

**This document has been provided to  
you as Document 5 in FOI 194.**

**Document 1**



**This document has been provided to you under FOI 194, specifically Document 13 - emails dated 21.12.23 at 11.05am, 10.59am, email dated 20.12.23 at 10.52am and Document 5 - email dated 20.12.23 at 10.46am.**

**Document 2**

The emails in this document have been provided to you under FOI 194 as follows:  
Document 14 - email dated 19.12.23 at 9.14am; Document 4 - email dated 19.12.23 at 7.30am; Document 3 - emails dated 18.12.23 at 4.17pm, 3.03pm, 12.54pm and 12.39pm.

**Document 3**

This document has been provided as  
Document 8 in FOI 194.

**Document 4**

**s 22(1)**

The emails in this chain have been provided to you under FOI 194 as follows: Document 6 - emails dated 20.12.23 at 12.49pm and 12.45pm and Document 5 - emails dated 20.12.23 at 12.37pm, 10.50am and 10.46am

**This document has been provided  
to you as Document 18 in FOI 194.**

**Document 6**

This document has been provided  
to you as Document 19 in FOI 194.

**Document 7**



The last two emails in this chain have been provided to you in Document 20 - FOI 194.

Document 8

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The initial email in this chain has been provided to you in Document 8 - FOI 194, specifically the email dated 20.12.23 at 3:35pm

S 22(1)

The emails in this document have been provided to you under FOI 194 as follows: **Document 9**  
Document 18, FOI 194 - specifically the emails sent on 18.12.23 at 11.43am and 22.12.23 at 3.50pm, and  
Document 21 in FOI 194, specifically the emails sent on 22.12.23 at 7.31pm, 7.02pm, 6.13pm and 4.01pm.

This document has been provided to you under FOI 194 as Document 23, specifically the emails sent on 21.12.23 and 15.12.23.

**Document 10**

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**From:** s 47F(1)  
**Sent:** Tuesday, January 2, 2024 5:25 PM  
**To:** s 47F(1)  
**Cc:**  
**Subject:** RE: NAA visit to PM&C [SEC=OFFICIAL:Sensitive]  
**Attachments:** RE: National Security Committee (Cabinet) records [SEC=OFFICIAL]

**OFFICIAL: Sensitive**

Hi s 47F(1)

I spoke to s 47F(1) s 22(1) he confirmed that we will examine these records for proactive release.

s 47E(d), s 47F(1)

s 47E(d)

Kind regards,

s 47F(1)

**OFFICIAL: Sensitive**

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**From:** s 47F(1) @naa.gov.au>  
**Sent:** Tuesday, January 2, 2024 5:07 PM  
**To:** s 47F(1) @naa.gov.au>  
**Subject:** FW: NAA visit to PM&C [SEC=OFFICIAL:Sensitive]

**OFFICIAL: Sensitive**

Hi s 47F(1)

s 22(1)

I heard from s 47F(1) that we're going to proactively examine the NSC records transferred in the last couple of days, albeit under the standard 90 business days period. I noted that in my email to Reference staff this morning but very happy to talk to you if your understanding of what's going to happen is different.

s 47C(1)

s 22(1)

Kind regards,

s 47F(1)

The emails that follow in this chain have been provided in Document 23 - FOI 194.

**OFFICIAL: Sensitive**

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Australian Government

Department of the Prime Minister and Cabinet

# Records transfer delivery

**Transferring From:** Cabinet Division  
Department of the Prime Minister and Cabinet  
1 National Circuit Barton ACT

**TO:** National Archives of Australia  
30 Vicars Street Mitchell ACT

CONTENTS:

DATE: 31 December 2023

**Series A14371**  
2003 Howard Government Cabinet Files – Cabinet-in-Confidence  
2003 Howard Government Cabinet Files – Secret  
2003 Howard Government Cabinet Files – Top Secret

**PRINT NAME:** Christina Grant **TIME:** 11:40  
**SIGNATURE:** [Redacted] **DATE:** 31, 12, 23

**S 47F(1)** **Time:** 11:40.  
**[Redacted]** **s 47F(1)** 31.12.23.

## Transfer proposal & approval (TPA)

Transfer reg. [NAA use only] <b>ARC***</b>		Date submitted	<b>31/12/23</b>	RkS No	<b>2020/2972</b>
Series number	A14371	Series title	A14371 - Howard Ministries - Cabinet files, annual single number series with 'JH' prefix		

### Agency details

Transferring agency	Department of the Prime Minister and Cabinet		
Commonwealth Agency (CA) number (if known)	CA 1401		
Portfolio department			
Your reference number			
Contact officer	Name	s 47F(1)	
	Title	A/g Senior Adviser	
	Phone	s 47F(1)	
	Email	[redacted]@pmc.gov.au	

### Transfer proposal cleared for submission (Agency executive officer)

[Required before proposal sent to NAA].

Title	Name	Date	Ref
Assistant Secretary Cabinet Information and Governance	Christina Grant	31 December 2023	

### NAA transfer approval (NAA use only)

Title	Name	Approval Date	RkS Ref
Director, Collection Operations	s 47F(1)	31/12/2023	R1230622023

## Transfer Details (Agency to complete)

Please complete a separate TPA for:

- each group of records (each series) proposed for transfer; and
- each protective marking within that series.

The TPA guidelines will help you complete this form and the accompanying item list. To be eligible for transfer, records must usually match to a Retain as National Archives RNA class in a post-2000.

Current [records authority](#) issued by the Archives.

