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STANDING COMMITTEE ON PETITIONS

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CANBERRA

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

[11.58 am]

BURKE, Mr Patrick John, Director, Iraq Section, Department of Defence

GILDING, Mr Simeon Richard, First Assistant Secretary, International Policy, Department of Defence

SKINNER, Ms Rebecca, First Assistant Secretary Strategic Policy, Strategic Policy Division, Strategy, Co-ordination and Governance Executive, Office of the Secretary and Chief of the Defence Force, Department of Defence

SOWRY, Brigadier William Timothy Bolton, Director General Estate Companion Review, Infrastructure Division, Defence Support Group, Department of Defence

BLACKBURN, Ms Kerry, General Manager, Commemorations and War Graves Division, Department of Veterans' Affairs

SCHULTZ, Ms Maureen Ellen, Assistant Director, Commemorations, Department of Veterans' Affairs

CHAIR—Welcome. Although the committee does not require you to speak under oath, you should understand that this meeting is a formal proceeding of the parliament and that giving false or misleading evidence is a serious matter and may be regarded as a contempt of the parliament.

I thank you for coming here today. Unfortunately, we have had a division so we have gone over time and a number of members have had to leave for other commitments. We have about 15 minutes to spend with you today. I will give Mr Adams the first question because he has a committee meeting to go to.

Mr ADAMS—Thank you, Chair. Do we have any treaty obligations in relation to anti-vehicle mines?

Ms Skinner—There is no particular treaty. Under the Convention on Certain Conventional Weapons, discussions were held in 2004 and 2005 to try to reduce the humanitarian impact of anti-vehicle mines. Unfortunately, those negotiations failed to produce any outcome. But many states who are party to the Convention on Certain Conventional Weapons, including Australia, made declarations expressing their disappointment. They outlined conditions and put forward a range of measures that would reduce and mitigate the humanitarian effects of mines. I can go through those measures, if you like.

Mr ADAMS—No, that is okay. In the last paragraph of the minister's letter, he makes a statement about personnel mines. We have done some work in the area of personnel mines—I forget the exact term—

Ms Skinner—Cluster munitions.

Mr ADAMS—Yes. The ones that are still around Laos, which I have seen, and are still blowing people's feet and arms off. The minister mentions those mines in the second last paragraph, I think. Do we have a ban on those mines, or do we still support them?

Brig. Sowry—We are a party to the Ottawa treaty and a signatory to the amended protocol II on anti-personnel landmines. We do not have anti-personnel landmines in our operational stock anymore.

Mr ADAMS—In relation to the manufacture of anti-vehicle mines, I take it that, in Iraq, they are basically made-up mines and are one of the major difficulties that we are experiencing there. Brigadier, are you the expert in this area? Are they manufactured products?

Brig. Sowry—They are a combination. Towards the closing stages of the Iraq war, stocks of mines and artillery shells were stolen from existing stockpiles and were being reconstructed into improvised explosive devices. We are finding the same thing in Afghanistan, where stocks that were held during the Afghan war in the late 1980s are still being used against us in an anti-vehicle mine sense.

Mr ADAMS—Is this information being sent back to the petitioners?

CHAIR—It will be. The transcript of today's meeting will be on the website.

Mr ADAMS—Thank you very much.

CHAIR—In the minister's response of 30 May to the petition on anti-vehicle mines, he stated:

Australia does not support a total global ban on anti-vehicle mines.

That is a pretty blunt statement for a minister to make. Can you give the committee some of the reasons as to why that position has been taken? Why don't we support a total global ban on anti-vehicle mines?

Ms Skinner—Yes. There are two key issues. One is that anti-vehicle mines have a legitimate military utility and the other is that the discussions in the CCW process drew out that there is not great international support for a global ban, so that is unlikely to happen because of the legitimate military utility of the munition. What they have seen as the best objective is to try and get a set of technical specifications around anti-vehicle mines that would reduce their humanitarian impact. That statement has been made in terms of trying to introduce technical specifications to make sure that they are detectable, have self-deactivation and—

Brig. Sowry—Include a self-destruct feature. When you lay the mines, you lay them within a perimeter marked area so that they are fenced off and people can identify that the mines are within that particular area. It is one of technical restriction rather than a total ban. The challenge is that the Convention on Certain Conventional Weapons requires a consensus vote. There were simply too many people at the meeting. There were simply too many states with contentious land borders who saw these mines as an effective way to control the threats on their borders, and they simply could not sign up to a ban. That said, I think towards the end of the meeting there were

about 95 states who were prepared to agree to quite an extensive restriction on use, but there were still some stumbling blocks with about four or five countries that could not be resolved in 2005-06. It is still part of the ongoing discussions of the convention. It is a little bit on the backburner because of a lack of will of other states to take it forward in a concerted manner.

