) it loses much of its impact. Australia as a middle power needed to consider very carefully when it applied the power it possessed, in the military sense, to a situation.

Barwick was strongly opposed to any use of nuclear weapons, including against China. In a notable bilateral discussion with the US delegation to the 1962 ANZUS Council meeting in Canberra, Barwick argued his case and pressed for full consultation on use of nuclear weapons in Asia. Hasluck later took a different view.

Barwick's policies were consistently set in a regional context, emphasising the need to carry Asian opinion along and to encourage regional cooperation. One would not expect his approach to the other regional conflict of the time, Vietnam, to be different. It was not. He has been consistently misjudged.

Indo-China

Edwards and David Marr dismiss Barwick's Vietnam policy as merely a matter of backing the Americans. However, unlike his predecessor Menzies and successor Hasluck, Barwick's policy was actually one of minimum involvement. This made sense in not complicating domestically and internationally his independent policy on Indonesia, and makes sense in retrospect when one looks at American disasters, from inept interference in South Vietnam's domestic affairs to disastrously taking over the ground war.

Barwick's policy abjured dependence, and required a strong sense of independence. In regard to Indo-China it went back to his first experience of office. When Barwick acted as Minister for External Affairs in 1959 he preferred United Nations fact-finding to SEATO military action in the first Laos crisis, a most uncharacteristic policy for a Menzies government. If there had to be military action, which

the US was ready to undertake, the US should not act unilaterally, Barwick told the Minister, Richard Casey, who was visiting the UK and the US. Barwick advised that the US should get the participation of her Asian and other SEATO partners, and added forthrightly “this country needs to stand in the right light in Southeast Asia”.

In the Cabinet decision he included, and stressed consistently thereafter, that

Australia should be sensitive to Asian attitudes and seek to avoid any public action, whether by way of urging the United States or by appearances in Asia, which would attract the criticism of “imperialistic” from Asia.

In 1961, in the second Laos crisis, Menzies as Minister handled matters at the SEATO Council meeting in Bangkok. Barwick significantly qualified his Prime Minister’s intimation there to Dean Rusk that Australia would stand with the US by including in Cabinet’s comment to Menzies a warning against Australia ending up as deputy sheriff:

If it transpired that Australia was the only Ally to stick to the United States in an operation involving action, I would feel that the United States itself should be asked seriously to ponder the long-term implications for Australia vis a vis Asiatics.

Barwick also emphasised the importance of neutral Asian opinion and later reached the conclusion that neutralisation was the only course for Laos. These views – support for the UN, regard for Asian and neutral opinion, mutuality in the ANZUS alliance – were indeed radical for a conservative government, yet Menzies appointed the self-styled “radical Tory” Foreign Minister. Historians have given Barwick no credit for these unorthodox views on Indo-China and war-making there.

Indeed, Marr on the contrary in effect brands Barwick as a duplicitous warmonger, citing his up-front role in sending the Australian Army Training Team to Vietnam in 1962 and in defending it. However, Barwick insisted the AATTV’s role should be training the South Vietnamese and not combat, he tried to ensure Australia would have a separate role, not integrated with the Americans, and he would have liked the AATTV to be tiny, literally “a handful of men”, raising one hand to journalists as he coined that uncomfortably memorable phrase. The British had an Advisory Mission of four.

In my book I tell how these admirable aspirations were defeated. I refute Marr’s allegation that Barwick was a party to concealing from the Australian people that the AATTV was a combat force. Involvement in combat was alongside the South Vietnamese units it was training and advising, and went unnoticed in Australia. In Barwick’s two years it suffered only one fatality, a suicide. Now this was starting

to change as Barwick left office, but because of Army decisions being made by the commander in the field, without Cabinet authority, and certainly without Barwick's knowledge and approval.

Barwick would have put a stop to that. In his last month in office, April 1964, he attended a SEATO Council in Manila. Rusk asked for "more flags" for Vietnam, but reported he had had no success. Barwick's decision there was that Australia would find an economic aid project, in order to head off a request for military support for the US in Vietnam. Tange envisaged that Barwick alone would make the decision, so important to the relationship with the US, just as he had made the policy on Confrontation, so important to the British.

Hasluck and Vietnam

However, Hasluck succeeded Barwick, took charge of Vietnam policy and within weeks the AATTV had been significantly expanded and given a combat role, fighting with much larger American components, as a first step towards the ground force commitment which was made at the end of 1964.

Hasluck became Foreign Minister with his views firmly formed. Geoffrey Bolton is writing his biography from his private papers. As I see it, his views sprang from what I call his "maximal realist" philosophy, and on the personal side a sense of intellectual superiority, and a determination to differentiate himself from his predecessor. He expected deference not only from his officials but from his successor in Defence, Shane Paltridge. In fact Paltridge established himself with Menzies, who described him as one of his stars.

These three men comprised the inner core of policy-making on Vietnam. This was the first time in Australia's history that the two key international security portfolios had been held by Ministers from the same minor State. I invite you to reflect on how often it has happened since.

Under the Westminster system DEA had of course to implement the policy Ministers made, but it faced two obstacles in its task of contributing to its formulation. Hasluck allowed none of the normal dialogue between the Minister and his Secretary, Tange. This unusual and sometimes hilarious circumstance was to prove crucial to the Vietnam decision.

Second, in September Hasluck cowed DEA, though denying it was his intention, by having the Ambassador in Saigon, David Anderson, admonished for allegedly showing insufficient zeal about winning the war. Tange did not stand up for Anderson as he should have, but he did tell posts the Minister had been criticising his *Department*. At this time DEA's Asia experts Pat Shaw and Gordon Jockel, using Anderson's reporting and intelligence assessments, thrice told Hasluck the

war in Vietnam could be lost, with Tange on the middle occasion recording a dissent.

These were real differences, and not just evidence of diplomatic officials as “fiddlers on the roof”, addicted to an “on the one hand, on the other” style which led Winston Churchill to say he only read the alternative paragraphs of Foreign Office minutes. Thus generalisations the historians have made about DEA officers as “hawks” are misleading. Robert McNamara, in his anguished but self-serving reflections on the war, chooses this period in early September as the time when the US should have accepted that the war was lost.

Indonesia intrudes

For the Australian government, except for Hasluck, the period September-November 1964 was a time for focus on Indonesia, not Vietnam. After Indonesia had made two raids on peninsular Malaysia, the British, encouraged by the air action the US had taken against North Vietnam after the assumed Tonkin Gulf incident, trailed their coats over and through the waters of Indonesia, with nuclear capable V-bombers and a carrier task-force. War was very close.

I have time to note only the main features for our narrative:

- Australia followed a policy of proportionality and controlled and graduated response, which Barwick had articulated publicly and which he had got Menzies to endorse in 1963. DEA and DoD officials were allowed to spell this out in urging restraint on the British
- The policy was strongly criticised by the Chiefs of Staff, but the government firmly denied their recommendation for pre-emptive air strikes. Pre-emption was not acceptable policy in Menzies’ day
- Australia copped it from both allies. Even a year later a British Minister criticised Menzies for dragging his feet. The Americans from the opposite direction warned that they wouldn’t pull the chestnuts out of the fire as they had at Suez, a cruel cut for Menzies
- An even crueller blow was that the US called off a proposal made to Menzies for Anglo-American-Australian joint military planning. This was the closest Menzies got in 16 years of trying to achieve an Anglo-Saxon security directorate for Asia, which just before he left office his Cabinet even thought should take the form of a quadripartite treaty.

In November, Menzies was single-handedly responsible for pushing through Cabinet the introduction of conscription so that Australia could handle an Indonesian guerilla threat to Papua New Guinea on its own, without US assistance under ANZUS and UK support (though for him acting without or independently of allies was a nightmare). It was the first time that the government had accepted

the need for a limited capability for military self-reliance, instead of shaping the force structure for acting only with “great and powerful friends”.

That requirement was confirmed five months later when Australia was announcing the battalion for Vietnam. It asked the UK and the US to back it in PNG in case of need. The UK, whom we had made carry the brunt of the military load against Indonesia, said sorry, if it had any spare troops it would commit them to Borneo. The US merely reaffirmed ANZUS, aware that Kennedy had defined America’s ANZUS obligations in a way that ruled out US military support against Indonesian infiltration into PNG. We squirmed, but decided we could do nothing, as any attempt to define ANZUS narrowed US obligations.

The Vietnam decision

Canberra’s uncertainty about American reliability, which has a long history, was an ingredient of the decision to put a battalion into Vietnam. That decision in principle was taken on 17 December 1964 and not, as generally thought, in April 1965 when the decision was announced. A rare available summary of the meeting of the Foreign Affairs and Defence Committee of Cabinet of five Ministers records eight points, which appear to be Menzies speaking. The seventh, “I would go with it (ie, committing a battalion) – but we would be in”, is certainly Menzies. The decision was successfully kept secret from the Australian people, and indeed out of parliamentary debate, for several months.

With Barwick gone there was nobody to gainsay Menzies – least of all on the day after Ministers had tendered him a dinner to celebrate his seventieth birthday, 15 years as Prime Minister, and Senate election victory. Geoffrey Blainey in his classic *The Causes of War* notes the contribution of atmospherics.

Ministers did not take advice from their politico-military support group, the Defence Committee. Instead they asked only for advice from the Chiefs of Staff, a most unusual procedure. The Defence Committee did meet on 15 December and all the Chiefs of Staff except their Chairman, Scherger, expressed doubts about getting involved, which I report for the first time. Wilton, the CGS, saw that putting in ground forces would mean taking over the ground war against the Viet Cong from the South Vietnamese, a dangerous step on all sorts of grounds, which in March were eloquently expounded by our Ambassador, David Anderson. Yet the Chiefs, suppressing their doubts and presenting a unified front, wrote the advice Ministers wanted to hear.

Tange went to see Hasluck on 15 December after the DC meeting. Tange told me that if offered policy advice Hasluck would “freeze

up, rustle his papers, and make non-committal noises to bring the meeting to an end". The conversation appears to have been in that spirit. DEA was not allowed to offer advice to Cabinet that putting ground forces into Vietnam could have the gravest consequences and that no decision to do so should be taken at this time.

There was no opportunity to add the usual strategic dimension to the military appreciation. Thus DEA was not allowed to put forward its view – of which Tange had informed acting Minister John Gorton in November – that Indonesia was Australia's priority. In accordance with a division of labour in Southeast Asia agreed between the Commonwealth and the US, though not accepted by Hasluck, assisting Malaysia in Borneo, to which we sent a battalion in January, and preparing for the close defence of Australian territory and territories took precedence over Vietnam.

Gagging officials in this way was unprecedented for a Menzies government.

Michael Sexton's criticisms of DEA

It will be clear from this summary of how the 17 December decision was reached that Michael Sexton is not right in stating in *War for the Asking* that the initiative for the battalion came from "the Minister or the Department of External Affairs or both". Indeed it is the opposite of the truth as far as the Department is concerned. Between his first edition in 1981 and second in 2002 the files were released and would have been available to him to research and withdraw this damaging charge.

Sexton accuses the Department of making "the error of judgment...that a military solution could be imposed on Vietnam despite the limited nature of the war that could be fought by the Americans". Not so. It queried this from the outset, in December. It was thwarted by ministerial indifference and military non-cooperation in its efforts to have the question of whether there could be a "military solution" properly examined. Sexton deduces various consequences from "the error of judgment", but they mostly relate to the post decision-making period when Australian soldiers were in the field.

Sexton's statement that the Department was at the centre of the decision-making process was far from the truth. To its credit it did not give up trying to get there.

Until Tange left at the end of March, DEA tried unavailingly to reopen with Hasluck the question of ground forces. The Department was assiduous and assertive on this key matter, and certainly not "mute", acquiescent or collusive. Because of the blocks Hasluck put in the way of personal access Tange's dissents are recorded in the files.

I have cited the evidence to the *Australian*, with little expectation of publication, to protest Paul Kelly's unsustainable charge last

Saturday that at this time departmental heads under the Westminster system were no more “frank and fearless” than their modern counterparts. Kelly’s claim surprised me because he interviewed Tange at length.

It seems to be agreed that there was no such activism by the policy departments during the period between decisions and implementation in Iraq. Hugh White, Director of ASPI, has repeatedly said, without attracting a denial, that on Iraq “the policy departments were mute. The government had already made up its mind, and their opinion was not called for, or offered”. Although I had earlier received a general assurance that DEA was being active on Iraq and on pre-emption, I have concluded that White is right.

The role of the bureaucracy is one of the important comparisons between going to war in Vietnam and going to war in Iraq. I came to realise the resemblances two years ago when I was given the Goldilocks role – not too hot, not too cold – in a panel at the Australian Defence College on the coming war in Iraq.

Through the subsequent period of research and writing, the war in Iraq became closer and parallels appeared, including on choice and focus. I have listed 50 in an Appendix, which can be downloaded from the Melbourne University Press website.

A comparison of Australia’s decision-making on Vietnam and Iraq

John Howard attempted a pre-emptive strike against comparisons between Iraq and Vietnam by describing them as “politically inspired, historically inaccurate and designed not to help but to hinder”. The Sydney Institute’s Stephen Matchett answers that, in observing Australian editorials on Iraq, “delete ‘Iraq’ and insert ‘Vietnam’ ...to discover that the more things change the more they stay the same”.

Condoleeza Rice and Colin Powell have challenged the 9/11 changed everything school by drawing an historical parallel for American policy, between post 9/11 and post World War II. I think the Vietnam comparison is more apposite, for the US, and certainly for Australia.

Similarities of decision-making relate to motivation and priorities, style and handling, and gaps in the process and in comprehension.

In both Vietnam and Iraq Australia could have pleaded priority for the threat closer to home over one more distant, and which did not invoke ANZUS. In 1964 officials favoured this course. Ministers did not.

The alternative to going to war in Iraq, a war that was not truly part of the war against terrorism, but in fact adds to its threat, was also an Asian or Asia-Pacific one. It was to focus on assisting failed

states, without, as Barwick warned, appearing “imperialistic”, and cooperating with Southeast Asian governments against terrorism, a task made harder by joining the war in Iraq.

The primary influence on decision-making in both Vietnam and Iraq was to strengthen bilateral relations with the US. However, a distinctive feature of the former was apprehension about holes in the alliance and US reliability. This mood had to be concealed from the public.

Therefore, while alliance obligations were a secondary justification in the announcement that Australia would send a battalion to Vietnam, the emphasis was put on meeting a threat to Australia from communist China. The China threat was expressed in emotive language and omitted the qualifications in an official’s draft. It had no basis in the advice to the government from the Defence Committee or the intelligence community. It was a lame invocation of the right to self-defence, in the absence of a UN resolution or SEATO authority. In an ideologically charged era it effectively influenced popular attitudes to dissent, and the China threat was soon given prominence in American statements too.

We now know that the emotively charged threat to the US and its allies from Iraqi WMD and its proliferation to Al-Qaeda and other assistance to terrorism did not exist. The intelligence quoted was “thin, ambiguous and incomplete” and qualifications were ignored.

Similar handling features include no attempt to obtain bipartisan support or have a great parliamentary debate, and instead seeking party political advantage from the most fateful decision a nation can take. Today this surely raises a fundamental question about whether our British-inherited system, growing so much closer to the American in other ways, should still recognise the divine and absolute (I would say obsolete) right of the executive in regard to deciding whether to go to war.

There are strong resonances in the style and handling of decision-making. Central features are the key role of the Prime Minister, who ever after showed no doubt, a small group of Ministers, fundamentally of one mind, approving the decision in secret, and officials ignored.

There was a great deal of obfuscation in 1965 about acting under SEATO and at the request of the South Vietnamese government. The issues relating to truth resurfaced six years later with the publication of *The Pentagon Papers*. However, a more significant aspect concerns levelling with the people and parliament about when the decision was made.

The secret 17 December decision envisaged almost immediate military staff talks with the US. The US did not convene them until the end of March 1965, when our delegation went in essentially to talk about the modalities of sending the battalion. In April, Menzies

accepted the advice of his departmental secretary John Bunting (there being no cut-out of staffers and spin-doctors) that he should blur any explanation he might have to make on the date of the decision, while mentioning dates from November/December to April. This formulation would not constitute a denial that the decision had been taken more than four months before it was announced.

In contrast John Howard has been categorical that the dates of decision and announcement coincided, even denying there was any commitment when Australian troops were pre-deployed to the Middle East. That could only be true in the narrowest sense, which would smack of Gerard's description of another as "serial pedant" (*Age* 10/8). Dick Woolcott's public allegations of "sustained deception" were on the record for many months. That they were not contested is surely persuasive, even if *Yes, Prime Minister* is right that in politics no statement is true until it is denied.

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Photographer: David Karonidis



Photo – David Karonidis

Ann Millar

Ann Millar is editor of *The Biographical Dictionary of the Australian Senate* now into its second volume and containing a record of the work of all Australian senators from 1901 to 1962. The work is the product of the Biographical Dictionary Unit in Parliament House Canberra. *The Biographical Dictionary of the Australian Senate* has made an important contribution to the historical records of the work of the Australian parliament and as former senator, John Button has observed, it throws “some light on a group of men often more distinguished in their lives outside politics than as politicians”. Ann Millar addressed The Sydney Institute on Monday 6 September 2004.

THE AUSTRALIAN

SENATE: FROM THE DEPRESSION TO THE COLD WAR

Ann Millar

This paper looks at the period from 1929 to 1962 through the lives of the senators whose biographies appear in the second volume of *The Biographical Dictionary of the Australian Senate*, each volume of this ongoing work of reference concluding at the date by which all senators must have left the Senate in order to qualify for inclusion. Thus Volume 1 covers the period from Federation until 1929 and Volume 2, 1929 to 1962.¹

Australia started in 1901 with a magnificent hope – that of building a superior democratic nation and a just society, and the parliamentarians of much of the twentieth century overall maintained this vision. No matter which side of the political spectrum they belonged to, they were, by and large, social democrats, the ideological divide² growing stronger as the century progressed, so that by the 1950s it is very strong indeed. Unfortunately, as that divide strengthened, so did the party system, until today we have the unedifying spectacle of party strategists and ministerial advisers taking on, to far too great an extent, the role of elected representatives, often influencing public policy with scant regard to ideology, established policies or electoral promises.

There is little doubt that today political parties exercise their greatest power over their own parliamentarians.³ One of the more disturbing aspects of this phenomenon, as referred to last year by the Clerk of the Senate, Harry Evans,⁴ relates to ministerial advisers. These persons have come to exercise power by default. Without mechanisms for accountability, they control access to ministers, frequently determining what information reaches ministers and other members of the Parliament, not to mention the press. Most Australian parliamentarians of the first half-century following Federation would have been horrified at the above, as well as at the charges of disloyalty which are levelled at backbenchers who cross the floor or take any kind of independent public stance not sanctioned by their own party machine. Certainly, many senators saw themselves not only as

custodians of democracy vis-à-vis the party system, but also as the protectors of states' rights. For instance, Labor's Senator James Ogden of Tasmania considered the party system "vicious", and even opposed what he saw as the growing power of the unions, especially in relation to the maritime unions and Tasmanian sea transport, in 1925 going so far as to support the Bruce–Page Government's stern measures against industrial unrest on the waterfront.⁵

It was attitudes such as Ogden's (who later became a Nationalist, then an Independent), which led gradually to changes which would, over a period, strengthen the Senate's ability to act as a house of review, and in some measure atone for the growing power of political parties. As early as 1929, formal consideration was given in the Senate to the establishment of a Senate standing committee system, following a motion by "R.D." Elliott, which was strongly supported by influential senators, such as Sir Hal Pateshall Colebatch. However, it was 1970 before the final decision was made to establish two major groups of standing committees, one on the estimates and the other on legislative and more general matters⁶. Two committees however did result from the 1929/30 inquiry.