**NB: This form includes digital check boxes - double click in the check boxes and a check form field box appears – change the default value from 'not checked' to 'checked' and click on OK**

1. Information security and access considerations		
a) Item lists must be unclassified for email submission	Please confirm that item lists accompanying this transfer proposal are unclassified or have been declassified. <input checked="" type="checkbox"/> Yes <i>(If no please contact the Agency Service Centre before going any further with your transfer proposal)</i>	
b) Are the records in the public domain and suitable for public release now?	<input type="checkbox"/> Yes <i>(in next column digitally check the reason why)</i> <b>NB: If you tick yes we will contact you prior to transfer approval for agency permission for this release.</b>	<input type="checkbox"/> Freedom of Information (FOI) publication <input type="checkbox"/> Information Publication Scheme (IPS) <input type="checkbox"/> Other published or broadcast material
	<input checked="" type="checkbox"/> No <i>(go to next question)</i>	
c) Are the records suitable for immediate public release at the end of the closed period?	<input type="checkbox"/> Yes <i>(in next column digitally check the reason why)</i> <b>NB: If you tick yes we will contact you prior to transfer approval for agency confirmation.</b>	<input type="checkbox"/> Records are unclassified and do not have sensitivities – see section 33 Archives Act <input type="checkbox"/> Records have no sensitivities and have been <u>declassified</u> . Please detail the declassification decision and process:
	<input checked="" type="checkbox"/> No <i>(go to next question)</i> <input type="checkbox"/> N/A <i>(already public as per 1b - please go to next question)</i>	
d) Are there any sensitivities in the records that may require exemption from public release under section 33 of the Archives Act 1983	<input type="checkbox"/> Yes, records are unclassified or similar but have the following concerns <i>(please provide details):</i> <input type="checkbox"/> Yes, records are suitable for declassification or reduction in classification but lack resources to complete this process before transfer <input checked="" type="checkbox"/> Yes, security classifications are still current and may have ongoing exemptions to public release <input type="checkbox"/> No as indicated in 1b or 1c <i>(go to next question)</i>	
e) Protective marking – records: <i>(Digitally check the protective marking that applies – one box only)</i> <b>NB: Please provide a separate form for</b>	Current security Markings (October 2018 - onwards)	Legacy security markings
	<input type="checkbox"/> Unofficial (non-Govt. Exception to Transfer Policy)	<input type="checkbox"/> Non-Govt. Exception to Transfer Policy
	<input type="checkbox"/> Official	<input type="checkbox"/> Unclassified
	<input type="checkbox"/> Official - Sensitive	<input type="checkbox"/> Unclassified with sensitivities-



<b>each classification</b> <i>For further information see <a href="#">The Protective Security Policy Framework</a></i>		X-IN-CONFIDENCE RESTRICTED FOUO (For official Use Only) Sensitive Sensitive: Personal Sensitive: Legal
	<input checked="" type="checkbox"/> Protected	<input checked="" type="checkbox"/> Protected
	<input checked="" type="checkbox"/> Cabinet	<input checked="" type="checkbox"/> Sensitive: Cabinet (Cabinet-in-confidence)
	<input type="checkbox"/> Confidential (grand fathered until 2020)	<input type="checkbox"/> Confidential
	<input checked="" type="checkbox"/> Secret	<input checked="" type="checkbox"/> Secret/Highly Protected
	<input checked="" type="checkbox"/> Top Secret	<input checked="" type="checkbox"/> Top Secret
	<input checked="" type="checkbox"/> Sensitive Compartmented Information	<input checked="" type="checkbox"/> Sensitive Compartmented Information
	<input type="checkbox"/> Other	<input type="checkbox"/> Other

<b>2. Business use and records authority information</b>	
a) Active business use must be completed before transfer	Please confirm active business use is over. <input checked="" type="checkbox"/> <b>Yes</b> <i>(If no please contact the Agency Service Centre before going any further with your transfer proposal)</i>
b) Future lending requirements	Will your agency need to access these records after transferring? <input type="checkbox"/> Yes. If yes, how frequently: <input checked="" type="checkbox"/> No or unknown
<b>3. Record formats</b>	
a) Current location of records	Prime Minister and Cabinet and Transferred to NAA Mitchell facility on 31/12/2023
b) Are these records subject to a Section 64 (distributed custody) arrangement?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

<p>b)Record formats                  NB: <u>Each record format will need a separate item list</u>                  (Digitally check all formats included in this transfer proposal)                   NB: Under the <u>Digital Transition Policy</u> all information created digitally by government agencies from 1 January 2016 is to be managed in digital formats with records created digitally from this date and eligible for transfer to the National Archives accepted in digital formats only.</p>	<p><input type="checkbox"/> Digital text and photographs  <input type="checkbox"/> Digital audio-visual  <input type="checkbox"/> Digital media enclosed in paper files                   NB: <u>Digital records on cd or dvd should be migrated to external hard drive for transfer</u>   <input type="checkbox"/> Website (Please check with us before transferring websites via this form)  <input checked="" type="checkbox"/> Paper files/documents (If digital media enclosed please also check 'Digital media enclosed in paper files')   <input type="checkbox"/> Non-digital photographic prints/negatives  <input type="checkbox"/> Non-digital audio-visual</p>	<p><input type="checkbox"/> Cartographic (Maps)  <input type="checkbox"/> Bound Volumes  <input type="checkbox"/> Index Cards  <input type="checkbox"/> Other (please identify)</p>
<p><b>4.Digital records</b> (Please answer all that apply - for physical records see section 5)</p>		
<p>a)Identify records online system or storage medium prior to export</p>		
<p>b)For digitised records_note specifications used: (Please refer to TPA guidelines or <a href="#">GRA 31 Condition 5 NAA specifications</a>)</p>		
<p>c)Please confirm that digital records on optical media have been exported to portable hard drive/usb for transfer</p>	<p><input type="checkbox"/> Yes, digital records on optical media have been exported  <input type="checkbox"/> Other ( please explain if some other approach has been taken):</p>	
<p>d)Do you intend keeping an unmodified/unedited copy of the records transferred</p>	<p><input type="checkbox"/> Yes  <input type="checkbox"/> No</p>	
<p><b>5.Physical records</b></p>		
<p>Physical condition: Note the physical condition and any preservation issues.</p>	<p><u>General condition:</u>                  Good <input checked="" type="checkbox"/> Other <input type="checkbox"/> Please detail:   <u>Preservation issues:</u>                  Mould <input type="checkbox"/> Thermal paper <input type="checkbox"/> Fragile <input type="checkbox"/>                  Other <input type="checkbox"/> Please detail:</p>	
<p><b>6.Volume of records</b></p>		
<p><b>Digital</b> (Digital records on cd or dvd should be migrated to external hard drive for transfer)</p>	<p><b>Non-digital</b></p>	