CHAIR—I also want to go to a number of petitions that we have received regarding Australia's involvement in Iraq. Could you give the committee an update on the current naval deployment to Iraq for the principal petitioner?

Mr Gilding—We have a major fleet unit, which is a frigate—I think it is HMAS *Parramatta*—which assists in providing long-term security for Iraq's exports while training the Iraqi navy. I am not sure what I can add to that. There are about 250 sailors on that ship. It is tasked to assist in the protection of Iraq's offshore assets such as oil platforms, which allows Iraq to generate funds to support reconstruction and rehabilitation. It also assists with the detection, interception and deterrence of vessels suspected of undertaking illegal activity in Iraqi waters.

Mr CHESTER—Both the Minister for Foreign Affairs and the Minister for Defence referred to conditions on the ground for the Iraqi people. What is our latest information in that regard? I think the Minister for Defence referred to providing assistance and securing the long-term security—that type of thing. Is there a recent update on that that you can provide for our petitioners?

Mr Gilding—I am not briefed with extensive information. I think there is a consensus that the security situation in Iraq has improved over the past year and that the capacity of the Iraqi security forces to maintain that security has also increased over that period.

Mr CHESTER—Is there cause for optimism for the people of Iraq in that regard, or am I pushing you too hard on that point?

Mr Gilding—There is cause for cautious optimism. We should not be complacent but it is improving.

Mr SIMPKINS—I might go straight to the question of Iraq and then to the mines. You have seen the text of the petition regarding Iraq. For the petitioner, do you concur with each of those dot points?

Mr Gilding—I am not in a position to provide an opinion. I can provide advice on policy but I cannot provide my own opinion about what I think of the petition.

CHAIR—That is correct. If you want to give that other advice that would be fine.

Mr Gilding—What was the second question?

Mr SIMPKINS—I will do this slightly differently. I have heard that the John Hopkins University estimates that 655,000 people have been killed in Iraq. Is there any other information available on the number of casualties?

Mr Gilding—The Department of Defence does not gather information or publish reports on the subject. I would note, though, that there are no authoritative estimates of the total number of Iraqi civilian casualties. Published estimates of civilian deaths in Iraq are available on the internet. The best-known of these is the Iraq Body Count project. This is an independent public database. I am not in a position to comment on the veracity of those figures. We do not collect them.

Mr SIMPKINS—Moving on to mines, I would be the first one to say that there will always be a tactical requirement for vehicle mines. The third paragraph of the minister's letter to the committee on 30 May states:

The Australian Government also supports a ban on mines that are designed specifically to explode by the presence, proximity or contact of a person.

Is it now the policy that we will never deploy anti-personnel mines, with the exception of claymore mines, in the field?

Brig. Sowry—Correct.

Mr SIMPKINS—So we no longer have to draw on our maps little circles with spikes coming out of the top?

Brig. Sowry—We still do. If other states have laid mines in our area of operation, we do, but we would not have placed them.

Mr SIMPKINS—It has always been our policy to mark minefields, hasn't it?

Brig. Sowry—Yes, it has—other than nuisance minefields.

Mr SIMPKINS—Sure. And aren't they a nuisance for some? Would you agree that the Australian Army's use of minefields has always been responsible, or do you think there have been periods where it has not been good in marking—

Brig. Sowry—No. I would say that we have invariably been responsible. You have a look at the barrier minefield that we did in Vietnam: that was comprehensively marked and fenced throughout its period. We can still go back to the minefield records of El Alamein. I think we have been very responsible in that regard.

Mr SIMPKINS—Absolutely. But I think everyone would agree that there is a problem in the world with minefields that have not been marked—

Brig. Sowry—Correct.

Mr SIMPKINS—and the irresponsible nature of that. Do you think that the responsibility for those mines is state based, as in government use, or are they the responsibility of other smaller parties?