The first, in 1932, was the Regulations and Ordinances Committee (the Senate's answer to the new despotism), which quickly developed its ongoing reputation as being non-partisan. The enthusiasm of senators for this committee is clear from the large number of references to it in Volume 2, as shown in the index. The second committee to evolve from the inquiry was the Joint Committee on Foreign Affairs, promoted by Prime Minister Menzies in 1952, and on which Labor did not wish to serve. The Senate's house of review function was further strengthened with the adoption, in 1948, of proportional representation for Senate elections, which would, within a few years, change the composition of the Senate itself. Ideas for further change, especially in regard to the diminishing authority of Parliament over the executive, led to the Joint Parliamentary Committee on Constitutional Change (1956–59). Its establishment was moved by one of Menzies' right-hand men, Senator Spicer, and chaired by the magisterial Leader of the Government in the Senate (1950–59), Michael O'Sullivan. Committee members included Reg Wright, a great proponent of the Senate, though he tends to be remembered for his adversarial style, and the future Prime Minister, Gough Whitlam.⁷

In looking at the period through the windows of the biographies contained in these two volumes, I have been struck by the relationship between the social backgrounds of highly individualistic senators and the actions and reactions of the two major political parties in times of crisis (conscription in World War I, the Depression, World War II and conscription again, communism and the Cold War). Strong

personalities, accustomed to hardship and struggle, could be said to be behind the two debilitating Labor splits of 1916 and 1931, in which Labor lost many of its members by resignation and/or expulsion to the non-Labor parties. Non-Labor, on the other hand, boosted on the whole by a more comfortable social background and the more accommodating attitudes learnt from education and business, embraced Labor's "rats", prior to regrouping and having a name change. The circumstances in 1955 were more complex, but the same Labor Party mind-set prevailed, with obvious advantage to the now well established Liberal Party. Throughout the period, the flow of trans-party movement was from Labor to non-Labor.

Take the first Labor split of November 1916, when W.M. Hughes led 24 Labor members (11 were senators, 8 in Volume 1, three in Volume 2) out of the federal Caucus as a result of two opposing conscription camps. These 25 Labor men, calling themselves National Labour, were quickly embraced by the Liberals; together the two soon became the Nationalist Party, led by Hughes. One of the most famous of the 25 "rats" was George Pearce. An original senator of 1901, after the 1916 split Pearce represented the Nationalists in the Senate for 21 years as an influential minister and Senate Leader. Then there were "Paddy Lynch" and Sir John Newlands; both would become Presidents of the Senate. All this begs the question: had the roles of the parties been reversed, had Hughes and Pearce/or Lynch/or Newlands been non-Labor, ready to join the Labor Party, would Labor have rewarded them with leadership?⁸ Regrettably for Labor the answer is no. (1916 is a long time ago, but have Labor's attitudes changed all that much? Remember Cheryl Kernot?) The conservative parties, however, were only too glad to embrace Labor's miscreants. William Plain was in the Victorian State Parliament in 1916. For his views on conscription, he was expelled by Labor's state executive. He then successfully contested a Nationalist seat for the Senate, moving on to become "Father" of the Nationalist Federation in Victoria.⁹

The second split occurred in 1931. Labor's success at the polls in 1929 proved a bitter/sweet victory. With no Senate election that year, the same seven Labor senators who had served as the Senate opposition in 1928, now sat uncomfortably on the government benches. There were three factions in the Labor Government of James Scullin, their confusions reflected in the Senate. The right, financially orthodox, and opposed to credit expansion, was led by the Tasmanian, Joe Lyons, who would, in February 1931, walk out of the Caucus, soon to find new pasture in the United Australia Party. The centre was headed by Scullin himself, a bigger man than most of his compatriots, and one who could grasp the mildly expansionary policies of the Treasurer, E.G. Theodore. Scullin had the support of three of the seven senators – two AWU men, Jack Barnes (a former

director with Scullin of the Ballarat *Echo*) and John Braidwood Dooley (a union organiser, who hailed from, and was named after, the New South Wales town of Braidwood); also the South Australian, Michael Raphael O'Halloran. All three remained loyal to Scullin, supporting first the Fiduciary Notes Bill, and then its replacement, the deflationary Premiers' Plan. None were senators who would set the world on fire, though O'Halloran, a Catholic, became a successful State Opposition Leader.

The left was opposed to wage reduction, but itself divided between those for and against J.T. Lang, who by November 1930 was again Premier of New South Wales, with considerable clout in the South Australian Labor Party. The South Australian Albert Hoare, though basically a Scullin supporter, could not bring himself to vote for the Premiers' Plan. John Joseph Daly, a particularly capable Senate Leader, was initially opposed to any form of wage reduction, but during Scullin's five-month absence overseas, became closely associated with the Langites, who were represented in the Senate by the maverick Digger Dunn and the long time labour militant (and suffragist), Arthur Rae. (On one occasion Dunn brought a bust of J.T. Lang into the Senate, ostentatiously causing a stir by placing it on the desk in front of him.) Of the seven, Daly was the most able, but his friendship with two pro-Langite MHRs, Jack Beasley and Frank Anstey, led to Scullin replacing him in the Cabinet with the more accommodating, and politically astute, Barnes.

Ironically, in the end Daly deserted Lang entirely by supporting Scullin's Premiers' Plan. In doing this, he offended the pro-Lang South Australian Labor Party, and along with Senator O'Halloran and 23 state Labor parliamentarians, was expelled. Thoroughly disillusioned with the party he had served for so long, in 1933 Daly spoke in support of a non-Labor candidate, and was again expelled from the ranks of South Australian Labor. He may have come to agree with Ogden, who having been expelled from the party in 1928, now sat on the Nationalist benches: "The Labor Party is building up a psychology which will be a danger to future generations. It is silent when it should speak, and shouts when it should remain silent."¹⁰

With the fall of the Scullin Government another Labor "rat" would be promoted by his former antagonists. Having left the Labor ranks because of his disagreement over Theodore's financial policies (not to mention being miffed over Theodore's restoration to the Treasury)¹¹, Lyons would serve as Prime Minister for nine years, while Theodore, would be defeated at the subsequent poll. So by the thirties, Labor is again out of office, and, as in 1916, non-Labor has regrouped, this time as the United Australia Party, drawing in a conglomerate of extra-parliamentary bodies.¹²

Lyons' landslide victory in December 1931 was not only a defeat for Labor but brought about one of two occasions between 1923 and the present when the Country Party (or its successors in name) was excluded from the Coalition. One Country Party man who tried, unsuccessfully, to have the party included in this first Lyons ministry was a media magnate whose newspapers were sprinkled all over regional Victoria – the slightly eccentric Senator Elliott. It was in the Elliott ménage in Toorak that Country Party leaders met with Lyons in December 1931 in their unsuccessful attempt to broker a coalition Government with the new UAP. Once absolved of any need for loyalty, Elliott joined with Country Party and low-tariff UAP senators to attack the tariff policy of the Lyons Government. On one occasion he accused Lyons of being a dictator, and questioned the Prime Minister's probity. Lyons was deeply offended. Elliott's final downfall however came about when he refused to sign the Country Party's conformity pledge in 1934. He ran as an unendorsed candidate and was defeated, despite the fact that a month before the election he issued a mock railway ticket: "Elliott (1) to The Senate – First Return".

Of more use to Lyons was another conservative, Walter Massy-Greene, a senator for New South Wales, though he lived in Melbourne, where he had big business interests and became a patron of the arts. Massy believed that professional men of affairs (like himself) would steer Australia on a sensible middle course between the extremes of capital and labour. Selected by Lyons as a financial adviser in an "informal" inner cabinet, he was also chairman of the Loan Council, but for Massy-Greene, as indeed for Elliott, business came before politics. In the late 1930s he appeared so little in the Senate that Senator McBride, running into him in King's Hall one Wednesday, remarked: "What Massy, surely not still in Canberra so late in the week." World War II would soon put an end to the intimacies and informalities that existed in a small parliament that from 1927 was tucked away in a national capital that was little more than a rural village.¹³

Prior to 1927 however a third force had emerged in Australian politics. Throughout this second volume the 18 Country Party senators play a crucial role in establishing their party at state and federal levels, and making themselves into a continuing force in non-Labor politics. Federally, William Gerrard Gibson of Victoria is the most significant of these Country Party politicians. Gibson had chaired the meeting in Melbourne in 1920 at which the Australian Country Party was formed, and had helped in the creation, early in 1923, of the initial coalition between the Country Party and the Nationalists. An MHR prior to entering the Senate, Gibson immediately became a respected Postmaster-General in the Bruce-Page

Government, and in both the House of Representatives and the Senate influential in the development of broadcasting, including that of parliamentary broadcasting.

The Country Party earned particular support in Western Australia. The first Western Australian to represent that party in the Senate was, in 1926, William Carroll who had helped create the Western Australian branch. The eight Country Party senators in Volume 2 were wheat farmers and powerful advocates of rural and Western Australian interests, none more so than Senator Johnston, whose ideas included the successful one of a free university, as well as that of importing elephants to clear timber. A passionate provincial, Johnston supported the secession movement and moved for the renewal of the bounty on wheat which the Lyons Government had withdrawn in 1932.¹⁴

The 1940 election heralded changes in the political scene. There were 338 independent candidates (for both Houses). The majority of these were unsuccessful, but the electoral result was a deadlock between the parties, with two Independents (MHRs A. Wilson and A. W. Coles) the immediate cause of John Curtin becoming Prime Minister in October 1941¹⁵. Numbers in the Senate also were close. Senator Keith Wilson had joined the AIF and was in the Middle East, which meant the Government did not always have a majority, while Senator Foll served with the Militia, on one occasion being granted "Three days leave without pay to attend parliament".¹⁶

With Australia under threat from the Japanese, and with General Douglas MacArthur, Supreme Commander of the South West Pacific, Curtin managed to obtain Labor support for conscription for a limited area in the south west Pacific, by handling the issue at a federal Labor conference and at state levels, thereby avoiding bringing it to Caucus or Federal Cabinet. As a result, the Defence (Citizen Military Forces) Bill passed the Parliament early in 1943. Interestingly, while Labor held together, in the Senate the Bill brought to the surface divisions within the already disintegrating United Australia Party. When Senator Spicer moved an amendment to extend the territory to which conscripted troops could be sent (the Bill explicitly included only New Guinea, part of what is now Indonesia, and part of the Solomon Islands) the amendment was lost, but only after Queensland's cantankerous Senator Crawford (basically UAP, but describing himself as an Independent) voted with the Curtin Government.¹⁷

A month or so later, Spicer was one of the 17 UAP senators and MHRs, who formed a "cave" of dissatisfaction in the UAP, quaintly termed the National Service Group. The South Australians played a strong role in this, and included Senators McBride and McLeay (both were ministers in the Menzies Government and McLeay a respected Senate Leader from 1938 to 1947); also one of the many highly

political wheat farmers of the period, Oliver Uppill. Spicer claimed the Group would avoid division, and in fact this was true; they were doing what the non-Labor forces had done before – re-grouping. Within a year or two the modern Liberal Party was born.¹⁸

In the meantime Curtin and his follower as Prime Minister, J.B.Chifley, held the reins of government for the Labor Party. That the party did not break up during the tumultuous industrial and war-ridden years of the late 1930s and 1940s was due, in large measure, to the strong leadership of both these leaders, on whom the Labor Party bestowed ongoing loyalty – a fact that is noticeable among many Labor senators. Take Curtin’s fellow Western Australians. The entry on James Cunningham, a likeable fellow (though a tad fond of the bottle) who wrote constituency messages on his celluloid cuffs, informs us that Cunningham’s rise from party discard to Senate President owed something to his firm friendship with Curtin. Then there were Robert Clothier, Richard Nash and John Harris, all sound representatives of the people. Senator Fraser was another loyal servant, one of those reasonably capable but inexperienced ministers occasionally chastised by Curtin in front of senior bureaucrats. In 1942 Fraser seconded Curtin’s unexpected conscription motion at the Special Federal Conference of the ALP in Melbourne.¹⁹

While the 1955 split and the subsequent formation of the Democratic Labor Party belongs more to the forthcoming volume 3 of *The Biographical Dictionary of the Australian Senate* (1962–1983), the background to those events (the industrial groups, the Catholic Movement, foreign affairs and the adoption of proportional representation for Senate elections in 1948) is also the background of the stories of those senators whose service spanned the 1940s and 1950s, especially in relation to that most controversial issue, the Communist Party Dissolution Bill, 1950. The parliamentary Labor Party was divided as to the best way to deal with communism; a substantial group led by Chifley and Evatt did not wish to see the Communist Party banned, but when the Federal Executive ruled in favour of passing the legislation, the parliamentary party had to follow, though in the Senate three refused to support the Bill – Ben Courtice, Frederick Furner Ward and William Morrow of Tasmania. Courtice, in contrast to Ward and Morrow, was a moderate Labor man, a Bundaberg cane farmer, whom Chifley once described as “a man of shining honesty”, and who in 1958 joined Menzies on one of the Liberal Party’s “meet the people” tours in Queensland. Ward, in his mid-70s when he came into the Senate in 1947, was an Adelaide businessman and union official whose sympathies moved increasingly to the left, when he joined the Austral-Soviet Friendship League and became chairman of the Adelaide Australian–Russian Society. Morrow was a Queensland railwayman and union official who moved to Tasmania to ginger up the local

Labor Party. He became a peace activist who considered the Cold War was the “consequence of hysteria generated by armaments manufacturers”, seeing the Americans as the aggressors. Like Ward and Courtice, Morrow believed it a moral duty to follow one’s conscience. And, like Daly during the Depression, he was twice expelled from the Labor Party.²⁰

Most senators caught up in Labor’s internal dissensions of the mid-1950s moved warily. John Devlin was a Catholic who only narrowly escaped expulsion through some clever footwork at a meeting of the Victorian executive. James Sheehan, identified with the Catholic right wing in Victoria, also managed to remain loyal to the ALP. The New South Wales firebrand, Donald Grant, could not long maintain his loyalty to H. V. Evatt and pronounced: “If Machiavelli were alive he wouldn’t qualify to hand out leaflets at an Evatt meeting.” At the Caucus meeting of October 1954, Senator Armstrong, the “Golden Barman” from Sydney, almost lost preselection after he reluctantly voted against Evatt. Senator Ashley, who had proved himself an able minister and Senate leader, as well as a skilled negotiator with the industrial unions during the Chifley years, after 1949 became Leader of the Opposition in the Senate. As such he headed the majority that delayed the passage of the Communist Party Dissolution Bill, successfully proposing the amendment to protect the right to trial by jury. An Evatt supporter, who opposed what he perceived as undue Catholic influence in party affairs, he lost the leadership of the Senate in 1951 as part of the growing division within the Labor Party. In the thick of the Caucus quarrels of 1955 and despite having been threatened with the loss of preselection, Ashley managed to top the 1955 Senate poll for New South Wales.²¹

Throughout all this, Menzies kept his party under tight control. It has been estimated that between 1952 and 1967, Senator Reg Wright crossed the floor on 133 occasions, though this was often only in the early stages of legislation. Both Wright and Senator Ian Wood were accused of being unpredictable. In at least one instance, the Prime Minister was seen sitting in the visitors’ seats at the back of the Senate chamber in the Old House. Menzies kept others in the party at bay in 1952 by establishing Liberal Party policy committees, on which backbenchers such as Senator Pearson (one of the many formidable South Australians in Volume 2) were glad to serve. In 1954 the Prime Minister used a scheme put forward by Senator Wilson (also of South Australia) by making a federal subsidy for aged housing part of his election policy, and in the late 1950s supported Senator McCallum of New South Wales in his campaign for the improvement and development of Canberra. Menzies, adept at the charming “put-down”, was known to refer to Labor’s Leader of the Opposition, the Queenslander, Silver Collings, as “silver-haired and silver-tongued, silver

Collings” when he wanted to be civil, and “Long John Silver” when he did not. Speaking of Hattill Foll, his Minister for Information, the Prime Minister was once heard to murmur to a senior bureaucrat: “I hear you don’t suffer Folls gladly.”²²

But there was one he did not keep under total control. For a number of years during the Cold War, Western Australia’s Senator Agnes Robertson led Australian delegations to the annual Pan Pacific Women’s Conferences, and in 1956 became the first woman appointed to the prestigious Joint Committee on Foreign Affairs. Just before the 1955 election Senator Roberson was in Manila when she heard she had been dropped from preselection because of her age. She was then 73. “Unbowed and resilient”, she left the Liberals to gain first place on the Country Party ticket, and was returned to the Senate for a second term. Senator Robertson has the dubious distinction of being the only woman senator amongst the 202 male senators who appear in the first two volumes of *The Biographical Dictionary of the Australian Senate*.²³

Endnotes

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8. George Merritt, ‘Pearce, George Foster’, p.15; Danny Cusack, ‘Lynch, Patrick Joseph’, p.23; ‘Newlands, Sir John’, p.238.
9. Catherine Jones, ‘Plain, William’, p.97.
10. Alison Pilger, ‘Barnes, John’, p.91; Theresa Rodgers, ‘Dooley, John Braidwood’, p. 401; Barbara Allen, ‘OHalloran, Michael Raphael’, p. 262; Don Hopgood, ‘Hoare, Albert Alfred’, p. 244; Ann Millar, ‘Daly, John Joseph’, pp. 257–9; David Clune, ‘Dunn, James Patrick’, p. 406; ‘Rae,

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 15. Sawyer, op. cit., pp.124–5.
 16. Judith Brown, “Wilson, Sir Keith Cameron”, p.296; Rosemary Laing, “Foll, Hattil Spencer”, p.336.
 17. Paul Hasluck, *Australia in the War of 1939–45: The Government and the People 1942–45*, Australian War Memorial, Canberra, 1970, p.336; “Spicer, Sir John”, pp.155–6; Rodney Sullivan, “Crawford, Thomas William”, p.332.
 18. Prudence McDonald and Zaiga Sudrabs, “McBride, Sir Phillip Albert Martin”, p.291; Cameron Hazlehurst and Claire Allday, “McLeay, George”, p.284; Margaret Steven, “Uppill, Oliver”, p.286.
 19. Geoff Browne, “Cunningham, James”, pp.51–4; D.B. Waterson, “Clothier, Robert Ernest”; pp.60–3; Bobbie Oliver, “Harris, John”, pp.71–4; Peter C. Grundy, “Fraser, James McIntosh”, pp. 55–9; Hasluck, op. cit. p.336.
 20. James Walter, “Courtice, Benjamin”, p.366; Malcolm Saunders, “Ward, Frederick Furner”, pp.309–10; Audrey Johnson, “Morrow, William”, pp.213–7.
 21. Helen Doyle, “Devlin, John Joseph”, p.164; Helen Doyle, “Sheehan, James Michael”, p.151; David Clune, “Grant, Donald MacLennan”, p.450; Ken Turner, “Armstrong, John Ignatius”, pp.439, 442; John Graham, “Ashley, William Patrick”, pp.430–5.
 22. The entry on Senator Ian Wood will appear in volume 3; Jenny Tilby Stock, “Pearson, Rex Whiting”, p.324; Judith Brown, “Wilson, Sir Keith Cameron”, p. 297; Ann Curthoys, “McCallum, John Archibald”, pp.455–6; D.B. Waterston, “Collings, Joseph Silver”, p.362; Rosemary Laing, “Foll, Hattil Spencer”, p.336.
 23. Wendy Birman, “Robertson, Agnes Robertson”, p.80.

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Photographer: David Karonidis

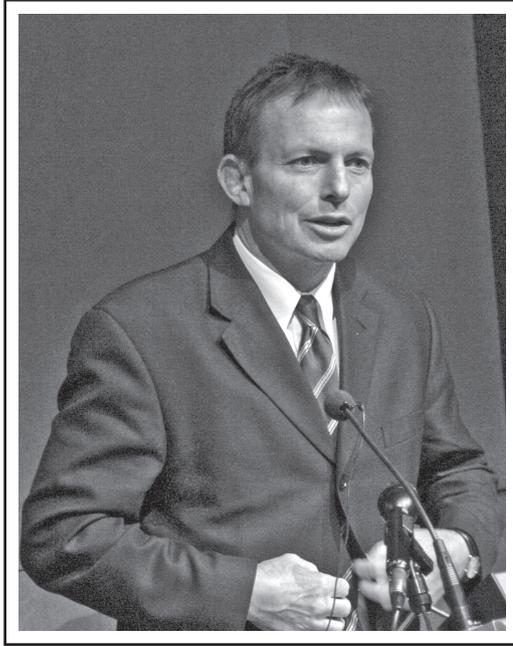


Photo – David Karonidis

Tony Abbott

During the 2004 federal election campaign, on Wednesday 15 September 2004, The Hon Tony Abbott MP, Minister for Health, addressed The Sydney Institute. Tackling the Labor position on health, Tony Abbott defended the Coalition's policy on Medicare saying, "Labor's bulk-billing obsession owes more to fantasies about socialised medicine than any fidelity to the original spirit of Medicare."