Gb / Tb	Media type	No of Media	Shelf mtrs	Box type	No of boxes

## Series Details

7. New series				
a) Is this a new series registration?	<input type="checkbox"/> Yes <input type="checkbox"/> Unsure <input checked="" type="checkbox"/> No <i>(If yes or unsure, please complete the following fields; if no, go to existing series section)</i>			
b) Series title (A brief summary sentence of the type of records included)	A14371 - Howard Ministries - Cabinet files, annual single number series with 'JH' prefix			
c) Series description (A more detailed summary including for example: - types of agency business covered - significant events or persons covered - legislation specific to these records - sentencing information (to explain gaps) - changes in records format and when occurring - quantity remaining in agency custody - related series – nature of relationship)	Cabinet Records created during 2003.			
d) Series accumulation date range (When the recordkeeping system used for these records commenced (and closed) if applicable)	Series raised	1/1/2003	Series closed (if applicable)	31/12/2003
e) Series system of arrangement /control Eg Alphabetical, Annual Number				

8. Existing series (If not applicable, please go to next section)	
a) Existing series number. (CRS No) <sup>1</sup>	A14371 - Howard Ministries - Cabinet files, annual single number series with 'JH' prefix
b) Is an update required to this series? - series title or series description may not adequately cover the records in this transfer - sentencing history, changes in records format and quantity remaining in agency custody	<input type="checkbox"/> Yes <input type="checkbox"/> No
c) If yes, please provide updates here:	

9. New and existing series				
a) Contents date range for this transfer?	Earliest	10/01/2003	Latest	26/11/2003
b) Range of control symbols for this transfer?	From:		To:	

<sup>1</sup> Commonwealth Records Series

<p>c)Please identify any records metadata or control records associated with the transfer. <i>Eg TRIM or other EDRMS or business system metadata; Excel or other digital or non-digital registers.</i></p>	
<p>d)Can this metadata be transferred now?</p>	<p><input type="checkbox"/> Yes <i>(If the metadata needs to be exported as a separate record please submit a separate transfer proposal to cover them)</i></p> <p><input type="checkbox"/> No, the metadata is still required for business use</p> <p><input type="checkbox"/> Other or unsure <i>(Please provide details):</i></p>
<p>e)Anything else about the series?</p>	

10.Series context				
<p>a)Are there any other agencies that created, controlled or used these records?</p>	<b>Agency Name</b>	<b>CA Number</b>	<b>Date From</b>	<b>Date To</b>
<p>b)Are there any previous or subsequent series that document the same business and are there any related series to this series?</p>	<p><b>Series relationship</b> <i>(Check 1 box only for each entry)</i></p>	<b>CRS Number</b>	<b>Series title</b>	
	<p><input checked="" type="checkbox"/> Previous <input type="checkbox"/> Subsequent <input type="checkbox"/> Related</p>		A11116 – Hawke Cabinet Files	
	<p><input checked="" type="checkbox"/> Previous <input type="checkbox"/> Subsequent <input type="checkbox"/> Related</p>		A11117 – Keating Cabinet Files	
	<p><input type="checkbox"/> Previous <input type="checkbox"/> Subsequent <input checked="" type="checkbox"/> Related</p>		A14370 – Howard Cabinet Files (Black Folders)	
<p>c)Anything else you need to tell us about these records?</p>				

**NAA barcodes** *(insert more lines as required)*

**Box barcodes range** (Non-digital only)  
*(Please show any gaps in the sequential order of barcodes using the extra lines provided)*

Barcode No Start	Barcode No End
s 47E(d)	
B	B
B	B

Barcode No Start	Barcode No End
B	B
B	B
B	B

**Item barcodes range**  
*(Please show any gaps in the sequential order of barcodes)*

Barcode No Start	Barcode No End
31427130	202905000

Barcode No Start	Barcode No End

using the extra lines provided)



## Send details

Once completed, please send the following as attachments to an email that includes your agency email signature block to [Transfers@naa.gov.au](mailto:Transfers@naa.gov.au)

- *Transfer Proposal and Approval TPA* in its current format (editable Word document)
- One (or more) of the following item lists as discussed with Archives:
  - Digital (except for audio-visual)
  - Non-digital (except for audio-visual and photographs)
  - Digital audio-visual
  - Non-digital audio-visual
  - Non-digital photographs (including negatives)

**Please Note: The following page is for NAA use only.**

**NAA assessment ONLY**

<b>Date Transfer Proposal Finalised</b>		
<b>Transfer Officer</b>		<b>Series No.</b>
<b>Contact No</b>		<b>Transfer Proposal Forms Received</b>
<b>State Office</b>		<b>Initiated by</b>

<b>Does the proposed transfer satisfy NAA transfer policy?</b> <i>(Records are sentenced Retain as National Archives RNA under a records authority issued since 2000 and meet DC2020 digital transition policy)</i>	
<b>Provide other relevant information</b>	

<b>Agency Access Issues</b> <i>(based on business need)</i>		
<b>Indicators</b>	No:	Description:
	No:	Description:
<b>Iconic Status<sup>23</sup></b>		
<b>Sentencing Checked</b> by Transfer Officer and confirmed as accurate.		RkS:
<b>Confirmation of suitable repository space available.</b>		RkS:

**Transfer Resourcing**

<b>AGENCY has confirmed to undertake item and container boxing, barcoding, serialisation and item level description according to NAA standards.</b>		RkS:
<b>Is there a level of NAA non-standard resourcing required BEFORE transfer?</b>		
<b>Is there a level of NAA non-standard resourcing required AFTER transfer?</b>		

**Transfer Officers' additional notes**

<i>Your comments regarding this transfer:</i>
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<sup>2</sup> R103232007 - MASTER - Cumulative register of Iconic Series for valuation and collection intake purposes (including 2012 exercise)

<sup>3</sup> R754962009 – FINAL - Policy and procedures for managing the iconic classification for valuation purposes (approved 1 October 2009)