Brig. Sowry—There are two aspects to it. Remotely delivered mines are not typically marked until after the conflict. Certainly from my experience with the de-mining programs in Pakistan and Afghanistan in the early nineties, it was the non-state organisations, akin to the Taliban now, that were lifting up mines out of known minefields that had been marked, then taking them away almost as personal property and putting them on roads and other supply areas. That was the type of laying that was causing the humanitarian harm.

Mr SIMPKINS—You are an engineer, obviously.

Brig. Sowry—I am.

Mr SIMPKINS—Apart from Pakistan, did you do Namibia?

Brig. Sowry—No, but both my brothers did Namibia.

Mr SIMPKINS—Very good. This question perhaps goes more towards a foreign policy type situation.

CHAIR—This is about the petition, is it?

Mr SIMPKINS—It is still to do with mines, and I think it is relevant. Obviously I agree with the banning of as many mines as possible, but it does seem that the people who are most at fault for imposing the greatest risk to civilians are those who will never be interested in signing these sorts of treaties.

Brig. Sowry—Are you referring to the transfer of mines to states that potentially are not responsible?

Mr SIMPKINS—Certainly, and also substate groups that will use these things where they can still obtain them. The sorts of people who use them recklessly and without due regard to fencing and everything else are not going to be signing up for anything.

Brig. Sowry—I think that is quite true, but it is also an evolving part of the discussion. Within the Convention on Certain Conventional Weapons and the other forums in Geneva, there is talk of how you begin to engage non-state actors in these sorts of negotiations. That provides challenges for some states who do not want to recognise them at all and other states who say, 'Well, if you want to solve the problem you have to bring them into the discussion.' There are clearly some who would not sign up at all but there are some non-state actors who have demonstrated an interest in participation at least.

Mr SIMPKINS—Okay. Consensus in the future? We will wait and see.

CHAIR—I put on the record our thanks to the department for the background on the petition that we received regarding the restoration of the World War I battle site of Beersheba. Mr Chester, would you authorise for publication that background information.

Mr CHESTER—I so move.

CHAIR—Thank you, Mr Chester. Is there anything further that you would like to add to the background you have given us? You have stated that the department is currently seeking assistance from the Australian Embassy in Israel. How is that progressing?

Ms Blackburn—We have had some preliminary advice that they have spoken to the Jewish National Fund. They are in the process of looking at a tender or contract arrangement, together with a tourist provider, to start the detailed planing for the 60-kilometre Anzac trail. They are also seeking further information on the current condition of the wells. The last time that the embassy officials had seen them, they were being well maintained by the municipality.

CHAIR—Are you saying that they are being fairly well maintained?

Ms Blackburn—Yes, but we are seeking the very latest advice. Because of their location, the winds that come in from the Negev Desert blow rubbish from the local markets over them, and it is an ongoing problem to properly maintain them. But we do have assurances from the mayor of the Beersheba municipality that it is an important part of their river revitalisation and maintenance program.

CHAIR—That is good to hear. I am sure that the principal petitioner will be happy to see those comments on our website. Can you give us an indication of the number and type of request you receive annually with regard to the maintenance of battle sites overseas?

Ms Blackburn—I would have to take that on notice. The government has introduced a privately constructed overseas memorial fund and the minister has approved some funding for a number of locations, including memorials in Papua New Guinea. There is now a \$10,000 annual grant to assist in the maintenance of the memorial within the Park of the Australian Soldier. We do receive requests from time to time. Of course, there are official Australian memorials overseas such as the Australian War Memorial London and the Battle of Crete Memorial on Crete. We are responsible for the maintenance of the Anzac commemorative site at Gallipoli, the 9th Division memorial at El Alamein and a number of others. So you will have a differentiation between Australian national memorials overseas and privately constructed ones, often by unit associations or divisions, where there is some funding now available for private groups to assist in the refurbishment of these memorials.

CHAIR—As there are no further questions, I would like to thank you very much for coming before the Standing Committee on Petitions today. It is a new committee, as you know, and it is all trial and error. I thank you for the responses that you have given to our questions. They will definitely be up on the website, and I am sure the principal petitioners will be very happy to read the comments from the department.

Resolved (on motion by **Mr Simpkins**, seconded by **Mr Chester**):

That this committee authorises publication, including publication on the parliamentary database, of the transcript of the evidence given before it at the roundtable meeting this day.

Committee adjourned at 12.18 pm