MEDICARE'S BEST

FRIEND

Tony Abbott

The Prime Minister's unexpected decision to focus on Medicare in his election debate opening statement indicates the importance of health as a campaign issue, the extent of the Government's commitment to Medicare, and his belief, contrary to conventional wisdom, that the Government can win votes on health.

If health credibility is to be judged by deeds, not words, the Howard-led Coalition has become the "natural party of health". Since 1996, health spending has increased from 15 per cent to over 20 per cent of the federal budget and federal health spending has increased from 3.7 to 4.3 per cent of Australia's GDP. Some Coalition members might be late converts but Howard Government ministers are the truest of true believers in Medicare.

By contrast, Labor seems to have fallen out of love with Medicare. Labor is now so captivated by its "health crisis" rhetoric that it's become the first political party in years to go to an election with half-baked plans to reform Medicare, possibly beyond recognition. Voters are starting to discern these tectonic shifts with the Coalition's Newspoll rating for the "best party to handle health" improving nine points between November and June.

It's almost a cliché to say that elections represent a stark choice between two very different sets of policies and values. There are sharp distinctions between the Coalition and Labor at this election but it's the role reversal which is as striking as the policy differences. The government goes into this election credibly claiming to be the better friend of Medicare while the ALP enters it as the party of radical reform (whether the system needs it or not).

There are four key differences between the government and the opposition. Labor offers nothing to people who aren't bulk-billed – because it opposes the government's \$5 increase in the standard rebate. Labor offers nothing to people who face high specialist expenses – because it will abolish the Medicare safety net. Labor offers nothing to older people – because it opposes the government's higher insurance rebate for over 65s. And Labor offers no reassur-

ance to people concerned about the future of Medicare because it has pledged to establish a National Health Reform Commission with a vague but sweeping mandate for change. The government offers conservative incrementalism based on the strengths of the existing system versus Labor's blank cheque for crusading bureaucrats.

Last week, the Prime Minister announced a \$1.8 billion plan for a \$5 per consultation boost to GP Medicare rebates. This brings the government's new health portfolio commitments to nearly \$11 billion since last October. A \$5 increase in the GP rebate will make bulk-billing more affordable and more available. It complements the \$5 and \$7.50 bulk-billing incentive payments for concession card holders and children, which the government introduced earlier this year, and which have boosted the bulk-billing rate from 66.5 to 70.7 per cent in the past six months. The government's new incentives mean that eight out of ten GP consultations for people over 65 are now bulk-billed.

Still, in the real world, not everyone is going to be bulk-billed all the time for everything. The government's proposal means a higher rebate regardless of whether patients are bulk-billed. It should mean more bulk-billing and it certainly means more money in patients' pockets. Either way, it means more affordable health care and a stronger Medicare system.

By contrast, Labor's policy is to increase the rebate for bulk-billed consultations only. If patients aren't bulk-billed, Labor gives them nothing. Bulk-billing is important but it's not the be-all and end-all of Medicare. As the political architect of Medicare said, doctors can't and shouldn't be forced to bulk-bill. Bulk-billing, Neal Blewett said, was for "pensioners, the disadvantaged or others who are not well off...which was always the intention". Labor's bulk-billing obsession owes more to fantasies about socialised medicine than any fidelity to the original spirit of Medicare. Labor's complaint about the government's proposal – that any increased rebate will be ripped off by greedy doctors – is demeaning to a great profession (and ignores the fact that producer competition and consumer vigilance operate in health as well as other markets).

Labor's panicky decision to increase its proposed \$3 bulk-billing incentive to \$5 was designed to counter the government's charge that bulk-billing rates would immediately fall after the election of a Labor government. Despite Labor's belated promise to match the government's \$5 bulk-billing incentive (but not the \$7.50 incentive or the \$5 general rebate increase), it's still likely that bulk-billing rates would fall under a Labor government. In many city areas, doctors could reduce bulk-billing rates and still gain Labor's bulk-billing target bonuses. In many country areas, a \$5 bulk-billing payment plus a bonus for reaching 70 per cent bulk-billing, means a significant reduction in doctors' incomes compared to private charging and a \$7.50 payment

for bulk-billed concession card holders and children. For instance, a full-time country GP bulk-billing card holders and children (typically 60 per cent of case load) and charging everyone else \$50 would be about \$25,000 a year worse off under Labor's plan (even after the \$22,500 bonus for lifting bulk-billing rates to 70 per cent). It's hard to see how Labor's bulk-billing targets can possibly be met if reaching them will make doctors significantly worse off.

In the real world, medical expenses can't always be avoided, so the government's new safety net is the biggest structural improvement to Medicare since it began 20 years ago. Already, some 650,000 people whose families have incurred high out-of-pocket, out-of-hospital medical expenses are getting much higher rebates thanks to the safety net. For instance, someone in the safety net whose GP charges \$40 for a standard consultation already receives \$37 from Medicare rather than the standard \$25 rebate. In a full year, more than a million people will benefit from the safety net, yet Labor wants to take it away.

Labor says that restoring GP bulk-billing rates to 80 per cent will make the safety net redundant. But only 20 per cent of the gap payments which have taken people into the safety net come from GP expenses. The average GP gap payment is \$14 but the average specialist gap payment is \$30, ultrasound gap \$50, CT scan gap \$80 and MRI gap \$100. To reach the \$300 safety net threshold would take most people more than 20 visits to the GP. Yet a single GP visit – followed by a referral to a specialist, an ultrasound, a scan and an MRI – would bring most people close to the safety net. And once in the safety net, a similar routine of GP visit plus referrals would cost just \$49 rather than \$244

Policy makers with an ideological objection to medical fees will always prefer forcing doctors to deliver free services than helping people to cope with medical expenses. The government has the safety net in place to deal with patients' specialist costs but what's Labor's plan? Increasing the GP bulk-billing rate to 80 per cent does nothing for people needing specialist care for which the bulk-billing rate has never exceeded 40 per cent. In the absence of any alternative plan to deal with specialists' costs, Labor needs to explain why it will leave one million Australians a year in the lurch and expose all 20 million Australians to the uncertainty and risk of high medical costs. If, as reported, Labor plans to increase specialist rebates to 95 per cent of the schedule fee, it needs to explain how this will increase the specialist bulk-billing rate – given specialists' traditional aversion to what they have seen as "free medicine".

It's not a betrayal of Medicare to support private health insurance. A strong independent medical profession and strong independent health care institutions are necessary to maintain a strong Medicare system. Thanks to the government's private health insurance rebate

and lifetime health cover, the number of Australians with their own insurance has risen from 6 million to 9 million (including one million earning less than \$20,000 a year).

Labor now says that it will keep the standard 30 per cent private health insurance rebate (although Labor policy documents still say the rebate will be “restructured”, whatever that means). Latham’s December 1997 parliamentary statement that the private health insurance rebate was the “maddest piece of public policy that one will ever see out of the Commonwealth parliament” almost certainly represents Labor’s true views. It’s almost inconceivable that a Latham-led government would not try to reform the rebate out of existence which would put more pressure on public hospitals (because private hospitals now perform 56 per cent of all surgery) and lead to a brain-drain of our best doctors.

The fiercest critics will usually concede that Australia’s health system is as good as any in the world. At 9.3 per cent of GDP (compared to 8 per cent for Britain and 13.9 per cent for the US), Australia’s health spending is below the OECD average of 11.5 per cent and will remain so despite recent spending increases. Australians’ healthy life expectancy is higher than that in all other large developed countries except Japan and Sweden. Unlike Britain, Australian health services don’t rely on queues, rationing and little choice of doctor or hospital to keep costs down. Unlike America, access to essential health services doesn’t mean mortgaging the house.

The most effective parts of our system are the demand-driven, patient-initiated programs (such as the MBS and the PBS) where high professional standards ensure quality and competition and some price signals control costs. The least satisfactory parts are the budget-limited, bureaucratically controlled programs (such as the public hospital systems) which state governments have consistently underfunded and over-managed and which have maintained their quality mostly by trespassing on the goodwill of their clinical staff.

The states invariably blame their public hospital problems on lack of federal funding. In fact, the current Health Care Agreement, signed by all the states last year, provides a 17 per cent real increase in federal funding for public hospitals and takes federal government support for public hospitals from 46 to 48 per cent of their total funding. The NSW Labor government frequently blames its public hospital problems on lack of bulk-billing GPs and too many nursing home patients clogging up hospital beds. Given that NSW enjoys 77 per cent GP bulk-billing rates and the NSW government has closed 4763 public hospital beds since 1995 (while there has been a 25 per cent increase in federally funded aged care places in the same time), there’s no reason for voters to believe this flim-flam. Thanks to the GST, the NSW government is \$114 million better off this year, rising

to \$621 million better off in 2007 and it should spend some of this GST windfall on public hospitals.

The Federal Labor Party uses public hospital problems to justify its National Health Reform Commission. But why would voters trust federal Labor with the health system when state Labor is responsible for its most serious problems? And why would voters risk damaging Medicare and the PBS to bale the state Labor governments out of their public hospital problems? Labor needs to explain why it's the Federal government's responsibility to spend proportionately less on programs it does run (like Medicare and the PBS) and proportionately more on programs it doesn't run like state public hospitals.

Labor's "save Medicare" slogans should not obscure the fine print of its plans for change. In a *Quarterly Essay* published last week, left-leaning author Margaret Simons analysed Mark Latham's writings about health policy and concluded: "We may be in for a roller coaster ride of change...Perhaps the most politically explosive ideas in Latham's books concern health care...He proposes a system that would mean the radical restructure, probably even the abolition of Medicare which for years has been one of Labor's strongest political causes...Latham proposes that state, federal and local government health resources be gathered into a single pool and distributed to regional authorities...which would buy in services provided by government agencies or private industry".

In a speech to the AMA national conference on 29 May, shadow health minister, Julia Gillard said: "The principal characteristic of a unified national health system must be that existing Commonwealth money, Medicare, the PBS, payments to nursing homes and payments made under the Australian Health Care Agreement, are combined with existing state and territory health money...and the combined pool of money is then applied to the population's health needs". This wasn't a one-off statement. Gillard made an almost identical scripted remark to the Tasmanian AMA conference on 22 May and a very similar statement to the National Press Club on 21 April. She told the Press Club that "pooled funds to end cost shifting remains as relevant today as when it was first publicly discussed in July 2000".

An Allen Consulting Group report commissioned by the Victorian government, dated 26 April, calls for the establishment of a National Health Commission to allocate all federal and state health spending to regional health authorities which would then purchase services in accordance with nationally determined priorities. There is certainly some academic interest in this type of proposal but the resulting system would look much more like the UK National Health Service than Australia's Medicare.

The ALP's policy documents say that a Labor government "would examine options for cashing out MBS and PBS monies in remote

areas” and add, enigmatically, that the “MBS and PBS will not be capped under pooled funding arrangements”. This seems to suggest that Medicare and the PBS will indeed be part of any pool and that pooled funds might not be confined to areas with limited health services (such as indigenous communities). While increasing allocations might be made for the MBS and the PBS’ notional contribution to the pool, funding would not necessarily be spent in the same way or on the same type of benefits.

Labor owes it to voters to come clean about what, precisely, it has in mind: which country towns will have their funds pooled; how many doctors will become employees rather than professionals charging fees; will limits be put on access to particular drugs (as in the National Health Service)? If Margaret Simons has misinterpreted Latham’s books, he should say so. If Gillard was engaging in idle speculation at the National Press Club rather than serious policy discussion, she should say so. Otherwise, voters are entitled to take the alternative government at its word and conclude that Labor thinks Medicare as we know it has outlived its usefulness.

The alternative government can’t expect kudos for identifying problems and for embracing reform without specifying exactly what change might mean. Precisely how does the alternative government propose to make a difference to the problems in public hospitals it is so keen to attribute to the Howard government? Voters deserve to know the answers and journalists are failing their duty if they don’t press these questions.

Of course, Gillard says that Labor’s National Health Reform Commission is not the Allen proposal and wouldn’t mean raiding Medicare and the PBS in favour of public hospitals. If so, what does the Health Reform Commission mean? If Labor knows the reforms it wants to implement, what’s the point of a Commission? If Labor doesn’t know the reforms it wants, or won’t explain them to the public, why should voters take Labor on trust? If people don’t understand Labor’s reforms, how can they vote for them?

The public hospital system already operates on the basis of a pooled health fund. Federal and state governments contribute to the pool and state governments spend it. The pool is never big enough and there are endless arguments over who should replenish it but at least it’s more-or-less clear about who’s really responsible for the system. At present, health professionals have to deal with federal, state and local hospital bureaucracies. A pooled fund with joint federal-state responsibility for its spending would create a fourth bureaucracy and risk leaving already over-governed health institutions ungovernable. If this is Labor’s prescription for reform, let it be argued but it can’t float these ideas only to run away from them when the pressure is on.

For its part, the Howard Government will continue to invest intelligently in federal health programs, use the provisions of the Health Care Agreement to monitor the states' public hospital performance and work cooperatively with the states to manage the interface between federal and state-controlled health programmes. The government will facilitate the establishment of up to 10 GP clinics co-located with public hospitals (where local doctors agree that this is the best way to increase after-hours access to GP services). The government has already spent nearly \$250 million to help the states build more convalescent facilities and, to reduce bed block, is already committed to fund 2000 "transitional" beds for patients too sick to go home but not sick enough to need acute hospital services.

Everyone knows where the Howard Government stands on health because it has an eight-year record of investing in a better public health system supported by a strong private health system. Apart from its bulk-billing obsession and aversion to private health insurance, people no longer know where Labor stands and are unlikely to be reassured by the prospect of having health policy hijacked by a reform commission after the election. Who would have believed that the Howard Government would go into this election not just as Medicare's better friend but, saving some last-minute Labor backflips, as Medicare's only real friend? John Howard's focus on Medicare shows his determination to be the "Prime Minister for Health" notwithstanding all his other responsibilities.



Photo – David Karonidis

Julia Baird

Women are not necessarily victims of the media but they do get trivialised the minute they make it into the public eye. Far more so than men. Dr Julia Baird is opinion page editor of *The Sydney Morning Herald* and author of *Media Tarts – How the Australian Press Frames Female Politicians* (Scribe 2004) On Tuesday 21 September 2004, Julia Baird addressed The Sydney Institute and explained why her book had stirred some debate.

MEDIA TARTS: WHY I WROTE IT AND WHAT THE REACTION HAS BEEN

Julia Baird

Gerard asked me to speak today about my book, *Media Tarts: How the Australian Press Frames Female Politicians* – why I wrote it and what reaction there has been to it. To explain some of my inspiration, I'd like to start with a story which appeared on *News.com.au* last week (2 September) which was a timely reminder – in the midst of an election campaign where women are almost entirely invisible – of how silly some of the coverage of our female MPs can get.

It was called “Hot seats”, and read:

WE'RE asking you to nominate candidates for the *NEWS.com.au* Hot Seats of power – who's got what it takes to fill one of ten spots in the House of Babes? And while many tell us they struggle to think of a politician who deserves a second look, there's one contender who's leading the pack.

Labor's “flame-haired beauty” Julia Gillard has caught the attention of voters – both male and female alike.

“Brains and beauty, hot to trot,” says Rebecca, while Patrick tells us: “The best bit is that she has really good politics so she is loveable as well as hot.”

Democrats powerbroker Natasha Stott-Despoja remains a favourite with readers, with one even proclaiming the senator is “even cute when angry.”

Other contenders include Labor's Tanya Plibersek, Kate Lundy and Kirsten Livermore along with Liberal candidates Sophie Panopoulous and Ingrid Tall.

It seems the men of Canberra are yet to make an impression on readers but there's still time to nominate Federal Parliament's answer to Brad Pitt.

Have you seen him wondering around the halls of national Parliament or perhaps in the streets of your local electorate?

From Bourke to Bunbury, Hobart to Hervey Bay we want to hear from you. Write in and nominate your suggestions for the *NEWS.com.au* Hot Seats.

If you think you know a federal politician who's got what it takes to make it into the Hot Seats of power, email us their name, and tell us why they're sexy.

Nominations close on Friday, September 17. You will then have a chance to vote for the hottest MP from the 20 finalists.

The nominees must be either sitting Members of Parliament, Senators, or well-known national political figures."

Examples were: Ingrid Tall, a Brisbane candidate described as "Crowd favourite", "political postergirl" Natasha Stott Despoja, "Sumptuous Sydneysider" Tanya Plibersek, "flame haired beauty" Julia Gillard – and even "thinking woman's pin-up" John Anderson, "slick young gun" Aden Ridgeway, and Pat Farmer – "Marathon Man".

These kinds of stories were why – on the surface – I decided to write *Media Tarts*. In truth, I started the research a decade ago, off the heels of an honours thesis about the ordination of women and the Anglican Church, a fascinating debate which revealed a great deal about the difficulty women have had in exercising authority or leadership in a Judaeo Christian culture. I was blown away by it. But I was fossicking for an idea to do my PhD on – and this was at the time of the Bronwyn Bishop ascension – "Bronnymania" as a Fairfax photographer called it – and of Carmen fever after Paul Keating had lured Carmen Lawrence to Canberra with promise of a cabinet position. The two women were literally depicted as Saint Carmen and Devil Bronwyn in cartoons with halos and horns.

It was an exciting time for women – female MPs were in key positions at last, and were thought to be on the verge of "storming the citadel". ALP pollster Rod Cameron declared the feminisation of politics was about to occur. In 1990, Lawrence became the first female premier in Australia, shortly afterwards Joan Kirner became the second, in Victoria. Rosemary Follett had been chief minister of the ACT in 1989 (and was again from 1991 to 1995), and Kate Carnell was elected first woman leader of the ACT Liberal Party in 1993. In February 1994, *Herald* journalist Mike Seccombe argued that there was an arms race going on between the major parties, where women were the missiles: Bishop for the Liberals, Lawrence for the ALP, Cheryl Kernot for the Democrats. What happens to these women, wrote gallery veteran Geoff Kitney, "will be one of the great political stories of our time".

It sure was. One by one, they were trashed, spectacularly. I watched it all happen from the mid-1990s onwards while writing my

PhD, called “Housewife Superstars”, which analysed the dynamic between female politicians and the press between 1970 and 1990. I started working as a journalist while still researching it. I spent years travelling around the country poring over parliamentary archives, press clippings files and interviewing current and former MPs. Then, once I had finished it, I decided to write a book about the female meteors, about the 1990s, drawing on history to in part explain what happened to them. In 1998 I started working at the *Herald*, and it has been from the “inside” that I finished the thesis – and then the book, which was about the 1990s – the female meteors as they have been called, who soared then burned in the space of a few years: Bishop, Lawrence, Stott Despoja, Kernot, Hanson. No one had ever written the story before, or researched it. It seemed pretty timely – and even more so at this election, where women are largely absent from media reports.

Two key ideas in my book came from the PhD

1. Framing theory – which came from sociology (most notably, Erving Goffman) and has been picked up with some enthusiasm by political scientists to analyse the press over the past 25 years. It is the idea that the press “frames” events, like elections and football games and wars in the Middle East in often repetitive and predictable ways (one recent example you might notice in election coverage, is photos of cameras surrounding politicians). Frames are ways of organising, presenting or understanding data, or, in newsroom terminology, provides the “hook” or “peg” which defines a story as newsworthy – they slot “the novel into familiar categories”, and “prioritise some facts, events or developments over others, thereby promoting a particular interpretation” (Pippa Norris, (ed), *Women, Media and Politics*, Oxford University Press, New York, 1997). I wanted to know: how had the press framed women?
2. The historical concept of agency – which knocks the idea of victimhood on the head, which I think is dangerous for feminist theory, and acknowledges that we might not make decisions in the circumstances of our choosing, but we can make them nonetheless. Everything I had read about female politicians and the press had assumed that women were, without exception, victimised and denigrated by a hostile media – and that this had not changed since the 1970s, which was clearly wrong. I wanted to understand what impact women could have on the way they were portrayed, and what decisions they had made that we could learn from.