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Series Number	Container Type	Barcode No	Control Symbol	Alternative Control Symbol	Title	Contents Start Date	Contents End Date	Disposal Class
TS03 ✓	1	32712254	JH03/0001/P1	✓	Title Restricted	10/01/2003	5/03/2003	21766
	1	32712489	JH03/0385/P1	✓	Title Restricted	15/10/2003	31/10/2003	21766
	1	32712490	JH03/0430/P1	✓	Title Restricted	26/11/2003	26/11/2003	21766
	1	32712487	JH03/0305/P1	✓	Title Restricted	20/08/2003	21/08/2003	21766
	1	32712485	JH03/0054/P1	✓	Title Restricted	19/03/2003	19/03/2003	21766
1	32712484	JH03/0025/P1	✓	✓	Title Restricted	18/02/2003	18/02/2003	21766
Box 1 SECRET ✓	1	202904985	JH03/0037/P1	✓	Title Restricted	19/03/2003	15/04/2003	21766
	1	202904984	JH03/0026/P1	✓	Title Restricted	18/02/2003	18/02/2003	21766
	1	202904990	JH03/0090/P1	✓	Title Restricted	12/03/2003	15/04/2003	21766
	1	202904989	JH03/0085/P1	✓	Title Restricted	12/03/2003	15/04/2003	21766
	1	202904988	JH03/0046/P1	✓	Title Restricted	5/03/2003	5/03/2003	21766
	1	202904987	JH03/0045/P1	✓	Title Restricted	5/03/2003	5/03/2003	21766
	1	202904982	JH03/0022/P1	✓	Title Restricted	18/02/2003	18/02/2003	21766
	1	202904986	JH03/0044/P1	✓	Title Restricted	5/03/2003	5/03/2003	21766
	1	202904739	JH03/0002/P1	✓	Title Restricted	10/01/2003	10/01/2003	21766
	1	32711388	JH03/0124	✓	✓	Title Restricted	18/03/2003	18/03/2003
Box 2 SECRET ✓	1	32712486	JH03/0128	✓	Title Restricted	19/03/2003	29/04/2003	21766
	1	202904998	JH03/0142	✓	Title Restricted	22/03/2003	23/03/2003	21766
	1	202904999	JH03/143	✓	Title Restricted	22/03/2003	22/03/2003	21766
	1	202905000	JH03/146	✓	Title Restricted	25/03/2003	15/04/2003	21766
	1	31472100	JH03/0148	✓	Title Restricted	1/04/2003	15/04/2003	21766
	1	31472102	JH03/181	✓	Title Restricted	10/04/2003	10/04/2003	21766
	1	31472104	JH03/0189	✓	Title Restricted	29/04/2003	29/04/2003	21766
	1	31472105	JH03/0190	✓	Title Restricted	28/03/2003	10/04/2003	21766
	1	202904995	JH03/0125	✓	Title Restricted	25/03/2003	25/03/2003	21766
	1	31472101	JH03/0160	✓	Title Restricted	29/04/2003	29/04/2003	21766
	1	31472103	JH03/0188	✓	Title Restricted	29/04/2003	29/04/2003	21766
	1	202904997	JH03/0139	✓	Title Restricted	28/03/2003	15/04/2003	21766
	1	202904996	JH03/0133	✓	Title Restricted	24/03/2003	15/04/2003	21766
	1	202904994	JH03/0118	✓	Title Restricted	25/03/2003	25/03/2003	21766
	1	202904993	JH03/0115	✓	Title Restricted	25/03/2003	25/03/2003	21766
1	202904992	JH03/0108	✓	Title Restricted	19/03/2003	29/04/2003	21766	
1	202904991	JH03/0095	✓	Title Restricted	24/03/2003	29/04/2003	21766	

(a) 47E S

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	A14371	1	31472106	JH03/0191/P1	✓	Title Restricted	29/04/2003	29/04/2003	21766
	A14371	1	31472107	JH03/0203/P1	✓	Title Restricted	28/05/2003	28/05/2003	21766
	A14371	1	31472112	JH03/0215/P1	✓	Title Restricted	28/05/2003	28/05/2003	21766
	A14371	1	31472113	JH03/0216/P1	✓	Title Restricted	28/05/2003	28/05/2003	21766
	A14371	1	31472117	JH03/0241/P1	✓	Title Restricted	25/06/2003	25/06/2003	21766
	A14371	1	3142118	JH03/0242/P1	✓	Title Restricted	25/06/2003	25/06/2003	21766
	A14371	1	31472121	JH03/0269/P1	✓	Title Restricted	29/07/2003	29/07/2003	21766
	A14371	1	31472122	JH03/0270/P1	✓	Title Restricted	29/07/2003	29/07/2003	21766
	A14371	1	31472115	JH03/0235/P1	✓	Title Restricted	25/06/2003	25/06/2003	21766
	A14371	1	31472114	JH03/0222/P1	✓	Title Restricted	10/06/2003	10/06/2003	21766
	A14371	1	31472120	JH03/0266/P1	✓	Title Restricted	21/08/2003	21/08/2003	21766
	A14371	1	31472119	JH03/0263/P1	✓	Title Restricted	22/07/2003	22/07/2003	21766
	A14371	1	31472116	JH03/0237/P1	✓	Title Restricted	25/07/2003	25/07/2003	21766
	A14371	1	31472111	JH03/0214/P1	✓	Title Restricted	28/05/2003	28/05/2003	21766
	A14371	1	31472110	JH03/0207/P1	✓	Title Restricted	28/05/2003	28/05/2003	21766
	A14371	1	31472109	JH03/0206/P1	✓	Title Restricted	28/05/2003	28/05/2003	21766
	A14371	1	31472108	JH03/0205/P1	✓	Title Restricted	28/05/2003	28/05/2003	21766
	A14371	1	31472123	JH03/0304/P1	✓	Title Restricted	20/08/2003	21/08/2003	21766
	A14371	1	31472124	JH03/0307/P1	✓	Title Restricted	20/08/2003	21/08/2003	21766
	A14371	1	31472125	JH03/0309/P1	✓	Title Restricted	20/08/2003	21/08/2003	21766
	A14371	1	31472126	JH03/0310/P1	✓	Title Restricted	14/08/2003	21/08/2003	21766
	A14371	1	31472127	JH03/0321/P1	✓	Title Restricted	20/08/2003	21/08/2003	21766
	A14371	1	31472131	JH03/0349/P1	✓	Title Restricted	17/09/2003	17/09/2003	21766
	A14371	1	31472132	JH03/0352/P1	✓	Title Restricted	10/09/2003	22/03/2003	21766
	A14371	1	31472133	JH03/0355/P1	✓	Title Restricted	16/09/2003	23/09/2003	21766
	A14371	1	31472129	JH03/0361/P1	✓	Title Restricted	15/10/2003	15/10/2003	21766
	A14371	1	32712492	JH03/0364/P1	✓	Title Restricted	15/10/2003	15/10/2003	21766
	A14371	1	31427130	JH03/0365/P1	✓	Title Restricted	15/10/2003	15/10/2003	21766
	A14371	1	31472134	JH03/0367/P1	✓	Title Restricted	15/10/2003	15/10/2003	21766
	A14371	1	31472135	JH03/0368/P1	✓	Title Restricted	15/10/2003	15/10/2003	21766
	A14371	1	31472136	JH03/0369/P1	✓	Title Restricted	15/10/2003	15/10/2003	21766
	A14371	1	31472137	JH03/0386/P1	✓	Title Restricted	30/10/2003	30/10/2003	21766
	A14371	1	31472138	JH03/0389/P1	✓	Title Restricted	30/10/2003	30/10/2003	21766
	A14371	1	32712491	JH03/0363/P1	✓	Title Restricted	30/10/2003	30/10/2003	21766
	A14371	1	31472147	JH03/0443/P1	✓	Title Restricted	26/11/2003	26/11/2003	21766