Examples of this: mistakes made by people like Janice Crosio, who held a press conference at the beach in her swimming costume when NSW Minister for Natural Resources, as well as also deliberate strate-

gies like those employed by Flo Bjelke Petersen, who used her ability to make good pumpkin scones to her great political advantage.

Key findings

Yes there was repetitive framing, which had been marked over the past three decades – some trivial, others lethal for the women involved. Though it is important not to consider the media one monolithic bloc acting in concert with one agenda – anyone who has ever worked in a newsroom knows this is not the case. Over time it appeared to be more of a wheel alignment problem, that we return to old, familiar blokey ways of doing things.

I also found the women MPs also had some input into these frames, usually by playing to them – or refusing to co-operate with photographers or banal requests.

Some of the major frames I identified were

a. The Steel Sheila – which meant that journalists were on the hunt for our first female Prime Minister, our Maggie Thatcher, ever since the 1970s. This has usually placed an unrealistic and counter-productive burden for the women involved – who knew it's not about immaculate blonde buns and iron lady cliches, but the numbers in the party room. Women would be elected backbenchers, plonked on the backbench, and asked “so are you going to lead the country one day? What do you think of Maggie?” Until Bronwyn Bishop came along and answered YES to all the questions other women had been dodging for so long: yes I am like Margaret Thatcher and yes I want to lead the country! The press leapt on her with great enthusiasm but also alarm due to her ambition and unusual aggression – portraying her as grotesque and bizarre. Photographers claimed she would sweep into a room and bark “Teeth, or no teeth?”. She was the politician they loved to hate.

b. The Housewife – the cliché of asking women to pose doing their housework as Thatcher had done so effectively in the 1970s – and very few agreed to do in Australia (Bishop was an exception, and there is a wonderful photo of her with a carpet sweeper in her Mosman home when she stood for the Senate in 1987). But more seriously – and what the photos symbolised was a concern that the houses of the nation would go to ruin if women stepped out of them to participate in the public sphere – and so women were often forced to prove they managed work and home effortlessly. Over and over. But women like Flo Bjelke Petersen came along and boy did that cliché work for her – it was the domestic competence trump card in the 1980s, after two decades of turmoil and fierce debate about the role of women. They thought she was so stupid – as all women who can cook are, obviously – that when she survived a week of parliament without making a mistake, they declared her a political genius.

c. The Feminist – women like Susan Ryan and Janine Haines engaged in a battle during the 1970s and 1980s about what it meant to be a woman in politics – and what a women’s issue is – whether women are located in the centre or on the periphery of political debate. I also trace the ambivalence of a lot of women MPs about using the word feminism – largely because if they spoke about women, it was often assumed that’s all they could speak about. But the debate about women’s issues has been far more important.

d. The Covergirl – It won’t surprise many women MPs that I found a constant the focus on the way women looked in political life. It’s all very well if it was just ‘jeez you’re a nice looking bird’ when the journalist first met them, but women like Barbara Wiese in Adelaide – who was very good looking in conventional terms – and found that a decade after being elected male journalists were still opening interviews with “so what is it like to be so beautiful and a politician? Is your beauty a barrier?”. She admitted it got her attention but lent credence to claims she was an insubstantial “page three girl” when she was under pressure. That is what the cover girls found – posing in dresses or just being found attractive might seem flattering or just silly, and some played up to it, but when it came to promotion or a time of tension in their portfolio, accusations that they were a lightweight would very quickly emerge. The covergirl stereotype of the 1970s and 1980s turned into the celebrities of the 1990s.

For women, posing in a certain way – in what women wear after work or on the weekends – is seen as a serious slur on their entire characters whereas for men it adds breadth and humanity. Like Paul Keating (and now Latham) in *Rolling Stone* wearing sunglasses. Jeff Kennett on the front cover of *Australian Style* in a suit with nubile young models draped around his knees – as his hands were draped on their heads. Tony Abbott bare chested with his surfboard. I could go on.

Compare their experience to that of Natasha Stott Despoja who let a few cliches out like a genie out of a bottle and could not cram them back in. But essentially she did politics a different way – made it accessible, translated it in mainstream forum, and, when I was outside the media just watching her as an MP, always seemed to make good sense. When I went to the Canberra press gallery as a journalist, I noticed how strong the disdain for her – and the disconnect with the views of my friends, who were roughly her age. The view was she was a lightweight – despite all her speeches in and outside of parliament. When she appeared on *Good News Week* and dressed up in a frock for *Cleo*, she was savaged for it – again adding weight to her critics.

She was, in many ways, blamed for a prurient interest of the press. When she was made leader, the first question fired at NSD by a local radio station was “So Nat, your partner popped the question yet?”

She replied, “Just been elected leader of the Australian Democrats, thought we might talk politics.”

When it really mattered – when her leadership was under threat – the same criticisms came back to bite, strengthening the arms of her opponents. *Herald* political columnist Alan Ramsey, who has been working in the press gallery since 1966, before Stott Despoja was born, dismissed her as a “flibbertigibbet” who was a “young woman far out of her depth who has no business being taken seriously”. He likened her to the glamorous blonde tennis player more famous for her tanned thighs than her ability, Anna Kournikova, and wrote; “Each is a beguiling clothes horse with minimum talent in what they do for a living. Kournikova cant play tennis. Stott Despoja is a complete political and parliamentary dunce”. (I had a fascinating – and revealing – exchange with Ramsey about Stott Despoja, as written up in my book.)

What matters is not so much that he wrote this – he does not spare invective for anyone he disapproves of – but that so many in the gallery agreed with him. What is also significant is that Stott Despoja was only leader for 16 months. She did not have the numbers when it counted. And that since she stepped down, her party has disappeared from view. Her demise has been a disaster for the Democrats. I’ve always thought her colleagues were a pack of fools for the way they treated her – as we stood around the newsdesk watching Andrew Bartlett bungee jump on the six o’clock news last week, as one colleague remarked, it was an apt image for this election – except for the fact that he was wearing a rope.

Reaction

What of the reaction? Some were funny, others predictable. One colleague snorted when he saw an invitation to my launch at Gleebooks, with the bookblurb on it, and sent me an email saying: “Carmen Lawrence is an intellectual giant who could hold her place in any company, provided she does not dig holes for herself. Joan Kirner has substance. The others, Natasha, Bronnie and so on, are just very ordinary individuals who use sexuality and aspects of discrimination as an excuse for what would be inadequacies in any company. Could all be dealt with in a sentence. Hardly justifies a book, if a PhD. But good luck with the book anyway.” (This is the same colleague who, upon hearing that I was going to be editing our election coverage, snorted “That’s like putting the tea lady in charge of the lodge!”. He likes to stir.)

I knew I’d get hassled by blokes who disagreed with the central premise. I expected the trivial reactions – the bloke who wrote in the *Canberra Times* that if I was really worried about a focus on the way women looked, “Why did I have a ‘soft porn’ cover”?? An obvious

irony and humour bypass there! But it was bizarre to see a review by a woman – though her gender is irrelevant – who wrote “this book is for people who think all women are victims. I don’t” when that was in fact one of my central arguments. On the back cover of the book, the blurb states “Baird also argues it is wrong to simply see women as powerless victims of an unfair press”. So I guess you can’t expect everyone to “get” what you are writing about either. Some totally failed to recognise my discussion of agency. And others picked up on it gleefully as proof that, as one radio broadcaster said, women should just “get on with it”. As though we’ve all been sitting around knitting for the past century.

What has been far more interesting for me I guess has been the realisation that it is difficult to discuss matters like female politicians and the press in public forums without it becoming reductive – I am continually asked – were they losers who made mistakes, a string of failures, or flawless heroines shot down by a myopic, nasty press gallery? It is difficult to talk about the complexity of response to someone like Cheryl Kernot over the duration of her career – to feel some sympathy for how she was treated while knowing she made bad decisions and could have performed better as a shadow minister. Again, it is critical to understand in what circumstances she was operating. This is what history provides.

When the book came out – an extract from the chapter about Laurie Oakes which was published in the *Good Weekend* – and which was very sympathetic, I was yet again made aware of how hostile many people are towards her, the almost extraordinary contempt people have for her, as though she symbolises the dark sexuality, the distraction, the futile entry of women into political life. She certainly still polarises people, and the fact that she complained about the ALP and the consequences of her decision to change parties without copping all the blame lost her a degree of public sympathy. The truth is, many people have complex – and changing – responses to her. I found it difficult to discuss this as I was so often asked questions about how bad she was – people failed to recognise what she suffered, and how few of us would survive that kind of scrutiny.

Agency is very difficult to explain, for some reason. We like a heroes and villains narrative, not normal human beings thrust into extraordinary situations by dint of talent or circumstance who then stuff up, are attacked sometimes, may or may not perform well – and the myriad reasons for their decline. This does not mean that there is no central argument, just that you have to allow for the complexity of evidence if we are truly to forensically examine the past and have a sophisticated response to it.

Conclusion

As the experience with Stott Despoja demonstrated, the treatment of women MPs leaves us with a critical dilemma. What do we want our politicians to be like? We were drawn to women MPs because we hoped for change in the political system – and that burden has proved a heavy one for those castigated for acting like men (being ambitious, seeking publicity), or just “playing politics”. By saying women should no longer have to be the moral guardians of politics, ushering in honesty, transparency, accountability, humanity, do we give up on the idea of change at all?

I concluded that we need to change the system by learning how to play the system – avoiding some of the major pitfalls while simultaneously challenging some of the stifling conventions. I don't think we want all our politicians to simply be slippery wordsmiths, adept at avoiding tricky questions from journalists. We want people who are candid and refreshing, like Janine Haines, and I guess like all the meteors in their early days. (Reading back through the Haines files was wonderful, she was so candid and real, and angry – and she refused to play the political games. When her press secretary told her to change her hair and her glasses, she sacked him). We do want our politicians to be different. Otherwise more of us will just switch off, due to boredom and alienation. Or we'll spend all our energy trying to ensure the men are treated in the same way – more about their biceps and sex lives – than their views on macro-economic management and the Middle East. Should we just call the Newspoll and vote some of the blokes – if we can bear it – into the hot political babes poll? Somehow I'm not too sure that's where we want to end up. This is my hope: that we can still ask *how* to change the system – and, in asking, we can still try to change a system which spits out those who don't fit the mould.

FUNCTIONS - 2004



Photographer: David Karonidis



Photo – David Karonidis

Marion Le

Australia's policy of mandatory detention of people who arrive unlawfully and seek asylum was introduced by the Keating Labor government in 1994. During the years of the Howard Government, it has become more controversial as a policy but continues. Marion Le OAM is a migration agent and advocate for many who have claimed asylum while remaining in detention. On Tuesday 5 October 2004, Marion Le addressed The Sydney Institute. In her view, in spite of Prime Minister John Howard saying, "We will decide who comes to this country and the means by which they come", that is not what actually happens.

ADVANCING THE

ASYLUM SEEKER CAUSE – A CASE FOR PRAGMATISM

Marion Le

The most dynamic person I've met recently, in the area of immigration is, in fact, Amanda Vanstone. The first time I met her at Parliament House, she was direct in her approach and in a very down to earth manner opened the conversation in words to the effect of "You know, first of all we should establish that I don't really care what people think of me, and I gather you don't really care what they think of you, so we can start on that basis." I thought she was telling me clearly that she had no favourites and did not need people to pay her lip-service. Then she said, "And I suppose they haven't even given you a cup of tea yet, have they?" "They" hadn't, so she said, "Well let's fix *that*. Let's get some tea or coffee, which would you like?" And I said "I'll have coffee thanks."

My first meeting with the then new Minister was on 1 March, 2004 although the relationship had started with her recognition in December, 2003 of my representations on behalf of the Afghan asylum seekers on Nauru. This public recognition gained me entry twice to Nauru – the only legal representative from Australia for the asylum seekers ever to go there.

Pragmatism is defined by the Macquarie Dictionary as "character or conduct which emphasises practical values or attention to facts". I saw pragmatism in action in the response of the Minister to representations from the United Nations High Commission for Refugees (UNHCR) and my office, to re-open the Afghan cases in the light of new evidence provided in late 2003 to the Department of Immigration, Multicultural and Indigenous Affairs (DIMIA).

I like a pragmatic approach to things and if I had a wish-list for this latest Howard Government, it would be that pragmatism in immigration continues. My wish-list comes down to the mantra that John Howard used in the last election. You will remember that he kept saying, "We will decide who comes to this country and the means by which they come."

I listened and I thought, “But they don’t really. Who does he mean by “we”? What really does John Howard know about how people are coming into this country? Who actually makes the decisions and on what basis? How accurate is the information they use”. This paper is designed to give some insight into four areas pivotal to this notion of the Prime Minister’s that “*we decide who’s coming and the means by which they come.*”

1. The section 417(s417) process – or Ministerial Intervention
2. The anonymous dob-ins – (a DIMIA term).
3. The issue of false travel documents, not the ones that are used by people to come here, but, more importantly, the ones that are used by the Government to remove people.
4. The so-called Pacific Solution. As I have already said, I am the only person to have been allowed to go to Nauru in any kind of independent legal capacity, with the blessing of the current Minister, Senator Vanstone.

So there are the four things; the business of the section 417, or the Ministerial Interventions¹, the dob-ins, the false travel documents and the Pacific Solution.

Ministerial Intervention

The inquiry into Ministerial Discretion in Migration Matters was established on 19 June, 2003 following allegations raised in Parliament in May and June 2003 about the use of Minister Philip Ruddock’s discretionary powers going back to 1998.² The Opposition Labor Party accused the former Minister, Phillip Ruddock, of being corrupt, of accepting, basically, donations from people in the community in order to have interventions made in relation to cases that people put to him.

The allegations involved, amongst others, Mr Karim Kirswani, a prominent member of the Lebanese Maronite community who was central to the so-called “cash-for-visas”¹ scandal. Kirswani was initially said to have had the greatest number of Ministerial interventions. After a while they revised that and said, “No, no, no, it’s Marion Le.” Now, no one could accuse me of ever having enough cash to bribe anyone, that’s the first thing. The second thing was that this was total confusion because the Labor Party, or individuals like Nick Bolkus,³ for instance, would know that I know where the bodies are buried. Over many years, there have been deals, what I call deals, done behind the scenes to get a migration outcome in the best interests not only of the people but of whichever political party is in power.

In any event, I didn’t volunteer to appear before the Senate Inquiry. I think the Democrats put my hand up for a go and then I received a written invitation from the Senate to ask me to appear. One

of the interesting things was that, in the Report, I am referred to as being someone who has worked for many years with the Department and the government in this area with no caveat that it was only with one party or another – it was clearly immaterial to my work which party was in government.

Yet, according to the Report:

“The most scathing criticisms of departmental processes were provided by Ms Marion Le, a human rights advocate and migration agent who has worked closely with the Department and represented people to Ministers over a 25 year period.”

The Report goes on to quote me as saying:

“One of the biggest problems is that the department does not always send on submissions that are put to them, and we as the practitioners or the people bringing the submissions do not know when the Department has passed on our submissions and when they have not. So we never know whether the Minister is receiving them.”

I was also reported to have said:

“The whole situation is really messy. I would not like to say that it is working well; it is not working well. It is messy, time-consuming and stressful. Those who are doing it do not know what the outcome is. – as I said, the submission heads off into the abyss.”⁴

The abyss is the Department.

One of the big issues here is that the people who really make the decisions, at the base line, are not “we” the government or “we” Phillip Ruddock, it’s “we” the Department, the people in the Ministerial Intervention Unit. Often, the person making the decision as to whether or not the Minister is going to even see a particular case is going to be the same person who originally rejected the person.

For example, I had one case (and I raised this at the Committee hearings) where the person was rejected by the Department, went to the Refugee Review Tribunal (RRT) and the RRT Member said, words to the effect that: “Look, because the Minister has enacted legislation to forbid us to consider this type of case as a refugee claim, I cannot give this person a protection visa, but what I can do is recommend that the Minister looks at this very carefully, because this man is certainly going to be shot, killed, when he goes back to his home country. I cannot find that he’s a refugee under the Convention as we have amended it in Parliament but I do recommend this to the Minister for intervention.”

Now Phillip Ruddock was very firm in his instructions to the Department that if the Migration Review Tribunal (MRT), or the RRT, recommended someone to him for his Ministerial discretion, then he expected that the case would be on his desk within a few days.

This case, in fact, went back to the Department and they handed it back to the first decision maker. When I got to know of it, from a Freedom of Information search, it was disgraceful. The departmental officer had said to himself, “I’m not going to admit I’ve made a mistake.” So he started immediately writing all the reasons why it shouldn’t go to the Minister for ministerial discretion. In the meantime, though, a lawyer decided to appeal. It went to the Federal Court and the Federal Court Judge concluded that he couldn’t find any error in law but agreed with the Tribunal that this man would die so the judge recommended that the case went back to the Minister.

But did it go to the Minister? Not without *my* intervention!

I was contacted sometime around Christmas Eve. The brother, who’s living in Adelaide, rang me and said, “Could you take this case?” I was not keen but in the end, after reading the decision, I agreed to assist.

I submitted a request for Ministerial intervention but it was knocked back. Then I got the paperwork under FOI and I was furious when I saw that the case officers had completely ignored the comments by both the Tribunal and Federal Court as to their humanitarian and public interest concerns. And of course, they had ignored my submission as well.

I went to Phillip Ruddock and I said to him, “You need to have a look at this,” (in front of his minders), “because this is a case that very clearly fits into your guidelines.” I knew that he’d said that if any case was referred to him by a Tribunal then he expected to see it, and he hadn’t. It was a total cover-up by the Department.

What the Minister then did, of course, was to intervene. And he intervened in such a way that he gave the applicant more than he would have received normally, probably as both compensation and as acknowledgement that he agreed totally with the Tribunal, the Court and me. The Minister gave the man a permanent visa allowing him to sponsor his wife and children which is what he needed. If I hadn’t taken that case, that Department would have totally ignored the recommendations, not only of the RRT but also of the Federal Court, and Phillip Ruddock would never have known!

One of the things of interest in the Report, surfaces very early where we read that the Committee requested from the Minister, which means the Department, “detailed case file information”⁵

According to the Report:

“All the of Committee’s requests for detailed case information were met with resistance, initially from DIMIA and ultimately from Senator Vanstone.”

Their responses to these requests are summarised.

“At a public hearing on 23 September 2003, the Committee asked DIMIA to provide case files where Mr Kisrwni and Ms Marion Le had made representations. On 31 October 2003, DIMIA wrote to the Committee advising that the request raised significant workload implications for the department and that it would take an estimated 120 person days to prepare the files for the Committee’s perusal.”

The Committee refined its request to encompass only “... 17 cases in respect of which Mr Kisrwni had made representations”.

Despite an assertion on two days by Ms Philippa Godwin, a DIMIA deputy secretary, that the DIMIA would provide the answers that the Committee was seeking, those answers never eventuated.⁶

The Report made interesting reading particularly because, until the Report was published, I didn’t even know they were wanting to look at my files. I would have been more than happy to have provided my files so that the Committee could see what was going on.

The case against Phillip Ruddock actually amounted to the fact that he was willing to take on board requests from people in the community who approached him.

I was questioned at length about that, “Do you think this is right? Do you think that if you’ve got the ability to approach a Minister that you should be able to do that?” And I said, “Why not? That’s how a democracy works. People should be approaching their Minister, or their local member. They should be approaching the Minister, if they can, and if they can’t, then they need to find someone like Gerard or Anne Henderson, or me, or someone who’s there, with the expertise, with the reputation that these Ministers, these people whom we’ve voted into Parliament, can actually say, “Okay I will take on board that this person has a legitimate concern” and look at the case again.

I could tell you about file after file where I had real concerns about who is making the decisions. Numbers of us who criticised the policy of the Department, the policy of the government, again said that Phillip Ruddock was assiduous in what he was doing, in the work that he did. When files were put to him by his department or by community people, he did look at them, more than any other Minister I know. He was only joking but he once said, “It’s lucky that they’ve [DIMIA] got you and me” and I responded no, that it was really bad because if the system has to rely on us then it’s no good at all and needs total revision.

So my wish list for this term of the Liberal government would be that there is a total revision of the way cases are processed and that the current Minister takes a very serious look at the recommendations of the Senate Committee.

In particular, there is a real need for someone to look at who is making decisions about what to pass on to the Minister.

The question of “dob-ins”

Dob-ins are becoming more and more common and generally occur generally by letter or telephone call to the DIMIA when anonymous persons secretly contribute something adverse to an individual applicant’s file.

Let me give you an example from perhaps the most infamous of all asylum seeker cases who has been the victim of a dob-in – Ali Bakhtiari.

Poor Ali Bakhtiari was dobbed in. He was dobbed in, along with another person who became my client. The men were said to be brothers, Pakistani citizens rather than Afghani, guilty of giving false details of their families and nationalities to the DIMIA. I went all the way to the Afghanistan to prove that my client was who he said he was and I proved it. We have not, however, yet been able to find the identity of the dob-in. It’s very complicated so just take it from me.

Dob-ins generally have nothing to do with terrorism but are often based on gossip – asylum seekers married to someone or not married to someone – very trivial stuff in fact, but untested and unrevealed can lead to people being detained and removed from Australia.

With the Afghani case-load, the DIMIA put a lot of faith in the now largely discredited language tests and dob-ins which led to many genuine Afghani asylum seekers being detained on suspicion of being Pakistani for four years before eventually being released on temporary three year protection visas (TPVs).⁷

Documents on one DIMIA file indicate that a number of unnamed informants have told the Department that the applicant is lying about his identity. While some informants, however, had apparently given similar information there were apparent inconsistencies. The Refugee Review Tribunal requested, from the DIMIA, details of the sources of these dob-ins but was advised that DIMIA is “under strict obligation to keep the identities of persons who are the sources in these circumstances completely confidential”. Isn’t that incredible?

There was another dob-in case of a young couple in Adelaide. Theirs is a very sad story. They fled to Australia from the Milosovic ethnic cleansing in 1999. They were terribly traumatised, came here and they are much loved by the local community who have supported them during the time they have had no work permits – over two years whilst they waited for an answer to their request for Ministerial intervention.

Someone dobbed them in. We didn’t know this and we couldn’t work out why Phillip Ruddock would not intervene in this case. He kept saying to me, “I know you’ve put another letter in about that case but there’s an allegation on the file”. We put in another request for files under the Freedom of Information legislation (FOI). I’ve had

a separate case on foot for the little girl in the family, so I decided to wait.

Then, back it came, an unanswered, unexplored dob-in, not a letter, but a file note recording that on a particular day a man who identified himself only by his first name and who left a mobile telephone number, walked into the office of the DIMIA in Sydney and said that Mrs A in South Australia (she's never been to Sydney) is living under a false name with her husband, and that a woman called Mrs B who is living with them is in reality her mother. Mrs B also had an application before the Tribunal. This information was passed to the Minister as fact. They were accused of very serious immigration fraud. They had, in other words, adopted false names, and were living with a woman who is supposed to be the mother of the wife who is also lying to the DIMIA and Tribunal.

These are very, very serious allegations which one would imagine would lead to immediate investigations being undertaken. Those allegations had been there for over two years. It has stopped those people accessing ministerial attention because the allegations went, as fact, to the Minister. If you saw the file note, you'd be horrified at such hearsay.

I rang my client and asked if she knew Mrs B? She thought for a few seconds and then said, "Oh wait a minute, about a year and a half ago she stayed with us for a couple of weeks because she had nowhere to go. She's a psychiatrist." It took my client two days to locate Mrs B and I spoke to her on the phone. I also spoke to the person with whom she now boards – a retired Correctional Services Officer who was absolutely furious at the accusations. Mrs B was able to substantiate her identity and proved the allegations to be totally untrue. But there has been no apology from the DIMIA and probably no retraction on advice to the Minister. Those dob-ins are deciding who's coming to this country. That's just one example and there are many others.

This couple and Mrs B were anonymously dobbed in and there was not a basis of truth to the dob-ins. So when John Howard said, "We will decide who is coming here...", it's not so when we have dob-ins allowed to influence a person's right to stay. A man walked into the DIMIA office, didn't even give his full name, didn't give an address, gave a mobile number which they couldn't connect with later, and wrecked a family's life.

False travel documents

You all know that people often utilise false travel documents when they're fleeing war-torn countries because they can't get out any other way. Frequently they don't have any documents because of the haste in which they flee. When I was growing up we all thought people were heroes if they had escaped Nazi Germany or emerged from behind

what was then called the Iron Curtain by sneaking across borders, clambering across the Berlin Wall or swimming from China to Hong Kong, to finally get to freedom.

Now I'm not for one moment condoning the current people-smuggling operations because they are unscrupulously conceived and lead to people's deaths. But many people do come on false documents and there's no crime in that if they're legitimately fleeing persecution. That's the only way they can get out.

The real problem that goes unnoticed, the real crime, is that we pass off or send people overseas to countries, where they can no longer get admission, on false travel documents. Having decided who is NOT staying in this country we then decide to remove the unwanted by deporting them. The Edmund Rice Centre for Justice and Community Education, in cooperation with the School of Education, Australian Catholic University, conducted a study of Australia's treatment of forty rejected asylum seekers and their published report, "Deported to Danger", gives a fascinating and chilling insight into what has happened to some of Australia's deportees.

In 2002, the Edmund Rice Centre decided to seek out deported asylum seekers and interview them overseas. A disquieting interim report was published and given to the Minister through DIMIA and to the UNHCR in October, 2003. The final document was published in 2004 and should be compulsory reading for anyone interested in Australia's border control policies. Of course, the Department initially denied much of the report – particularly DIMIA denied issuing false documents and misleading detainees as to where they were being sent.

In quite a public spat, I produced my files and letters I had written to the Minister and DIMIA, almost word for word documenting what had been said to me at this end from the people in Port Hedland when they were told "We can give you false travel documents that will allow you to get into Syria" and actually issued them to a group of Kuwaiti Bedoons who were then removed from Australia.

The Edmund Rice Centre researchers have included in their Report photos of some passports and documents that were provided to these people. The Minister can deny it but the Department knows they issue them and in one of my cases when the matter went to Court, the fact was admitted in evidence. DIMIA obtain travel documents that are said to be Australian travel documents. They look like passports but they are valid only for leaving Australia and have no validity for further travel.

A telling paragraph contained in the Report refers to "the material evidence of the apparent duplicity of some Australian officials" emerging in the stories of deportees.

"T2 said, I agreed to leave as I had a conversation with Mr X; he works with the Ministry of Immigration as a Manager of Departure. He said:

“If you can get a false passport from a smuggler, I will take you to any country.” He was given a ticket purchased by DIMIA to travel from Sydney to Kuwait with a seven day “stop over” in Damascus. No entry documents were available for Kuwait and T2 alleges that he was told to enter Syria on the short visitors’ visa and then continue to live there illegally.⁸

In the case I took to Court, when that evidence was produced to that particular departmental officer, he did not deny the conversation which had occurred also with my client but said it was a joke. I don’t think so! My client, part of the group in Port Hedland who was party to this advice, refused to trust the DIMIA and is still in Australia, released on a bridging visa and willing to give evidence at any time of the truth of the evidence quoted above from the Report. I can tell you time and again about the stateless people who are being forced to apply for these travel documents and then are being whisked away to detention or constantly being threatened with deportation.

My wish-list for this government contains a plea that we sort out the problems of stateless people so that Australia does not have to demean itself in the international scene by providing people with documents that are false, misleading at the very least, but that are just a total shame on our country.

The other alternative, in law endorsed by the High Court, is that stateless people can be detained for the term of their natural lives in our remote desert or island detention centres. This is clearly an unthinkable abomination. We must bite the bullet and say to stateless people, “Look we’ll give you a haven; we’ll let you stay here.”

The Pacific Solution, so called

There is nothing pragmatic about a politically motivated decision that makes processing offshore something legitimate, outside of the legal jurisdiction governed by Australia itself. I’ve been to Nauru – twice. The Minister herself gave me jurisdiction to go to Nauru. I always know when the Department’s got a problem to solve. They allow me in to do something so that it can be solved. It really is a game and as long as you know how to play it, and I’ve been playing for twenty-five years, you can solve it for the disenfranchised people, for the government of the day and for the taxpayer.

But I want to solve it on a bigger level. One hundred and forty nine Afghans came to Australia from Nauru after the cases were reopened this year. Twenty-two others went to New Zealand – the last of the Tampa refugees processed by the UNHCR. In late September, the Department asked me to go to Nauru to try to solve the problem of the Iraqis. I was given three days notice and told, “You can go.” I said I had cases scheduled with DIMIA interviewers in Launceston. The Department immediately arranged with the Victorian office to

put off my interviews in Launceston. Then I asked – “Are you going to fund me?” Long silence. And then, “Well, Marion, you know that we don’t actually do that.”

I told them I had no funding, that everyone was tied up with elections, nobody was really providing any monetary assistance to the Iraqis and family members here wanted guarantees, which of course I couldn’t give, that if they provided funding their relative would enter Australia.

By funding I just mean, seriously, the airfares. So those Iraqi re-interviews went ahead without any direct legal representation though I was able to be part of a telephone link in one case and we had some limited input through my office.⁹

Amanda Vanstone is pragmatic enough to know that it’s gone far enough. If you’re looking at the Pacific Solution, it’s not a solution obviously. There’s a joke in my office. We say we are the Pacific Solution. If you come into my house, my lounge and dining room has been changed into a storage area for the files of clients. The Nauru files are there, the Baxter files are there. I would have the biggest collection of immigration files of anyone in Australia and I’ve already given a huge van-full and half a truckload to the National Library, of all my Vietnamese and Cambodian files over the years.

Pragmatically speaking, in conclusion, I would like to see these four areas of concern addressed by the new government. In relation to the ministerial intervention process, let us make sure that it is based on truth. We need to tidy up the process, make it more open and more accountable. With dob-ins, a lot of people do not know when they’re being accused. We’ve asked if we’re allowed to see accusations but generally our requests are denied and the accusations stand untested. It’s just unbelievable. It couldn’t happen in the real world that you’re not allowed to face your accuser or answer in person. This needs to change.

The government, and in particular the present Attorney-General, Philip Ruddock, expresses concern, rightly, about the travel documents, or lack of them, of people coming here but then we issue misleading documents to people we deport to countries where they are not secure and are often in danger. Believe me, it’s happening and by keeping silent we give this practice our support.

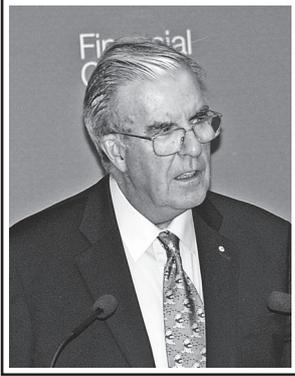
And then of course there’s the Pacific Solution. The Afghans and Iraqis who remain on Nauru need to be assisted to come to Australia – there will be no Pacific Solution until Nauru is closed and those Afghanis wrongly accused of being from Pakistan are given justice. When two young men, minors when they arrived, teachers of all the children now forging ahead in our Australian classrooms, are granted the justice they deserve and granted visas, when the last family with children, when the Kurds and single Iraqis who are not judged

security risks to Australia finally set foot here, then we can trumpet a Pacific solution.

Australia is a great country – I acknowledge with pride New Zealand as my place of birth but I am proud to live here. Let us work together to find pragmatic and just solutions in the areas I have addressed.

Endnotes

1. (which also includes interventions under s48B and s351)
2. Senate Committee Report: Select Committee on Ministerial Discretion in Migration Matters, March 2004, p xi
3. IBID, p xiii Minister Ruddock exercised his power to intervene on 2513 occasions from 1996 to October 2003, compared with Senator Bolkus's 311 in three years and Mr Hand's 81 in two years. Although Mr Ruddock has obviously used the power much more than the other Ministers, there were many more cases in which he could have intervened.
4. IBID, p 63
5. IBID, p 6
6. IBID, p 6
7. With Baxter Afghan cases reopened in late 2004 a
8. Edmund Rice Centre For Justice & Community Education: "Deported to Danger", p 38
9. The results from the Iraqi re-interviews on Nauru released in December were disappointing given the escalation of violence in Iraq and I believe this was primarily because the Iraqis were not able to express themselves clearly due to their significant mental and physical deterioration after so long on Nauru. All families with children were accepted and will enter Australia on 14 December. Only two single men, both Christians, have been accepted at the time of going to press. Yet the UNHCR has extended the mandate of Complementary Protection to all the Iraqis on Nauru.



Alan Gill



Ruth Rack

Photo – David Karonidis

Alan Gill is the author of *Interrupted Journeys – Young Refugees from Hitler's Reich*, (Simon&Schuster). It tells many of the stories of the *Kindertransports* or children who were evacuated from Nazi Germany before the Second World War and given foster homes in England until it was safe to return to their families. Tragically, most of the *Kindertransports* children's families died in the camps of the Holocaust. Ruth Rack, author of *The Book of Ruth* (Southern Highlands Publishers), was one of the children rescued by the *Kindertransports* campaign. Alan Gill and Ruth Rack addressed The Sydney Institute on Monday 11 October, 2004. Copies of Ruth Rack's *The Book of Ruth* can be obtained from ruthr7@bigpond.com

YOUNG REFUGEES

FROM HITLER'S GERMANY

Alan Gill

People who write books and articles are often asked: "Where do your ideas come from?" I guess I've been lucky. I have never consciously *looked* for ideas. They have found me.

The idea for *Interrupted Journeys – Young Refugees from Hitler's Reich*, came about when I was writing my earlier book, *Orphans of the Empire*, about the child migration schemes. Henry Lippmann, organiser of the annual reunion of the Dunera Boys, and a long time friend, said to me one day: "We had them too!" By "we" he meant the wider Jewish community. I was unaware of this, as were others to whom I spoke. It seemed as if I had stumbled upon the best kept secret of the Australian Jewish community.

The book – what I hope will be the second of a trilogy – is about, for want of a better word, "war orphans". It tells the story of children and young people who fled Hitler's Reich on the eve of conflict, and of the "rescue" schemes which helped them. Also the reactions of governments and individuals to their plight, and how the youngsters fared in their new and unfamiliar environments.

In the build up to World War II, and in the first years of the return of peace, Australia received about 600 unaccompanied Jewish refugee children and teenagers, and some young adults. In a parallel scheme, later known as Kindertransports, Britain received 10,000 Jewish children (many of whom later migrated to Australia) in the pre-war period alone.

Of course, not all those who would have liked to get away were able to do so. The book also looks at the situation of children who were forced to bear the full brunt of the Nazi Holocaust, in particular those who came to Australia as post-war unaccompanied juvenile refugees.

My book is *not* a book primarily about the Holocaust, in which one and a half million Jewish children died. It is a book about migration. The stories generally have happy endings. I stretched the narrative a little to include involuntary migrants, such as the Dunera Boys. They were "friendly" enemy aliens, interned in Britain under Winston

Churchill's "Collar the lot" policy, and shipped out to Australia where – to use an understatement – confusion arose about their identity and they were interned once again. Some of them jocularly call themselves "the last transportees".

The "boys" were, of course, mostly men. But some were as young as 16. I have a wonderful story about two boys "arrested" – by appointment – at English public (ie. private) schools. One of them was told by the headmaster: "Take a toothbrush, pyjamas and a change of underwear. You'll be back in a couple of days". Two years later, having been shipped to Australia and interned, he returned. The head took him back as if he'd had a couple of weeks in the san.

The book is not *all* about Jews. The last three chapters tell the story of the Vienna Mozart Boys Choir – trapped in Australia upon the outbreak of World War II. One day they were celebrities; the next virtual prisoners of war. I have always been fascinated by coincidence. In this case, a dock strike in San Francisco changed the course of their lives for ever.

The choir story has everything: politics, sex, religion and a choir-master who may or may not have been an influential Nazi. There are today nine survivors of the original 20. All live in Australia. Erich Troyna, one of their number, told me over coffee one day: "My life was an interrupted song." "Song! Journeys!" I now had the title for my book. "Journey". It's an enticing word, denoting odyssey, pilgrimage, passage through life, as well as travel. And most appropriate here.

Some years ago I visited a transport museum in America. One of the exhibits was a kind of tableau, involving a reconstructed railway carriage in a supposed mid-west country town. Framed in the doorway was a young soldier going off to fight in World War I. There he was; a small town boy, his face registering mixed emotions. His parents waved from the platform, mom trying to hide the fact that she was crying.

Imagine the feelings of those Jewish children, put on trains at German mainline stations, surrounded by hostile guards, with war about to break out at any time. On the platforms their parents, most of whom would die in Hitler's camps, put on a brave face and promised to join them soon on their "holiday".

I'm haunted by the quote in my own book from George Dreyfus, age 11, later to achieve fame in Australia as a composer: "The goodbye scenes, they'll always be there. I don't think I was crying, but lots of the other children were. I had no understanding I might never see my parents again."

An award to the parents who participated in the play-acting. Lore Segal, who now lives in America, records: "Mother kept up conversation [at the station] as if it [separation] was an ordinary occurrence. But her face inside her fur collar was red and hot."

To excite their children about the future, parents gave a rosy view of what they would expect. Hedy Epstein remembers: "My parents painted such a wonderful picture, I accused them of trying to get rid of me." One mother had second thoughts and pulled her daughter out through the train window, cutting her on the glass in the process. The child subsequently was incarcerated in five concentration camps, but survived.

Pre-war child and teen refugees may be divided into two groups – those sponsored by local Jewish associations in the host countries, which was the case in Australia; and those fortunate enough to participate in the more ambitious scheme, organised from Britain, which came to be known as *Kindertransport* (literally child transport).

Some 70 Jewish unaccompanied teenagers arrived in Australia from Europe in the immediate pre-war years and somewhere between 350 and 500 arrived afterwards. A total of about 600. Not a very large figure, I admit. There are reasons for this, which will be discussed later. On the plus side, it should be remembered we are talking of unaccompanied youngsters, who required at least some form of looking after when they got here – not the much larger number who came with parents or relatives.

By way of comparison, roughly 10,000 mainly Jewish children came to England in the *Kindertransports*. The scheme, which operated until the very day war broke out, was the brainchild of a handful of individuals, the most noted being a young businessman, Nicholas Winton*, and a schoolteacher friend, whose efforts were nothing short of heroic. The scheme had the support of the British government (a turnaround from a previous somewhat anti-semitic position), and had no restriction on numbers. Basically all that was needed was an entry visa (freely given), an offer of fostering from a British family or charity, and a bond of £50 sterling.

The German government, though subjecting the children to various indignities at railway stations, imposed no restrictions on their actually leaving Germany – the Nazis were only too glad to get rid of them. In Britain the Kinder were looked after by ordinary English families, most of them non-Jewish, who responded to pleas from churches and relief agencies. It's a remarkable story, a unique piece of social history. There was not much time for packing. According to Eva Hayman, who now lives in New Zealand: "I took my teddy bear. I wore a cross, star and a little angel, so that the Almighty could choose what religion I should belong to."

* Nicholas Winton, now an active nonagenarian, was knighted last year by the Queen. It is said he saved more people than Oskar Schindler, and with purer motives.

One child recalled: “We had about three weeks [to prepare]. Our mother brought loads of material and had the local dressmaker working hard so she would send us both to England with a decent wardrobe. All the clothes were made to fit. There was no allowance for growth. It was my parents’ way of coping with the forlorn hope that our departure was only a temporary one.”

The arrival scene at London’s Liverpool Street station was also memorable. Waiting to be collected was gruelling. Lorraine Allard recalls: “I sat on my case for an hour and nobody came. Eventually this woman turned up and told me to treat her like my mother. So I put my arms around her when I went to bed. She said: ‘Don’t do that. It’s sissy’.”

When the war ended some of the foster children, now verging on adulthood, did not wish to return to their natural parents – that is, assuming they had survived – finding them strangers, or worse. Even the bond of common language had been broken. Possibly for this reason, many of the Kinder, by now young adults, moved on to Australia, Canada, the USA and elsewhere.

The book does touch upon some controversial matters.

Was Jewish immigration influenced by prejudice? Before World War II – undoubtedly, which largely (though not entirely) explains the paltry number of those received by Australia. In July 1938, Australia participated in the so-called Evian Conference, named after the French city of that name. Its purpose was to facilitate the flow of refugees from Nazism, the vast majority of whom were Jews.