(d) E47s



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A14371	1	32472145	JH03/0433/P1	✓	Title Restricted	26/11/2003	26/11/2003	21766
A14371	1	31472139	JH03/0390/P1	✓	Title Restricted	31/10/2003	6/11/2003	21766
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**Document 15**

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**From:** David Lee <[d.lee@adfa.edu.au](mailto:d.lee@adfa.edu.au)>  
**Sent:** Thursday, September 28, 2023 4:24 PM  
**To:** S 47F(1) <[REDACTED]@naa.gov.au>  
**Subject:** [EXT] The 2003 Cabinet Papers in Context

Dear [REDACTED]

I have incorporated the additional documents and now submit the draft contextual essay today in a paper above dated 29 September.

I have tried to be as comprehensive as possible in referencing the cabinet submissions transmitted thus far. Hence the length of the paper and the endnotes.

I have dealt with Iraq quite extensively as I think that this is where the most media attention will be directed. There is considerable room in my view for comment/context about the Iraq documents notwithstanding the relatively small number of documents on that subject. I also explain in that section the relationship between Cabinet and the major committees including the national security committee in that section.

Depending on advice from you about likely dates for receipt of remaining documents, we can work out the best way forward in terms of meeting your overall timetable.

Best Regards

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## The 2003 Cabinet papers in context

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### Introduction

The Howard government's decision to participate in the Iraq War dominated Australian politics in 2003. While Iraq was the dominant issue that year, the Cabinet papers on this subject are sparse, pointing to the primacy that the National Security Committee (NSC) of Cabinet had achieved in the domain of national security at that time. Nonetheless, because of its importance, the Iraq War is dealt with in its own section in this paper. Beyond Australia's participation in that conflict, there are many more papers on diverse issues relating to Australia's national security, and to foreign affairs, trade and defence policies. All of these issues are covered in the first two sections below.

Most of the 2003 Cabinet papers deal with manifold aspects of domestic policy, which will be discussed in the remaining five sections: economic, social welfare, health and immigration policies; climate change, energy and the environment; transport, infrastructure, communications and legal issues; rural and regional issues; and Indigenous policy.

### **Iraq: the Cabinet submission that never was**<sup>1</sup>

The most important decision John Howard's Cabinet made in 2003 was the one to commit Australia to the US-led military intervention in Iraq, which was an extension of the 'war on terror' that had been waged since 2001.<sup>2</sup> The invasion of Iraq began on 19 March (air) and 20 March 2003 (ground). Hostilities lasted about a month and included 26 days of major combat operations. Forces from the United States and its close allies – the United Kingdom, Australia and Poland – participated. This was seen as a 'coalition of the willing' rather than the sort of broad-based group, acting under Chapter VII of the United Nations Charter, that expelled Iraq from Kuwait in 1991.<sup>3</sup>

The early stage of the war ended on 1 May 2003 when President George W Bush declared the end of major combat operations in his 'Mission Accomplished' speech.<sup>4</sup> Afterwards, the Coalition Provisional Authority (CPA) was established as the first of several transitional governments in Iraq. According to Bush and UK Prime Minister Tony Blair, the coalition aimed 'to disarm Iraq of Weapons of Mass Destruction [WMD], to end Saddam Hussein's support for terrorism, and to free the Iraqi people'.<sup>5</sup> In 2020 US historian Robert Draper painted a portrait of the Bush administration as driven by 'fear, imagination, ideology, and blind idealism rather than truth seeking – all to justify a decision that would result in hundreds of thousands of deaths and a flood tide of chaos in the Middle East that shows no signs of ending'.<sup>6</sup>

Writing in 2013, the Australian prime minister, John Howard, recalled that 'Australia's decision to join the Coalition in Iraq was a product both of our belief at the time that Iraq had WMDs, and the nature of our relationship and alliance with the United States'.<sup>7</sup> The US war aim quickly crystallised into that of 'regime change'. Britain and Australia, however, continued to emphasise the objectives of disarming Iraq of the WMD that US intelligence and US diplomats wrongly insisted that Iraq possessed.<sup>8</sup> As army historian Albert Palazzo observed: 'Once the war began, ADF [Australian Defence Force] forces ... did so under US operational command and by default in support of [the US] desire to overthrow Saddam, no matter the sophistry of the more limited Australian intent'.<sup>9</sup> For Palazzo, '[i]mproving the alliance was [Australia's] main goal: a logical if not proper goal, and one that was not explained to the Australian people'.<sup>10</sup>