Australia was represented at the conference by Thomas White, Minister for Trade and Customs, who said Australia was unable to increase its annual intake of refugees beyond the then current level of 5000 (with a three-year limit). He stated that Australia did not have a racial problem and was not desirous of importing one. A position paper, also given to the conference, said Jews were highly intelligent and successful, but failed to assimilate completely into their country of adoption because of their religious beliefs and rules regarding inter-marriage.

The timing of the conference was interesting – just four months before the notorious Kristallnacht on 9 November, 1938 (“Night of broken glass” – the launching of a major anti-Jewish pogrom, when Jewish businesses were seized and synagogues and family homes burnt and looted).

As the situation in Europe worsened, so did the demand for a change in refugee policy. Stanley Bruce, a former Prime Minister, then Australian High Commissioner in London, suggested the intake should be doubled. It was not to be. In early 1939 Australian Jewish organisations, notably the Australian Jewish Welfare Society (AJWS) and the Australian Jewish Welfare Guardian Society (“welfare

guardians”) formally sought permission to bring out 750 unaccompanied children, in addition to the 5000 adult refugees already permitted for that year. The government granted permission, but only if the children were part of (and not in addition to) the larger total. At this point the two Jewish organisations and their supporters caved in. Sadly, as pointed out earlier, only about 70 children had arrived by the time hostilities broke out.

Post-war, the unaccompanied Jewish child refugees were treated more generously. Problems arose because of a quota system – a complex topic best left for another occasion. Arthur Calwell, the post-war Immigration Minister, is sometimes depicted, perhaps unfairly, as anti-semitic. *The Bulletin* pilloried him as being too friendly to the Jews.

The youngsters who came directly to Australia, both pre-war and post-war, were generally older than those who went to England, which allowed them to go into hostel care, or live in accommodation of their own choosing. Those in this category usually had a “big brother” type arrangement with a responsible adult to keep an eye on them.

The scarcity of shipping meant, in the case of the post-war migrants, a tremendous demand for whatever places were available. To a young person who had survived Belsen or Auschwitz, Australia was a welcome destination, even to those who had hardly heard of the place, having the benefit of being as far from Europe and its memories as possible. Concerning post-war migrants there was much fiddling of paperwork by staff of the Jewish relief agencies. Ages of children were doctored – up or down – to fit Australian government requirements.

A boy who pulled out at the last minute gave his name and identity papers to another would-be migrant, who maintained the fiction for the remainder of his life. A problem arose when the real owner of the name, who now lives in the US, visited Australia on a vacation. It was not the only scam. One woman welfare worker, who died last year, substituted chest X-ray plates where it was feared a young would-be migrant might be failed on account of TB.

It should be noted that the young Jewish migrants, both pre-war and post-war, were much better treated, upon arrival in Australia, than the English kids, featured in *Orphans of the Empire*. One wonders why? Perhaps because the Jewish community treated them as special.

I was told a lovely story about the cook at the Isabella Lazarus Home, Hunters Hill (now the Montefiore Homes), slipping an extra potato in the hands of a lad whom he thought needed fattening up. Can you imagine that happening at any of the institutions run by Christian churches at that time?

Some issues which may sound trivial have, in recent years, attracted considerable controversy. One of these concerns who does, and who does not, qualify as a “Holocaust survivor”? What does the

word “survivor” actually mean? Those who had been in camps? Of course, that’s obvious. But what about the ones who got out before the war started, and who never saw a shot fired in anger?

Some feel a sense of guilt. One man said to me, apologetically: ‘Do you know, Alan? I have never seen a dead body?’ They, too, lost relatives and loved ones. In my view they are *all* survivors. This view, incidentally, is shared by the Australian Association of Jewish Holocaust Survivors – to which the words “And their Descendants” have been added.

There’s also a generational problem. Some adult children and grandchildren of Holocaust survivors show little or no interest in their elders’ experiences. Likewise the reverse. Elders who have blocked out their experiences or, for one reason or another, decline to share them with children and grandchildren. Both situations have caused considerable pain.

A generational problem of another kind concerns attitudes to asylum seekers, boat people, illegals. There is an assumption in some quarters that yesterday’s “reffos” automatically support today’s asylum seekers. My own experience, for what it’s worth, is that there are the same divisions on this among the Jewish community as there are among other people.

The young Jewish migrants had their heroes, chief among which was Syd Einfeld, later to become a member of the NSW Wran Labor Government. Syd was a father figure to both pre-war and early post-war newcomers. He met every ship on arrival. I visited him at his Sydney home some years ago. There were pictures of these refugee lads – themselves now of pensionable age – on the mantelpiece.

It was not our first meeting, which had been at an inter-faith function, in the 1970s. I was there as the *Herald’s* religion writer. Syd approached me, fixed me with that famous craggy smile, and said: “Churches and synagogues have one thing in common. They have boring sermons.” I remember he also showed me a medal given to him by Pope Paul VI. He said: “I’m thinking of having it engraved – From Paul to Syd.” Syd Einfeld was a compatriot of another mentor and hero to the young Jewish migrant refugees. His name was John Lewinnek. There are those who weep at the mention of “Uncle John”.

I should mention that some of the people I interviewed told me their stories with a degree of trepidation. I felt their pain. We cried together. Probably it was therapeutic for both of us. Horace Goldsmith (“Horie”) was unique. When I arrived at his home, virtually unannounced, and never having met the man before, he greeted me like a relative. “I’ve been waiting 64 years to tell my story. And now you turn up.”

Despite separation from their parents – which they assumed would be temporary – children on the *Kindertransports* were generally happy

to be going. Ruth Rack, my companion on the platform today, had fantasies about the “little princesses” – Elizabeth and Margaret – and other aspects of English life.

Ruth had two firm wishes. The first – she writes in her delightful self-published biography, from which I drew for my own account, was to live in England without Nazis and in peace. The second was to survive long enough to grow up into a sexy woman with big bosoms. She got to England soon after her eleventh birthday. Once there, she underwent the stress common to anyone undergoing such total and dramatic upheaval. At one point she found herself joining a large group of London children, neatly labelled, waiting to be evacuated away from the bombs to the rural delights of Devon. The poor girl thought it might be her last journey.

Well, it wasn't her last journey. And it's a pleasure to hand over the microphone to Ruth at this point.

YOUNG REFUGEES

FROM HITLER'S GERMANY

Ruth Rack

The mass slaughter of the children of Beslan, in our day, has touched us all. It is particularly poignant for me as it was their first day at school. I have written my memoirs – *The Book of Ruth* – and on the front cover is a picture of me on my first day at school.

Easter 1934. All the six year old children starting school paraded around the town square lined by the locals who clapped, nodded and smiled approval. We proudly carried life sized cones filled with chocolate Easter eggs and sweets. So happily began my formal education at the German school where I remained for about two years. I was sent out for some lessons and the children ostracised me in the playground. Little did I dream of the bitter trauma ahead.

I was born 1928 in Leipzig, Germany – little girls have no choice in these matters. The youngest of four children, I was the adored baby of our large orthodox family and warm Jewish community where my father, a professional opera singer, was now cantor of the synagogue.

One day, as usual, at assembly in 1936 or 1937, we all had to shout “*heil Hitler*” and sing the German national anthem. Instead of “*heil Hitler*”, I used to mumble: “*drei littler*” which is nonsense. We were in the big hall, with all the teachers lined up on the stage when the Jewish children were humiliated in front of the entire school – not for any misdeed, but for having been born to Jewish parents. At the age of eight I had the distinction of being expelled from school! After that we all had to crowd into a local Jewish school, catering to pupils from kindergarten up to the final senior year classes. The atmosphere in the *carlebach schule*, named after a famous rabbi, was completely different, with wonderful stimulating lessons, some in English and Hebrew and an opportunity to study music. There was happy competition and the teachers were friendly and helpful.

In 1936, the Olympic games were staged in Berlin. With the eyes and ears of the world focused on them, German Nazis continued their murderous march.

“The only thing necessary for the triumph of evil is for good men to do nothing” – Edmund Burke. In November 1938, came

kristallnacht – night of the broken glass. Hitler had been in power for five years when he staged the first organised pogrom against the Jews in Germany. By this time, the Hitler Youth and Nazis were very powerful and tormenting us, beating up children in the street and it was horrible.

But on *kristallnacht*, I went to school. I was now ten years of age. The streets were strangely quiet, and when I got to school, there was nobody there, but there were books thrown in the street, and all the doors and windows were open and I was frightened all by myself. It was a wintry day, it was November. I didn't run home because it was not safe to be conspicuous but I hurried home, avoiding the doorways, and gave the alarm. My father was still in bed. He dressed quickly and gathered us all together in the living room and said: "Now this is a dangerous day and we're going to take refuge in the Polish consulate, and to get there, we don't want to draw attention because there are six of us. So we'll walk in pairs far enough away to see each other, but also far enough away so that if one pair is attacked, the rest of the family isn't wiped out."

My teenage sisters were to go first, followed by my mother and me and, bringing up the rear, my brother and father. If we were stopped on the way and accused of being Jewish with the threat of being killed, we were not to deny it. Aged 10, I was proud that my father trusted me to be brave.

So off we went and what we saw on the way is indelibly imprinted on my mind. It was horrible. There was an old man with a black beard in a dark suit and coat being dragged by his beard and beaten by several Nazis in black boots. Nearby a black taxi was turned upside down and it looked as if the driver had been pulled out of it and was also getting a vicious bashing for driving a Jew. There were crowds of people in the streets and they were yelling and shouting anti-semitic things. I even recognised a woman from the sweet shop who sold me single lollies. I used to like those green acid drops and we used to play with her children but she was shouting with the rest and being really vicious and I thought she was my friend.

Shops owned by Jews were smashed in and looted. Windows were empty, glass was everywhere. There were violent crowds growing thicker and there was the smell of smoke. Finally we passed the synagogue, where my father was cantor and it was in flames. My heart sank and we walked on, outwardly unconcerned, inwardly in turmoil.

My mother tugged at my hand and said: "Don't stop, don't cry, don't do anything, just keep walking." And we did that. Then finally we got to the Polish Consulate where the crowds were the worst. They were yelling and shouting and surrounding the compound. We had to get through them and I was very frightened.

She's still holding my hand very tightly and she whispers to me: "Yell what they're yelling, pretend to be one them." Which I did, and gradually she made her way through the crowd until we got to the gate. When it opened, we slipped into the Consulate. There were hundreds of people, in fact there were thousands, I have learned since. All in a small yard and I fainted. I was unconscious for a long time, and I remember just when I was coming to, being very cold because I was lying on concrete and my mother was saying: "Can't you see the child is sick? I want her to go inside." They let us into the consular building. I don't remember how we got out of there but I know from history that we were there for three days and everyone was very still and quite sort of stunned. I've also learned since that the people who didn't take refuge, were deported to Poland.

We did go back to our house and everything was smashed to pieces. My father must have been there because there was blood everywhere and they'd torn the white sabbath cloths up for bandages. He said, "Good, I hope they hurt themselves." And that's the last thing I ever remember my father saying, because I know now, that he was taken to Sachsenhausen concentration camp. The next six months are a blank in my memory. until that day in May when I was walked down the street and taken to the train to go to England. I didn't know until I was on the way that I was leaving and my mother said: "Oh you are going to visit Auntie Fanny in London for a holiday and we'll follow you in two or three weeks." And I believed her.

So I was put on the train which was full of Jewish children and I'd never been away from the family. My mother and her youngest sister, Auntie Gina were on the platform and pretending to be happy, to make it all fun. But where was my father? We never said goodbye. Many years later I learned that I was actually one of 10,000 children lucky enough to be saved on a *kindertransport* between Europe and England.

When we got to England there were a group of Jewish volunteer ladies who met us off the ferry in Harwich and they put us on a train. We went to London and my aunt must have picked me up. I don't remember who picked me up but it was Liverpool Street Station and she took me to her beautiful house in London. I was given a room with three beds, one for my mother, one for my father and one for me. Sounds like the three little bears. I really believed they were coming but never saw them again.

This was only a few weeks before the war and my aunt took us on a holiday as they had planned. While we were on the beach in Brighton, the air raid siren went off and war broke out. Immediately I was sent back to London from the holiday place with my little brown suitcase that I had from Leipzig to London. And within three days I was put on another train by the maid. This time it was full of a cross

section of working class English children. I did not know what it was all about. Nothing was explained to me and I thought: "This time, when the train stops, they're going to kill me." It was a train full of children being evacuated out of the war zone expecting German bombing, but I didn't know that and it wasn't explained to me and with my background, I imagined the worst.

But when we arrived, it was a beautiful seaside place, very enchanting and we went into a school hall. There were people looking us over like a cattle market. "I'll have this child and I'll have these two to take home." We were being billeted. But none of this was explained to me. It was terrifying. Then everybody was gone, a whole trainful of children except ten and I was one of those left, one of the dregs. The billeting officer, as I now know, a little lady in a grey WVS uniform – women's voluntary service – took all ten of us to a house where Mrs Stafford Northcote lived. Her daughter was a titled lady and a lady-in-waiting to the then Queen of England. Mrs Stafford Northcote was very kind, charming and aristocratic and she said: "You can have afternoon tea or go down to see the beach." So I ran down to the beach and kicked off my shoes and dabbled my naked feet in the sand and water – it felt wonderful!

I stayed with her for about three years, during which time I learned English customs and manners and how comfortable and pleasant it is to live without Nazis. We took the spaniels for long walks. The open fields were dotted with brown and white hereford cows and further in the woods, in springtime, there were masses of bluebells and golden daffodils. Without warning, the house opposite scored a direct hit from a bomb. All that was left was a big hole in the ground. We were in a blitz and as a result of that Mrs Stafford Northcote died. I nursed her until a few days before the end. After that my problems really started because I then had nowhere to live and the billeting officer kept placing me with different people. It was traumatic for me because I felt that I was being rejected each time I had to move.

I've since learned that the billeting scheme was compulsory, like the war effort. If somebody had a spare room, they had to take a child from London where bombs were falling. But it was only for six months. So every six months, I shifted out, but I didn't know why, I thought it was my fault; what had I done wrong? I had this guilt complex from the Nazis that I was to blame. It was not rational.

But I had the advantage of learning behind the scenes, about a number of different Christian religions: the Plymouth Brethren, Congregationalists, High Church of England and others. As a member of the family I had to go to church with them and I learned all the Anglican hymns because I love singing. I thought: "I am going as a visitor." But I never forgot who I was.

It was very difficult for me to adjust and I tried to observe, at least the high holidays but I didn't know when they were. And there were no Jewish people to advise me. I felt very isolated. I prayed and did get a degree of comfort. And I kept hoping that my parents and all the relatives were alright and then one night I heard a broadcast about Jews in Europe, that they would really be better off dead to end their suffering. And I wished I could be with them.

Until 1940 there were Red Cross messages of ten words. After that, communication stopped and we did not know where to reach my mother. I started writing letters to her. They were never posted but are contained in the *Book of Ruth*. It was the end of my childhood when she put me on the train out of Leipzig to England to save my life at the expense of saving herself.

When I was in England after the war, I met my future husband and came to Australia. I remained deeply traumatised. I used to live a normal life during the day and at night was plagued by recurring nightmares. It was terrible. Despite ongoing health problems, after 38 years as an auditioned chorister singing classical and religious music, my dedication and enthusiasm for music remain undiminished. Thank you to my family and friends for their support during a number of illnesses and operations; thank you to the doctors who have saved my life. Thank you, especially to our lovely daughter Roslyn for being there when needed. Roslyn shared my pain during her own childhood.

Three years ago, we returned to Leipzig and researched what really happened to my family. When everyone had left, my mother remained, hoping my father would come home and then the SS presented her with his ashes which she buried in the old Jewish cemetery. From German records, we were able to locate where this little urn was buried and I had a tombstone erected. It was a degree of closure. Not knowing is just as painful or worse than grieving for the dead.

I discovered that my poor mother was a slave with the last transport to Belsitz, a killing ground in Poland where, on 2 October 1942, they were all murdered by shooting. My father was murdered in Sachsenhausen in 1940 by cruelly being beaten to death. All four of us children survived in England. I am the youngest and have two children and eight grandchildren. Between us all, we have nine children and 21 grandchildren. I was driven to write *The Book of Ruth* to honour the memory of my parents and to record that sad period of my life. It is not easy to let go of yesterday and make room for today and tomorrow. Every day is a gift and I am thankful to be alive to tell the tale.

THE SYDNEY INSTITUTE ANNUAL DINNER LECTURE

GUEST SPEAKER 2005

RICHARD TOGNETTI

Artistic Director and Lead Violin - Australian Chamber Orchestra

DATE:

Tuesday

19 April 2005

TIME:

6.30 for 7.00 pm

VENUE:

Grand Harbour

Ballroom

Star City,

Sydney



ENQUIRIES:

PH: (02) 9252 3366

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Photo - David Karonidis

Peter Rodgers

Peter Rodgers is a former Australian Ambassador to Israel and author of *Herzl's Nightmare; one land, two people* (Scribe). On Wednesday 13 October 2004, Peter Rodgers addressed The Sydney Institute. He spoke of Palestinian-Israeli relations in terms of the nightmare they would now present to the founder of political Zionism, Theodor Herzl saying, "Temporary battlefield quiet should not be equated with a peaceful resolution of the conflict. Sharon's new wall has brought greater safety for individual Israelis. But if, as well as concrete, Sharon had real courage the wall would conscientiously track the 1967 border and would provide a link between the West Bank and Gaza."

ISRAEL AND

PALESTINE: HERZL'S NIGHTMARE

Peter Rodgers

This year is the centenary of Theodor Herzl's death. He is credited with founding political Zionism and was therefore a critical influence in the creation of the modern state of Israel. This was no mean achievement given that he was an assimilated Jew who spoke no Yiddish or Hebrew and had been dead for 44 years when David Ben-Gurion, Israel's first Prime Minister, declared the country's independence in 1948. Why, in 2004, would anyone suggest that Herzl might be turning in his grave?

The answer has two parts. The first points to Herzl's prescience. He came to the idea of a separate homeland for the Jewish people because he believed they had no future in Europe. Hitler, grievously and catastrophically, would later prove him right. But the second part of the nightmare is one that Herzl did not foresee – possibly because of a lack of imagination; possibly because he chose to be blind to the presence and the plight of others. These were the Arabs of Palestine, the land earmarked for the Jewish home.

“A land without people for a people without a land” became the catch cry of the early Zionists. It was a falsehood. In the late nineteenth century Palestine had a recorded population of around half a million people. Only a small minority of them were Jewish. The non-Jewish majority thought of it as Palestine rather than Israel but it was the very same place. Their sense of nationalism may have run behind that of the early Zionists. But their attachment to the land also ran deep. It was this, and their dispossession, by legal as well as other means, that sowed the seeds of the Israeli-Palestinian conflict. Herzl either wouldn't or couldn't see the nightmare of a contest between Jew and Palestinian over a land they both call home. That contest has cast a deathly shadow across the lives of both people ever since. It casts a shadow over us all. For, among other things, it nourishes the extremism that makes the contemporary world such a dangerous place.

Today, almost 50 years after its foundation, Israel stands proudly at the centre of Jewish firmament. It has fought and defeated its

Arab neighbours, two of whom, Egypt and Jordan, formally have made peace with the Jewish state. It is a country of extraordinary intellectual, technological and cultural vitality and achievement. It is, almost certainly, a nuclear-armed regional superpower. It enjoys the occasionally qualified but never seriously threatened support of the one remaining global superpower, the United States. While only around 40 per cent of the world's twelve million plus Jews actually live in Israel, it offers Jewish people everywhere a focus and sense of being – if they so choose.

For all that, Israel has been unable to resolve the riddle of its creation: that self-determination for the Jews came at the expense of self-determination for the Palestinians. This was certainly not all of Jewish making. In 1947, the Palestinians were offered an opportunity through a UN General Assembly Resolution, which proposed a roughly 60:40 split of Palestine between Jew and Palestinian. With inflated notions of its own military prowess the Arab world flatly rejected the idea of partition. The Palestinians, and their Arab backers, were unable to comprehend the strength of Jewish resolve and of international support for the Zionist cause in the aftermath of the Holocaust.