The 2003 Iraq War differed from the first Gulf War, which was undertaken in response to Iraqi aggression against Kuwait and mandated by the UN Security Council.<sup>11</sup> The United Nations Charter of 1945 allowed only two exceptions to its general prohibition of the use of force: self-defence against an armed attack and a definite decision on the part of the UN Security Council. The secretary-general of the United Nations, Kofi Annan, and other authorities regarded the 2003 Iraq War as illegal because of the absence of these criteria.<sup>12</sup> Consonant with this position, the Australian Labor Party (ALP) Opposition Leader, Simon Crean, addressed the parliament on 5 February 2003, arguing that Australian troops should not be sent to Iraq in advance of a UN mandate.<sup>13</sup>

What do the Cabinet documents tell us about Australia's decision on the Iraq War? One submission analyses the implications of the post-conflict situation in Iraq for Australia's migration and refugee programs.<sup>14</sup> There is also a short minute dated 1 April 2003 in which Cabinet 'noted an oral report by the Prime Minister on the progress of military operations in Iraq and the contribution made by the Australian Defence Force'.<sup>15</sup> There was no submission to Cabinet on costs, benefits and implications of Australia's entry into the war. This was notwithstanding the fact that the Iraq commitment was in Howard's words, 'the most controversial foreign policy decision taken by my Government in the almost twelve years it held office'.<sup>16</sup> This indicates that Cabinet's National Security Committee (NSC) was the locus of decision-making on the war.<sup>17</sup>

There is a Cabinet minute, dated 18 March 2003, based on two oral reports from Howard. The prime minister recalled that the NSC had been meeting regularly on Iraq, but that he 'wanted full Cabinet endorsement of a final decision to commit the invasion'.<sup>18</sup> One of his oral reports to Cabinet outlined his extensive discussions with Bush, and the other was his notification to Cabinet of a request from the US President, received on the morning of 18 March 2003, which asked 'that Australia participate in military action by a coalition to disarm Iraq of its weapons of mass destruction and advice that it was the intention of the President to issue a final ultimatum to Iraq shortly'.<sup>19</sup> Cabinet noted that Australia's goal in 'participating in any military enforcement action would be disarmament of Iraq's weapons of mass destruction'.<sup>20</sup> Howard provides no details of the



Cabinet discussion but records that there was no surprise or dissent in a subsequent meeting of the two Coalition parties.<sup>21</sup>

The Australian forces committed to Iraq would consist of ADF elements pre-deployed to the Middle East to take part in military enforcement action against Iraq; ADF elements deployed to the Middle East as part of the Multinational Interdiction Force and maritime surveillance forces deployed as part of Operation Slipper (the ADF contribution to the war in Afghanistan made in 2001); and ADF personnel deployed to the Middle East with the forces of other coalition countries.<sup>22</sup> Just as Australia joined the Vietnam War in 1965 based on a request from the US government, which arranged a request from the South Vietnamese government, so it participated in the second Iraq War after a request from the US president rather than as a result of a definite decision of the UN Security Council, which declined to pass the necessary resolution.<sup>23</sup>

While the United States was keen for Australia to provide a reconnaissance battle group of about 2,000 men to secure the western flank of the US 1st Marine Division driving towards Baghdad, Howard offered instead a niche capability of special forces troops. For some critics, such as Paul Barratt and Paul Brereton, who led the inquiry into Australian Special Forces in Afghanistan, the ADF should not have supported what was a political rather than military decision to rely on special forces in Iraq.<sup>24</sup>

Several Australian journalists have already commented about the absence of a Cabinet submission on the Iraq War.<sup>25</sup> In 2004 Robert Garran wrote:

Howard acknowledges that there was no cabinet submission on the costs and benefits of going to war in Iraq. The Department of Foreign Affairs and Trade (DFAT) was not asked for, and did not offer, any advice on the pros and cons of supporting American intervention. This reinforces the view that Howard's decisions on Iraq were political, not based on a dispassionate appraisal of the threats it posed.<sup>26</sup>

At that time, Howard did not dispute Garran's account, but indicated that the issue was being handled by the NSC.<sup>27</sup> Professor Patrick Weller sees the NSC as the most powerful of three principal Cabinet committees. These were the National Security Committee (NSC), the Expenditure Review Committee (ERC) and the Parliamentary Business Committee.<sup>28</sup> The NSC consisted of senior ministers whose discussions ranged over defence, security, intelligence matters and some foreign issues. Senior officials – the Chief of Defence Force, the secretaries of Defence, Prime Minister and Cabinet, Foreign Affairs and Trade, and the heads of the Office of National Assessments (ONA) and the Australian Security Intelligence Organisation (ASIO) – attended all meetings, with ministers on one side of the table and officials on the other.<sup>29</sup> In 2002–03 there were 64 meetings of the NSC/Secretaries Committee on National Security and 250 submissions; in 2003–04 there were 32 such meetings and 206 submissions. The large jump in the business of the NSC in 2003 coincided with the Iraq War.<sup>30</sup> Howard called his creation 'the most effective whole of government arrangement with which I've been associated as prime minister'.<sup>31</sup> Weller explains how the NSC worked:

Except on rare occasions where Howard may wish to have a full cabinet discussion of an issue before the NSC, the committee's decisions stand on their own as cabinet decisions, unlike those of the ERC, which are referred to a 'budget cabinet' meeting for final discussion and ratification.<sup>32</sup>

The NSC's connection with the war-making power was described to parliament by Brendan Nelson, Robert Hill's successor as Minister for Defence. Nelson explained the procedures for war-making in the 2000s in this way:

It is the NSC that considers, debates and resolves to commit Australian defence personnel to domestic or overseas deployments. The full cabinet then considers the advice and recommendation of the NSC. Once a position is adopted, the Opposition leader, members of the full government executive and its back bench are briefed.<sup>33</sup>

What discussions took place in the NSC on Iraq in 2003 must await publication of the relevant volumes of the official histories of Australian operations in Iraq and Afghanistan and public requests for access to those Cabinet committee documents under the *Archives Act 1983*. Cabinet was content that it had 'reached its decisions in accordance with its Executive responsibilities under the Constitution' via the Cabinet minute of 18 March.<sup>34</sup> There was no discussion of the modalities of executing Cabinet's decision other than that a draft resolution would be proposed in the House of Representatives and the decision would be conveyed to Bush.