By the time the first Arab-Israeli war officially ended in 1949, Israel controlled not 60 per cent but 80 per cent of Palestine. And some 700,000 Palestinians had been ejected from Israel creating a refugee problem, which – driven by Palestinian grievance and intransigence – has refused resolution.

Less than 20 years later, in 1967, Israel scored another extraordinary military victory over the Arab world and found itself the owner-occupier of what was left of Palestine. Some Israelis and their supporters interpreted this as a divine miracle. But such euphoria proved to be ill judged. For the occupation of the Palestinian territories of the West Bank and the Gaza Strip deeply embittered the relationship between Israeli and Palestinian. It brought endless hurt and despair into the lives of both. And it created the conditions for the two crucial elements that poison Palestinian-Israeli relations. These are Israeli settlement activity – that is colonisation – of the West Bank, the Gaza Strip, and East Jerusalem; and Palestinian terrorism.

There are today some 450,000 Israeli settlers in the West Bank, East Jerusalem and Gaza. Their presence has been actively supported both by the right and the left of Israeli politics, including such luminaries as the assassinated Prime Minister, Yitzhak Rabin, and the veteran Labor politician, Shimon Peres. That said, the current Israeli Prime Minister, Ariel Sharon, is the political godfather of the settlement movement. In 1977, he unveiled a plan for two million settlers by century's end. Fortunately, that did not come to pass.

Various arguments – theological and security – have been used to justify the settlements, which are a substantial drain on Israeli coffers. But the overriding aim is political – to deny to the Palestinians what Israelis believe is their birthright – a state of their own. Palestinian nationalism was long derided by many Zionists as a watery imitation of their own; Palestinian attachment to a land where they had lived for many centuries was portrayed as a pretence. Having allegedly missed the boat in the late 1930s and again in the late 1940s, the Palestinians were seen as getting their just desserts – statelessness. Lurking in the picture also was the notion of transfer – that the Palestinians might forcibly be removed so that all of Palestine could be used for Jewish purposes.

Successive Israeli governments apparently believed that the Palestinians would or should engage in “peace processes” while daily seeing more of the land that might become their nation state disappear under Israeli settlements. Even during the 1990s, when a peace deal actually seemed in prospect, Israel could not deny its land-grab urges. In the decade to 2003, the number of Israeli settlers in the West Bank actually doubled, to around 230,000. And not one settler departed at official behest from the congested and impoverished Gaza Strip in spite of a growing recognition within Israel that Gaza was a millstone.

Earlier this year, Prime Minister Sharon announced his intention of evacuating the Gaza settlements in 2005. At first blush, that is welcome news. But it needs to be put in perspective. There are a mere 7500 Israeli settlers in Gaza, occupying some 25 per cent of that impoverished territory’s best agricultural land. Why has it taken Israel so long to reach the only conclusion possible about the Gaza settlers – that they must go?

And when and if they do, where to – to the West Bank? Sharon’s move is no gesture towards the Palestinians or to good sense. It is a tactic for hanging on to the bulk of the Israeli settlements in the occupied West Bank. There, he says, he will remove a few settlements. These have a combined total population of around 500 people, around 0.2 per cent of the total West Bank settler population.

Settler policy is clothed in deceit and sophistry. Ongoing settlement construction in the West Bank is described as a “thickening” of existing settlements to allow for “natural” growth. Such hypocrisy spills over into the interpretation of international law. This forbids an occupying power to “transfer” its civil population to areas under its control. So settlement advocates tout the argument that as the settlers moved voluntarily, no “transfer” could have taken place. More to the point is the fact that the Israeli government does not abide by its own undertakings. Under the current “road map” for peace drawn up by the “quartet” of the US, the UN, Russia and the European Union, Israel agreed to “freeze all settlement activity”. That simply has not

happened. Worse, the only member of the quartet who might put serious pressure on Israel, the United States, shows no stomach for this.

Settlement policy has certainly achieved the aim of delaying and greatly complicating the emergence of a Palestinian state. But the question we ought to ask is has this really served the interests of the Jewish state? Settlements have brought not security but insecurity for Israelis, and not just to the settlers and those guarding them. Settlements, more than any other single factor, explain why Palestinian violence has flowed across the "Green Line" – that is Israel's pre-1967 borders – into the country as a whole.

This leads to the other crucial element in the conflict – Palestinian violence. Just as Israel lies over settlements, the Palestinian leadership – especially Yasser Arafat – lies over its commitment to fighting terrorism. Palestinians, it is true, have no mortgage on indiscriminate violence. The history of the contest between Jew and Palestinian is pockmarked with mutual brutalities. The quest for "national liberation" has driven outrageous behaviour by both.

No figure on the Palestinian side embodies more tellingly than Yasser Arafat the contradictions between "terrorist" and "freedom fighter", between creator and destroyer of dreams. He has been the central figure in keeping the Palestinian cause on the world stage; it defines who and what he is. It is unrealistic to expect Arafat to eliminate Palestinian terrorism – after all the Israelis with their much greater intelligence and security resources cannot do so – but he has certainly not made the 100 per cent effort demanded of him. Arafat's hands are stained with Jewish blood.

Dennis Ross, who was at the heart of America's peace making efforts for more than a decade, has noted aptly that while Arafat renounced violence he never discredited it. Arafat ritualistically condemns terrorist outrages against Israelis but does little or nothing to counter the image of suicide bombers as "martyrs". He even arranges financial succour for the families of some of those involved. Senior figures in his administration have justified attacks against Israelis going about their daily lives as a normal response – read retaliation – for Israel's behaviour towards ordinary Palestinians. But no amount of Palestinian hurt can justify the wickedness of the suicide bomber.

Today, it is convenient for the US administration and Ariel Sharon's government to paint Arafat as *the* major impediment to peace. There is no doubt that he has acted corruptly and duplicitously. He has missed rare opportunities to promote Palestinian positions and to test Israeli ones – most notably in the critical period between mid-2000 and early 2001 in the dying days of the Clinton administration. But for all that Arafat is only part of the problem. The major impedi-

ment is the way Israelis and Palestinians – not just Sharon and Arafat and those around them – have persistently sought to denigrate the other and delegitimise their cause. It is the inability of most Israelis and almost all Palestinians – both consumed by their own sense of victimhood and absolutist take on good and evil – to try to imagine the plight of the other. It is the way they constantly use the other's bad behaviour as a driver for their own.

In the past four years some 4,000 Palestinians and Israelis have died at the hands of the other, around three-quarters of them Palestinian. Nowadays, Israel is said by some to be winning this contest. What does that mean? Does it mean that when and if this current spate of bloodletting eases, Israelis will be more secure? Does it mean there will be less reason for Palestinians to go on hating and killing? Temporary battlefield quiet should not be equated with a peaceful resolution of the conflict. Sharon's new wall has brought greater safety for individual Israelis. But if, as well as concrete, Sharon had real courage the wall would conscientiously track the 1967 border and would provide a link between the West Bank and Gaza. In doing so it would say to the Palestinians: "Take your state and leave us alone or you will be seen as the unreformed Jew-haters many of us believe you are and we will deal with you without compunction". It would say to the settlers: "Help us to build an Israel of the present not the past or we will cut you loose".

Sharon will not do that because, like Arafat, he wants it both ways.

The much-discussed road map envisaged a "final and comprehensive" resolution by 2005 through the creation of a Palestinian state alongside Israel. For all the advance along that path the map may as well be written in invisible ink. Is it now really possible to foresee the negotiated emergence of a Palestinian state, made up of most of the West Bank and all of Gaza, connected by a land bridge across Israel? That would be hard enough if the parties approached the task with the best will in the world. The reality is that they approach it with the worst, their actions and inactions constantly reinforcing the worst fears and suspicions of the other.

If a two-state solution remains elusive some crucial questions emerge.

Israel as an occupier of Gaza and the West Bank faces a demographic time-bomb.

Simply put, Israeli Jews are being outbred by the Palestinians of Israel and of Gaza and the West Bank. Their current total is nearing that of Israel's entire Jewish population. Israel cannot go on being at once a democracy, a Jewish state, and an occupier. One of these characteristics has to go. As demographic pressure mounts on Israel will the appeal of transfer – i.e. expulsion of all the Palestinians – become

more palatable to mainstream politicians? That would certainly ease Israel's demographic woes. But the consequences for the region and for Israel, let alone the Palestinians, would be problematic at best and possibly catastrophic.

Ironically, the creation of a Palestinian state encompassing the West Bank and Gaza may be a vital factor in ensuring Israel's long-term survival. So the question arises whether the absence of a Palestinian state eventually will destroy the Jewish one. Whether the growing religious – as opposed to nationalist – colouration of the conflict will make it even harder to resolve through a line on the map. Whether the struggle to maintain its place in the region eventually will exhaust Israel's spirit, demographically and psychologically. Whether, like the Crusader Kingdoms of old, modern Israel will prove a temporary phenomenon and, in 50 or 100 years time, disappear from the map.

For some supporters of Israel the very fact of posing these questions is taken as unremitting bias against the Jewish state. The reality is that they are being debated within Israel itself and also some sections of the Jewish Diaspora. We should not close our minds to these questions because they happen to be awkward. Rather, we should use them to prod Israelis and Palestinians to face the reality of the other's legitimate, indeed necessary, place on the landscape.

In what I have said, and what I have written in *Herzl's Nightmare* and elsewhere, I have tried very hard to see the various perspectives at work. I am at times highly critical of both Israeli and Palestinian, not because of who they are but what they do. Each deserves and needs a state. That will require a significant mental shift on both sides. The chances of that, tragically, are poor. And they, and we, are all the losers. It is not just a question of Herzl's nightmare. It is a nightmare for us all.

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Photographer: David Karonidis

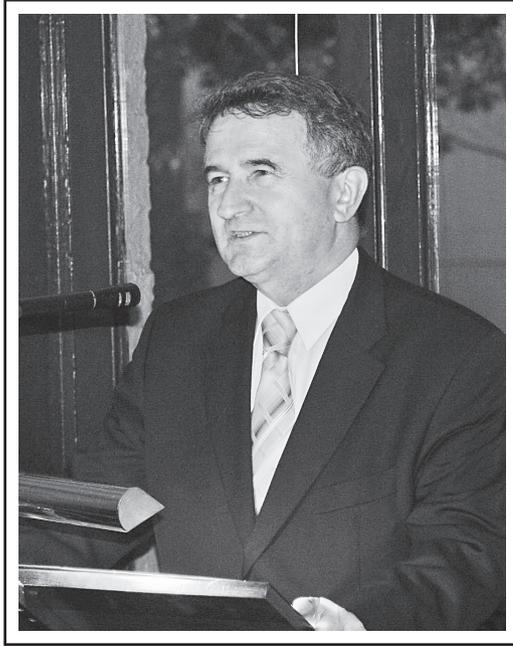


Photo – David Karonidis

Leon Kieres

The atrocities committed on the Poles stretch back decades. The history of Poland is littered with such stories. With the end of the Cold War and the beginning of democracy in modern Poland, the establishment of the Institute of National Remembrance has opened up the archives. Nothing is sacred in their historical work – allowing the Poles to face their historical demons whether left or right, religious sectarianism or secular mayhem. Professor Leon Kieres is President of the Institute of National Remembrance and on a visit to Australia he addressed The Sydney Institute on Thursday 21 October 2004.

POLAND'S NATIONAL

MEMORY: NAZISM AND COMMUNISM

Leon Kieres

Established in 1998, the Institute of National Remembrance commenced its work two years later with the task of filling a certain gap which showed up after Poland had re-gained its independence. The peaceful coup produced a chaotic environment for the restoration of all that is most precious for the life of any nation and what provides a foundation for its values – the sense of identity. The natural and justified strife for filling the blank spots in the public memory backfired in the lack of co-ordinate action to commemorate our true history.

Questions were asked about what our true history actually was, and what the relation is between the new historical findings and the legal and criminal accountability of the system and its functionaries not only for their crime and offence, but also for their failure to act, for moral loss, and other inevitable consequences of the communist state machinery. All Poland breathlessly watched the Russian authorities confessing that the Soviets had committed the Katyń Crime, handing to President Lech Wałęsa a copy of the 5 March 1940 decision to massacre over 20,000 Polish officers. Eventually, 17 September, when the Soviet army entered Polish territory, became a symbol that could now safely be discussed in public after so many decades of silence. History began to run faster for Poland and the Polish nation.

In the first years of new independence, subjects banned by that time, such as, mentioning the dark sides of the Polish-Soviet relations, eclipsed another key aspect: a serious and, at last, free debate on the Polish-German balance of wrongs, a subject I will come back to later on. From one perspective, it was a natural process. Having lived under the communist regime, we were using symbols. Our historical memory was built on them. We eagerly absorbed the works of Polish emigre historians because they served an obvious cause. Every new piece of our knowledge made a hole in the communist plan of total control over what we knew and thought. Reading the banned books boosted our development. After all, we were guided by a moral and patriotic imperative of getting access to that knowledge.

Gaining this knowledge was our sacred duty. Under communism, every crime committed against the Polish nation, against Polish citizens of other nationalities throughout the twentieth century was a signpost, a challenge and, most importantly, an obligation to stay out and fight the system imposed on us with any available methods. Some people would sacrifice their lives for freedom, others provided active support to those most actively resisting the regime. There were people who are not so well remembered these days but they tried to work for Poland, to work hard and well to the benefit of the nation. They escaped being dragged into the communist enslaving machinery and saved the awareness of their own subjectivity.

At the time when freedom was restored, we jumped at the knowledge which previously seemed to have been beyond our reach. Hundreds of Polish historians started genuine studies on various aspects of Polish-Soviet relations. In doing so they found few limits. Germany, at that time ruled by Helmut Kohl's Christian Democrats, who had supported Poland in its transition effort and whose government confirmed the Polish-German state borders – appeared to be, and actually was, our natural ally. Economic assistance and intensive trade relations dominated bilateral co-operation. Voices heard in Germany as calling on the victims to pay damages to the nation of their torturers were not taken seriously. We also got used to the peculiar Cold War phraseology used in discussing this subject. Many of us who were better versed in the basis of national memory, that is, historical research, wrongly imagined that we knew all that was there to know about the German atrocities. And we adopted the criminal law and historical methodology of authorities which were responsible for the prosecution and explanation of those crimes in the past. When seeing the results of work done by these bodies, many of us were critical about how much effort was invested in tracking down the German crimes and how much was never done, how many opportunities were wasted, to reveal to the world the facts taking place on Polish soil in the twentieth century as a result of the deadly Soviet totalitarianism.

And we focused on the Soviet crimes which were hardly known to the outer world and many of them were unknown till today. Many other people go on living in the pleasant ignorance of what communism actually was. The German question emerged unexpectedly stemming from a highly superficial squaring of historical accounts by Poland's western neighboring nation. We, therefore, assumed a view that the dark heritage can be done away with and reconciliation can be achieved only if an end is put to the historical thinking filled with a wide variety of taboos, which tries to shorten the list of crime perpetrators, tolerates the harmful actions undertaken by the mental offspring of the criminals, which says "sorry" for the

crimes in general but, at the same time, prevents what is a key factor in understanding history: a discussion of the details of the individual crime cases. We objected to this approach to history and we continue to do so.

The years of the transition are passing by and we have been slowly but surely filling the blank spots in the nation's history and the history of Polish-Russian relations. Yet this extremely difficult process does not seem to be near its end. However, the German question has begun to crystallise, following claims made by the Germans who left Poland under the 1945 Potsdam Declaration, and has reached a fairly high level of tension recently. Increasingly, bolder claims are being made against the Polish state and nation by people calling themselves "Expelled". In response to these claims, the Polish Sejm (Lower Chamber of Parliament) has raised the question of war damages never paid to this country in compensation for the vast destruction, losses, smouldering ruins and millions of murdered citizens. We tried, now and again, to draw attention to the fact that it is the victim nation who should be given right to decide which issues of the traumatic past can be taken up and which cannot.

We still face the uninvestigated problem of mutual Polish-Jewish wrongs, including the wrongs of World War II. Jan Tomasz Gross' book *Neighbours* stirred a real storm in Poland. Widely discussed, very emotional and hardly applying a professional historian's methodology, the book points to a group of Jews (Gross says there were 1,600 of them) murdered in July 1941 by their Polish neighbours in the small town of Jedwabne near Łomża, in north-east Poland. A nationwide debate which followed was unprecedented. And there were extremist opinions voiced, too. Representatives of one view insisted on seeing the crime divorced from its historical context. They exaggerated the number of victims (at the end of the day, the number of murdered Jews was not more than 350), at the same time refusing to look at the crime from the angle of developments which had taken place there shortly before, at the time when the Soviets were ruling the area. Advocates of this opinion included the Poles of other nations which – for political or economic reasons – enjoy a better image in the historical memory of World War II, despite having hundreds and thousands of Jedwabne-like facts on their records. On the other hand, opinions were voiced that the instigators and main perpetrators of the Jedwabne crime were Germans and that any role of Polish nationals in the atrocity was an anti-Polish phantasmagoria. The Institute of National Remembrance had to stand between these two extreme outlooks. I am not in a position to judge, whether it succeeded in this or not. But we promised ourselves that we would seek the truth whatever the pressure on us and whatever interests involved. We commenced investigations and wide-scale historical studies. There is no doubt, whatsoever, that

the Polish historical thinking has won. Proud of our history, remembering past generations that spilled their blood for their Motherland, we could afford realising, as historical research showed, that there had been disgraceful acts not only in Jedwabne and not only against Jews. We demonstrated our nation's maturity, our skill to take an unbiased look at our past.

The example of solving the issue of Jedwabne shows that Poles and Institute of National Remembrance – Commission for the Prosecution of Crimes Against the Polish Nation, are prepared for an honest debate about the past and for a debate based on such studies. IPN is obliged to continue its work on finding out what did happen on the Polish territory in the twentieth century, especially in the most difficult time in Polish history, the years 1939-1989. We should do it in a genuine and most objective way in which not a single German, Pole, Jew, Russian, Belarussian, Lithuanian, or Ukrainian under study enjoys any privilege given to him for reasons from beyond the merits of the case, a method where murder is murder, treason is treason, and humanity is humanity, where no statistical data are called politically incorrect. If the Polish historical thinking turns out to be one of the few ready to face this difficult task, we will take up the challenge. And we will be able to say honestly that we have got hold of the key component of our identity – the awareness of our roots, the awareness of our sins and virtues, the awareness of the Polish nation's place in the Pantheon of European nations and states.

Historical memory also means plans made for the future. We are implementing them within the Institute of National Remembrance which I am managing. The Institute's responsibilities include gathering and making accessible documents of the communist state's security services created between 1944 and 1989, carrying out investigations into the Nazi and communist crimes, and performing education activities. We can hardly think of implementing our mission without international co-operation. IPN has very good relations and working contacts with many foreign institutions such as the Yad Vashem Institute in Jerusalem, the Simon Wiesenthal Centre, the Nazi Crimes Prosecution HQ in Ludwigsburg, the Gauck Institute, the Institute of 1956 Hungarian Revolution History, the National Council for Studies on the Archives of the Political Police "Securitate" (CNSAS) in Romania, and the Czech Office for the Documentation and Investigation into Communist Crimes (UDV).

The outcome of this co-operation and many research initiatives are programs allowing us to take a broader look at the facts under study than only from a Polish perspective. Inside the Central European melting pot, we have undertaken the toil of explaining the complicated aftermath of World War II. It is meant to be a scientific explanation, as objective as it is only possible, and far from providing

any official history version. We are jointly running many research programs in the field of the Polish-Jewish, Polish-Ukrainian, and Polish-German relations which are designed as a joint fact-finding work. In this way we are going to jointly shape the historical thinking of a united Europe. This will be one of the major determinants of European Union's cultural foundation and value, also the determinant of Poland's position within the Union.