As well as having a powerful NSC, Howard worked with a different kind of public service than the Commonwealth Public Service which operated during the days of Ben Chifley and Robert Menzies, in the era of the 'seven dwarfs'.<sup>35</sup> Howard built on reforms to the public service in the years of the Hawke Labor government (1983–91) that had made provision for closer supervision of departments by ministers and for renewable fixed-term appointments for departmental secretaries.<sup>36</sup> In 1999 was added the *Public Service Act 1999*, under which departmental secretaries would be appointed, and could be terminated, by the prime minister rather than by the governor-general. With these changes came a more expansive conception of the role of the prime minister and his or her prerogatives.

For former senior public servant Paul Barratt, 'Cabinet [under John Howard] was not the place where big decisions were made; the decisions to invade Afghanistan and Iraq, and not to ratify the Kyoto Protocol, were made by Howard, without consulting Cabinet and without the benefit of public service advice'.<sup>37</sup> Barratt's assessment in relation to matters of defence and national security is corroborated by Ric Smith, Secretary of the Department of Defence (2002–06), who informed journalist Paul Kelly that:

The message from ministers by ... [November 2002] was that they did not want strategic advice from the Defence Department. This reflected a conviction that ministers knew the issues and would take the decisions for or against war.<sup>38</sup>

Ashton Calvert, Secretary of DFAT (1998–2005), concurred. Calvert recalled that he did not regard it as his duty to question the Howard government's Iraq decision.<sup>39</sup> Permanent heads of departments from earlier times, such as Sir Arthur Tange and Sir Frederick Shedden, had the advantage of security of tenure in providing advice to government in ways that might have been unwelcome.<sup>40</sup>

That the Iraq commitment was made without weighing the pros and cons of one or more submissions, but rather by reaching a decision without a submission being made, raises issues worthy of comment. One relates to the perception that, up to the moment of the Iraq War, the Australian Government had not made up its mind about whether to go to war. In Howard's statement to the House of Representatives in February 2003, he repeated that the government had not made a final decision to commit to military conflict.<sup>41</sup>

The reality, argued Graeme Dobell, was that ‘the commitment had long since been made; the Australian military was deeply involved in US planning for the war and Australia was in’.<sup>42</sup> Professor Hugh White, a former Deputy Secretary in the Department of Defence, concurred, arguing in 2004 that:

In the weeks after George Bush put the invasion on the agenda with his ‘axis of evil speech’ in January 2002, Australia clearly indicated it would be willing to join. Of course, no formal commitments were made until the eve of battle – they never are. But the key political decision had already been taken.<sup>43</sup>

Confining Iraq decisions to a core group of ministers and senior public servants had its advantages. One was in managing legal and constitutional questions. Until the Second World War, the war power was a prerogative of the Crown, exercisable on the advice of the British ministers but also committing the empire’s self-governing dominions and colonies.<sup>44</sup> This was until John Curtin’s wartime Labor government insisted that the war power for Australia must be exercisable on the advice of Australian ministers to the governor-general.<sup>45</sup> Legal scholars have recently discovered that Howard originally planned to take the matter to the governor-general ‘for noting’, but did not do so after then Governor-General Peter Hollingworth sought the views of the attorney-general about relevant issues of international law.<sup>46</sup> According to Charles Sampford and Margaret Palmer,

the Governor-General’s scrutiny was the only independent scrutiny available because the legality of the decision to go to war was not a matter that could be determined by the High Court, and the federal government had taken action in March 2002 that effectively prevented the matter coming before the International Court of Justice.<sup>47</sup>

Hollingworth’s request for legal advice attracted a reply from Howard to the effect that Hollingworth’s ‘predecessors had not been involved in past decisions, that no involvement was necessary’ and that the decision could be implemented without recourse to the governor-general under the *Defence Act* as amended in 1975.<sup>48</sup> In its minute of 18 March Cabinet noted only that the ‘Prime Minister had discussed the possibility of the commitment of the ADF ... with the Governor-General’.<sup>49</sup> Brendan Nelson would subsequently assert that contemporary practice, as distinct from the practice in Curtin’s time, was that ‘decisions to go to war are ultimately matters for the prime minister and Cabinet, involving directly neither the Governor-General nor Federal Executive Council’.<sup>50</sup> Sampford and Palmer dispute this, arguing that:

A powerful argument could be made that the relevant sections of the *Defence Act* were not intended to be used for the decision to go to war and that such instructions are for peacetime or *in bello* decisions. If so, the power to make war remains within the prerogative to be exercised on advice.<sup>51</sup>

In 2003 Hollingworth became involved in controversy over his handling of matters of sex abuse allegations in the Anglican diocese of Brisbane that saw him resign as governor-general in May 2003.<sup>52</sup> Before he did so, he accepted Howard’s advice on the handling of the Iraq matter.<sup>53</sup> It is possible that other governors-general might have handled the matter differently. This is demonstrated by an episode in 1977 when Sir John Kerr insisted on advice from the attorney-general before accepting a recommendation from the Fraser government on its establishment of the Department of the Special Trade Negotiator.<sup>54</sup> Had the governor-general in 2003 not been a clergyman but a lawyer as versed in constitutional law and practice as Kerr or Sir Ninian Stephen or Sir William Deane all were, he or she may well have insisted on advice from the attorney-general.<sup>55</sup>