The Institute is divided into three sections: the Chief Commission for the Prosecution of Crimes Against the Polish Nation, the Office for Preservation and Dissemination of Archival Records, and the Public Education Office. These have their counterparts in ten regional Branch Offices and eight Delegations. The Prosecution division has since 2000 carried out investigations into crimes against the Polish nation committed between September 1939 and December 1989. The duty of providing a true explanation of all these facts stems from the spirit and structure of the IPN Act which defines the Polish nation as all the citizens of the Polish state, whatever their nationality. The concept of crime against the Polish nation, therefore, comprises the Nazi and communist crimes against peace, humankind, as well as war crimes against people of not only Polish nationality. IPN prosecutors are now carrying out 417 investigations into Nazi and 902 – into communist crimes. In the years 2000-2004, they placed nearly 70 indictments against perpetrators of communist crimes. IPN prosecutors are also running 81 investigations into genocide cases which are not subject to statutory limitation. Most of the latter procedures concern crimes committed during World War II and after its end by Ukrainian nationalist who murdered Polish nationals. About 11,000 thousand have testified as witnesses so far.

The division responsible for archives are in charge of recording, collecting, and releasing documents created by the state security services in the period 1944-1989 and by the Third Reich and Soviet security services in the wartime years. The scope of subjects covered by documents kept by the Institute includes Nazi, communist, and other crimes against the Polish nation. The division has gathered special services' documents from the period 1944-1989 which were previously kept by various central offices and authorities. The document collection process is now close to its end. IPN now stores about 80 kilometres of document shelves.

The Public Education Office is the third division of IPN responsible for education activities designed to support historical training and spreading various forms of knowledge about Polish recent history. Exhibitions staged by the Office (more than 60 thus far) offer an opportunity to present to a wide range of people an abundant, often unique collection of photographs and archival documents. The exhibitions are usually presented in many towns all over Poland. The Public

Education Office also produces education packages for teachers and students covering the selected problems of Poland's recent history, organize training courses, history competitions and rallies for school students, university students, and their teachers, panel discussions, lectures, presentations, film reviews, workshops, and demonstration classes at schools. The Office also runs publishing programs.

IPN will continue its in-depth studies on the latest history of Poland. This especially concerns the communist system whose mechanisms are much less known to us than we might think. Similarly, not all the World War II crimes have been properly studied yet. IPN will also prosecute communist and Nazi crimes as part of its statutory task to carry out historical prosecution intended to explain what had actually happened, despite the fact that there may be no one to try at court.

Poland and the Polish people living in this extraordinary place in Europe where major armed conflicts usually start and end, where control over Central Europe is a key factor from the geopolitical point of view, are, like a couple of other nations around, carriers of a certain pool of memory, the common European memory. Poland and the Polish people became so familiar with the German Nazism and the Soviet communism. Poland and the Polish people were for over five decades deprived of their normal development by the pack of agents installed here by the hated Soviet power. And Poland and the Polish people will never allow to equal the victim and the villain, to forget that there had existed nations of criminal who did not properly square accounts with their own past. We will not allow the memory of crimes perpetrated on the Polish citizens during World War II – the Jews, the Poles, the Ukrainians, the Belarussians, and the Lithuanians – to perish.

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Photographer: David Karonidis

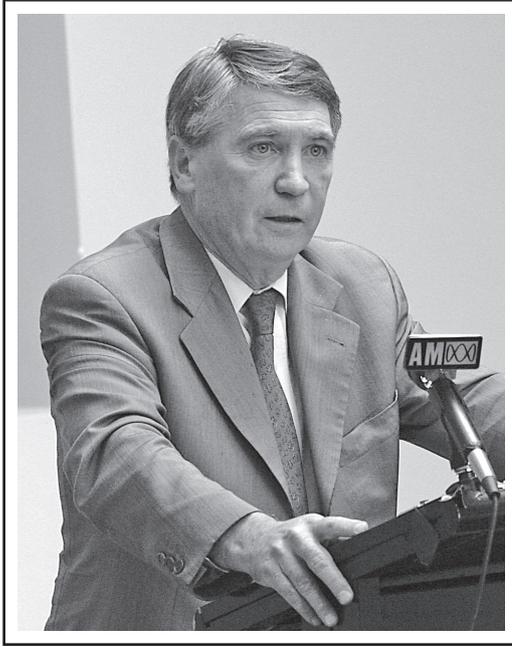


Photo – David Karonidis

Dennis Richardson

Dennis Richardson AO is Director General of the Australian Security Intelligence Organisation (ASIO). Following the tragic events of 11 September 2002 in New York, the era of global terrorism has made the work of ASIO more significant to average Australians. In this climate of heightened interest in security and its role in national defence, Dennis Richardson gave an important address to The Sydney Institute on Tuesday 26 October 2004 and covered a range of issues from the war in Iraq to Australia as a target for global terrorists.

THE GLOBAL NATURE

OF TERRORISM

Dennis Richardson

In this address I want to say something about: Iraq and terrorism; the global nature of the challenge; and Australia as a terrorist target. By way of explanation, I use the term “al-Qa’ida” as a loose descriptor to cover both the organisation itself and other groups acting independently and without central direction, but which share al-Qa’ida’s ideology and are inspired by the likes of Osama bin Laden and his deputy, Ayman al Zawahiri.

Iraq and terrorism

Amongst the insurgents in Iraq there are former Saddam Hussein loyalists, other Iraqis with a range of motivations and non-Iraqis, including militant Islamists, of whom al Zarqawi is the most prominent.

In respect of al-Qa’ida and Iraq, I think it is accurate to say the following. A UN sponsored and peaceful resolution to Iraq in late 2002/early 2003 would have been irrelevant to al-Qa’ida’s intent and purpose. It is easy to get so caught up in the debate about Iraq you overlook the fact that al-Qa’ida’s intent and purpose was marked out long before Iraq and long before 9/11, as witnessed by bin Laden’s fatwa in February 1998 in which he declared innocent civilians to be legitimate targets. All the terrorist attacks outside Iraq, during and since the war, and committed by al-Qa’ida or groups sharing its ideology, would have occurred with or without the war, and that includes Madrid and the attack on the Australian Embassy in Jakarta on 9 September.

To the extent that Iraq may have been a motivator, when you strip it down, it has been an add-on, not the central driver. The terrorist leader in Iraq, al Zarqawi, fought in Afghanistan in the late 1980s and early 1990s, was imprisoned for terrorism offences in Jordan between 1994-99, had his own training camp in Afghanistan between 1999-2001 and moved between South Asia and the Middle East between 1999-2003. He shares bin Laden’s ideology. It would be naive in the extreme to assume, but for Iraq, al Zarqawi would be at peace with

the world. For him, Iraq is a convenient killing field. If not Iraq, it would be elsewhere.

In making these observations I am not suggesting that there have not been any downsides in Iraq in regard to terrorism. Iraq has provided al-Qa'ida with propaganda and recruitment opportunities and it only stands to reason that they would have some success. It has provided another self-justification or rationalisation for acts of terrorism. And it has increased the threat of terrorism against Australian interests in the Middle East, as was made clear by the Prime Minister in answer to a question in parliament on 24 March 2003.

So far, Iraq has not had a significant impact on the security environment here in Australia and there has been no change to the overall threat level in Australia. For the relatively small number of people in Australia who share bin Laden's ideology, for instance, Iraq is just one more focus. It is possible that some new followers in Australia have been motivated primarily by Iraq, and we cannot exclude the possibility of Iraq being a motivator for some people here in Australia who may want to do harm. Iraq was not a motivator, however, for Willy Brigitte, the Frenchman who was in Australia last year to carry out a terrorist attack.

Internationally, Iraq has not so far become the *cause célèbre* that Afghanistan became for many young Muslims worldwide in the 1980s. The number of non-Iraqis fighting coalition forces is not known, but is estimated to be around 3,000, with most from other Middle Eastern countries. Some have come from further afield, including from Western Europe and from South Asia, and we would need to be concerned if those numbers became significant. Also, we should not be surprised if the odd one turns up from Australia. But Iraq is well short of the global "honeypot" that was Afghanistan. For instance, it has not yet, at least, fired the passions of South East Asian militant Islamists. That could of course change, but we need to be careful in assuming Iraq is a mirror re-run of Afghanistan.

To what extent those who have gone to fight in Iraq were already committed militant Islamists or to what extent fighting in Iraq has or will turn others, including some Iraqis, into committed militant Islamists, is not known. The only reasonable assumption is that Iraq has added to the number of militant Islamists and will lead to the further development of international linkages between such individuals and groups. That is all something we will need to measure out over time.

In the context of global terrorism, the real potential downside would be in the US-led Coalition losing its resolve and drifting away. That would embolden militant Islamists globally and could lead to the establishment, in parts of Iraq, of Afghanistan-type safe havens for

terrorists, in which training and other re-building could occur unhindered. I say this without making judgement about the Iraq war per se. So, at this stage, we have more to lose if the US-led Coalition gives up, than if it stays with the proper resourcing and commitment.

A global challenge

Iraq has also raised the question of the focus of Australia's counter-terrorism efforts. Every country has finite resources and choices must be made about their allocation and deployment, consistent with the national interest. In the context of the current terrorist challenge, it is essential that we make those choices within a global perspective and do not put an artificial intellectual fence around Australia itself or a particular region. It is not a zero-sum equation, with anything done beyond South East Asia being, by definition, at the expense of what can be done within the region.

Clearly we must be, and are, closely engaged in and with the region. Other things being equal, it should and does come first. It is that part of the world in which we can make a substantial counter-terrorism contribution, consistent with our national interests.

The two terrorist attacks against Australia so far have been in Indonesia and our interests remain at high threat in the region generally. We have a visibility and a profile in South East Asia beyond what we have elsewhere. Also, Jemaah Islamiyah was certainly developing a presence in Australia and, but for the lead information provided by the Singapore authorities in late 2001, it might have gone undetected for some time.

But we also need to understand clearly that Australia is a global target. Our interests are at high threat elsewhere, especially in South Asia and in the Middle East. And, while not the target of first choice, there have been credible threats against our interests beyond South East Asia and our interests could be attacked anywhere.

Since 9/11 ASIO has sought to identify Australians world-wide connected to terrorism. That work has taken us from Indonesia to inside the Arctic Circle and to all continents but the Antarctic. It is work which continues to this day. Look at Willy Brigitte; born in the Caribbean, introduced to militant Islam in France, trained as a terrorist in Pakistan, Brigitte came to Australia to carry out a terrorist attack. And, but for the cooperative work of the French authorities, ASIO, the AFP and the NSW Police, he may have succeeded.

Overwhelmingly, those people in Australia who have undertaken terrorist training have done so beyond South East Asia. Also, their continuing links and motivations come from beyond the region. Of the Australians so far who have been convicted of terrorism offences or who are facing terrorism charges only one has a connection to South East Asia, and that is the first Australian recently convicted of

terrorism offences, Jack Roche, a British migrant trained in Afghanistan by al-Qa'ida and connected to Jemaah Islamiyah. Of the four Australians awaiting trial in Sydney for terrorism offences, two are Australians of Pakistani origin, one is an Australian of Lebanese origin and one was born in Australia of Lebanese background. One Australian was recently released from custody in Lebanon after serving a short sentence for terrorism offences and another Australian is awaiting trial in Lebanon on terrorism offences. One Australian from China is in custody in Kazakhstan since being convicted in 2001 of a terrorism offence; and two Australians are in Guantanamo Bay awaiting trial before a United States Military Commission – one born in Australia of Caucasian parents and one of Egyptian origin.

So while South East Asia ought to be our priority, it should be within a global perspective; within a framework which recognises the terrorist linkages and threats beyond the region; and within a framework which is sufficiently flexible to accommodate involvement beyond South East Asia in recognition of the fact that, when it comes to terrorism, our national interests can be engaged almost anywhere.

Certainly, ASIO could not properly fulfil its responsibilities under legislation, if we saw our job primarily limited to Australia and South East Asia. Rather, we must go where our responsibilities take us.

Australia and terrorism

The debate about Australia's involvement in Iraq has also, at times, clouded the issue of when Australia became an al-Qa'ida target and for what reason. Before 11 September 2001, ASIO had already identified a small number of Australians who had trained in Afghanistan and others with some connection to al-Qa'ida. ASIO's 1999-2000 Annual Report to parliament – the public version of our classified report to government, which is also provided to the Leader of the Opposition – stated that “there are militant groups internationally which view terrorism as a legitimate means of pursuing their cause. Some are sufficiently well-resourced to view the whole world as their theatre of operations. Some have a small number of supporters in Australia”. The Report also referred to “the threat of terrorist activity by associates of Osama bin Laden and other groups”.

Before 11 September 2001, ASIO's broad assessment was that despite bin Laden's threats against the United States and “its allies”, there were no indicators that Australia was a priority target, either here at home or our interests abroad; and any attack within Australia would most likely be directed against United States and/or Israeli interests. Following 11 September 2001, ASIO raised formal threat levels in Australia, and raised to “high” the threat to Australian interests in Indonesia – in particular, we considered significant bin

Laden's statement of 3 November 2001 in which he explicitly legitimised Australia as a target for the first time.

The extent to which Australia was considered a target well before 9/11, however, only became evident subsequently in late 2001 Singapore uncovered the plot by Jemaah Islamiyah to attack mainly US interests there, but also including the Australian High Commission. The JI investigation in Australia led to Jack Roche and the identification of the aborted plot to attack Israeli diplomatic interests here in 2000; a raid in Pakistan in late 2002 uncovered details of the casing, before 9/11, of a number of airports, including one in Australia. This does not mean that there was an actual plan to attack the Australian airport, but that consideration of an attack here was within al-Qa'ida's strategic vision.

During 2002 we were able to establish that al-Qa'ida's chief operational planner, Khalid Shaikh Mohammed, had been issued with an Australian visa in August 2001. The visa, which was applied for by Khalid using a then unknown alias, had not been utilised and was cancelled. The only reasonable assumption is that Khalid was planning to come to Australia for some operational purpose. From the debriefing of captured senior al-Qa'ida figures in 2002 and 2003 we know that attacks in Australia, over and above the ones I have already mentioned, were actively canvassed well before 9/11; and finally, in the context of the extent to which Australia was and is considered a target, we had actual attacks in Bali in October 2002 and in Jakarta in September 2004.

The obvious question is, why are we a target? One possibility is simply to take at face value what terrorists like bin Laden and al Zawahiri say. In which case we are a target because of our alliance with the United States, and because of our involvement in East Timor in 1999, Afghanistan in 2001-02 and Iraq since early 2003. While, I believe, we should take seriously any statement by al-Qa'ida leaders declaring particular countries to be targets, their claims as to why, are puzzling, except if you interpret their claims as being directed, not at their enemies but at their followers or potential followers.

In this context, I think bin Laden's first known reference to East Timor in November 2001 was designed to strike a chord in South East Asia, especially Indonesia, and his subsequent references to Afghanistan and Iraq must be seen in terms of al-Qa'ida propaganda and recruitment purposes. That is not to diminish the significance of his references to East Timor, Afghanistan and Iraq, but to question whether our involvement in those countries is the central driver in al-Qa'ida's targeting of Australia. Otherwise, how do you explain al-Qa'ida's very real interest in Australia, and the targeting of us, before our involvement in those countries. It simply does not make sense.

Perhaps then, we are a target because of our alliance with the United States. As I have stated previously, the fact that we are in close alliance with the United States does contribute to us being a target. That is very different to any claim that we are a target solely because of our alliance with the United States. But even if we were a target only because of our alliance with the United States, on what basis would any self-respecting country allow terrorists to determine such central policies, in this case one which has had bi-partisan support for over 50 years? And as Kenya and Indonesia know, you do not need to be in alliance with the United States for your citizens to be murdered by the likes of al-Qa'ida and Jemaah Islamiyah.

So if East Timor, Afghanistan, Iraq and our alliance with the United States are, to varying degrees, only contributors or add-ons, what is it that lies at the centre of those who provide the intellectual and strategic drive which leads to us being a target?

I believe the answer lies in the world view of terrorist leaders such as Osama bin Laden, al-Zawahiri, al-Zarqawi and Abu Bakar Bashir. A world view shaped and driven by a militant, literal interpretation of the Koran. A world view which seeks to hijack one of the world's great religions. A world view which predates the Afghanistan of the 1980s, which reaches back to the teachings and ideologies of Sayyid Qutb, a leading figure in the Muslim Brotherhood in Egypt in the 1950s and early 1960s, and which reaches back many centuries before that.

It is a world view in which we and others are seen as part of a Jewish-Christian conspiracy, a world view in which the United Nations and its Secretary-General are declared enemies and legitimate targets, and a world view in which Muslim countries ruled by other than Taliban style governments are declared enemies and legitimate targets.

It is a world view so removed from our own values, traditions and experiences that it is tempting to dismiss it as empty, meaningless rhetoric and so unreal as not to be taken seriously. It is so much easier to explain the challenge in terms of root causes such as poverty, or in terms of our own failures. Such explanations have a familiar shape and give us something concrete to address within a somewhat comforting framework. It gives us a sense of some control, a sense that, if only we can get our side of it right, it will go away. So much more confronting to be challenged by leaders who have a totally different frame of reference, who are playing a different game on a different playing field.

I appreciate that my perspective is but one, and that some scholars and terrorist experts would disagree. I also acknowledge that the resolution of issues, such as Palestine, would deny al-Qa'ida some significant oxygen and is an important goal, provided we do not fall

into the trap of seeing al-Qa'ida merely as an outgrowth of the Palestinian issue.

Nor am I seeking to pretend that our involvement, in Afghanistan for instance, is irrelevant. As noted by the then Attorney-General, Daryl Williams, in the House of Representatives on 17 September 2001, "we must be acutely aware that our own active involvement in the fight (against terrorism) could well bring terrorism closer to our own shores".

In my view we have no alternative but to continue to meet the challenge of al-Qa'ida and groups such as Jemaah Islamiyah, with their world view which allows for no compromise or conciliation. People such as Abu Bakar Bashir are terrorists masquerading as good muslims, who seek to hide their hatred in the language of the pious. Read, for instance, Bashir's interview with *The Bulletin* of 21 September 2004.

In summary, I would leave you with the following points:

- Iraq is not the starting point for terrorism;
- the terrorism connections into Australia are global and the challenge is global. Our regional counter-terrorism priorities should continue to be managed within a global context; and
- the world view at the centre of al-Qa'ida and groups such as Jemaah Islamiyah explain why we are a target and is the key to understanding why the challenge will be with us for a long time.

GUEST SPEAKERS AT THE SYDNEY INSTITUTE August – October 2004

Margo Kingston (Political Commentator, *The Sydney Morning Herald online* & author, *Not Happy, John: Defending our democracy* [Penguin, 2004])
Not Happy, John: Reflections of a Web Diarist

The Hon Nick Greiner AC (Chairman ASTRA – Australian Subscription Television and Radio Association)
Australia's Future Media: A Pay TV Perspective

Frank Welsh (Author, *Great Southern Land: A New History of Australia* [Penguin, 2004])
The History of Australia: A British View

Yuli Ismartono (Executive Editor, *Tempo* [English Edition]; Managing Director Asia News)
Indonesia in 2004

Garry Woodard (Senior Fellow, Department of Political Science, University of Melbourne & National President of the Australian Institute of International Affairs)
The Politics of Going to War: Vietnam and Iraq

Ann Millar (Editor, *The Biographical Dictionary of the Australian Senate Vol 2: 1929-1962*)
The Australian Senate: From the Depression to the Cold War

The Hon Tony Abbott MP (Minister for Health & Ageing, Leader of the House of Representatives)
Medicare's Best Friend

Dr Julia Baird (Journalist, Author *Media Tarts* [Scribe, 2004])
Media Tarts: How the Australian Press Frames Female Politicians

Maron Le OAM (Human Rights Lawyer; Winner of the 2003 Equal Opportunities Human Rights Medal)
Advancing the Asylum Seeker Cause – the Case for Pragmatism

Alan Gill (Author, *Interrupted Journeys* & former journalist, *SMH*)

Ruth Rack (Former child refugee – Kindertransport & author, *The Book of Ruth*)
Escaping Hitler's Germany: Young Refugees in Australia

Peter Rodgers (Former Ambassador to Israel, Journalist & author *Herzl's Nightmare*)
Israel and Palestine: Herzl's Nightmare

Professor Leon Kieres (President, Institute of National Memory, Poland)
Poland's National Memory: Nazism & Communism

Dennis Richardson AO (Director General, Australian Security Intelligence Organisation [ASIO])
The Global Nature of Terrorism