There were cogent political reasons for the government to bypass the executive council and the governor-general. Howard was relying for his advice on the legality of Australia's entry into the Iraq War on a 'Memorandum of Advice' from two officers at the level of first assistant secretary in the Department of Foreign Affairs and Trade and the Attorney-General's Department.<sup>56</sup> The Cabinet decision of 18 March noted this Memorandum of Advice, 'which concluded that the use of force to disarm Iraq of weapons of mass destruction ... would be consistent with Australia's obligations under international law' and observed that Attorney-General Daryl Williams 'fully concurred with the advice'.<sup>57</sup>

Former Solicitor-General Gavan Griffith queried why the government had relied on the authors of the Memorandum of Advice and not more senior experts such as Henry Burmester QC, Chief General Counsel of the Attorney-General's Department, or renowned international lawyer Professor James Crawford SC, who commonly advised the government in international law matters. On the question of the Iraq War, moreover, the opinion of the independent solicitor-general, David Bennett QC, was not sought.<sup>58</sup>

Griffith was Australia's second law officer for 14 years from 1984; he pleaded 250 cases before the entire bench of the High Court and was Agent and Counsel at several other cases at the International Court of Justice. He proceeded to argue that the published legal advice from the Government in 2003 (the Memorandum of Advice) had 'insufficient substance to bear the weight of the Prime Minister's reliance to justify the invasion of Iraq by Australian defence forces'.<sup>59</sup> Griffith continued:

To this end the Australian and United Kingdom legal advices are entirely untenable. They are arrant nonsense. They furnish no threads for military clothes. It is difficult to comprehend that the fanciful assertions (they are not arguments) of the two advices have been invoked by Australia and the United Kingdom to support the invasion of another state. It does not appear from his published remarks that President Bush made any such attempt to clothe American action with the authority of the Security Council. This has the advantage of making the unilateral basis of his country's actions plain.

Once the troops were committed, however, the Howard government's decision attracted stronger popular support as well as full endorsement from large sections of the media.<sup>60</sup>

### **National security, defence, foreign affairs and trade policies**

Many of the Cabinet submissions, memoranda and decisions are concerned with issues of national security, defence policy, foreign policy and trade policy beyond the Iraq War. The Minister for Foreign Affairs, Alexander Downer, and the Minister for Trade, Mark Vaile, made a joint submission to Cabinet on the launch of the 2003 foreign and trade policy white paper, *Advancing the national interest*.<sup>61</sup> The white paper was prepared by a task force within the Department of Foreign Affairs and Trade (DFAT) in consultation with departments and agencies represented on the NSC.

It explained the Howard government's focus on global security threats and its commitment to the war against terrorism. It also set out Australia's contribution to international efforts to halt proliferation of WMDs. On the overseas trade front, the paper asserted that the government had 'developed the most ambitious and wide-ranging trade policy agenda of any government in Australia's history'.<sup>62</sup>

A submission tells us that the NSC agreed to introduce legislation to ensure that the terrorist wing of Hizballah was listed as a terrorist organisation.<sup>63</sup> At the same time, the committee amended

the text of *Australia's national security: a defence update* to clarify that: 'The Australian Government is aware that the majority of Muslims hold moderate views and that they are no less victims than other religious, ethnic or national groups'.<sup>64</sup> The NSC also agreed to implement International Maritime Organization (IMO) measures to enhance maritime security.<sup>65</sup>

In the region, Australia had played a prominent role from 1997 to 2000 in the peace process in Bougainville, Papua New Guinea, deploying more than 2,500 ADF personnel and 300 civilians in the Peace Monitoring Group (PMG). In March 2003 the NSC decided to plan for the withdrawal of the PMG from 30 June 2003, and on 28 May it agreed that a small unarmed civilian force should replace the PMG.<sup>66</sup> On 22 July 2003 Cabinet noted an oral briefing from Downer and Robert Hill, Minister for Defence, on the Australian-led Regional Assistance Mission to Solomon Islands (RAMSI).<sup>67</sup> RAMSI was established in response to a request for international aid by the governor-general of Solomon Islands in response to ethnic violence in the period between 1998 and 2003.<sup>68</sup>

In a short minute without submission, Cabinet noted advice from Downer on negotiation of a unitisation agreement with the East Timorese government relating the Sunrise and Troubadour petroleum fields and legislation to ratify the 2002 Timor Sea Treaty.<sup>69</sup> In addition, the NSC agreed in June 2003 that an inter-departmental committee should consider an appropriate legislative and administrative framework to protect offshore oil and gas infrastructure, particularly in the Timor Sea.<sup>70</sup>

An extraordinary occurrence in 2003 was the Australian Parliament being addressed on consecutive days by US President George W Bush, and the president of a country that was soon to become Australia's largest trading partner, China's Hu Jintao.<sup>71</sup> Before 2003 only two foreign heads of state had addressed a joint meeting of the Australian Parliament: former US President George HW Bush in January 1992 and then US President Bill Clinton in 1996.

Around the time of Hu Jintao's visit, inter-governmental negotiations took place on 9 and 10 October 2003 regarding the Australia–China Trade and Economic Framework (TEF) – a framework agreed in May 2002 by Howard and then Chinese Premier Zhu Rongji for a possible joint scoping study on a bilateral free trade agreement between Australia and China.<sup>72</sup> China would not agree to such a study unless Australia agreed to recognise China as a market economy, but such recognition was then a major step for Australia, and one that would have attracted considerable international attention. In canvassing options, Trade Minister Vaile recommended, and Cabinet accepted, that Australia not fully accede to China's demands in a way that would have impinged on domestic anti-dumping and safeguard actions against Chinese imports. As a concession, Cabinet accepted that it was willing to recognise, in due course, China as a market economy.<sup>73</sup>

Negotiation of a free trade agreement with the United States was one of the rewards for Australian participation in the war in Iraq. On 3 March 2003 Cabinet agreed to a joint submission from Vaile and Downer for Australia to pursue a genuinely comprehensive free trade agreement between the two countries. While striving to achieve reduced barriers to trade and enhanced market access, Australian ministers expected that US requests would cover sensitive areas such as single desk marketing, pharmaceutical benefits, foreign investment screening, parallel importation and copyright legislation.<sup>74</sup>

Formal rounds of negotiations commenced in March 2003, with subsequent rounds in May, July, October and December ahead of the end-of-2003 target for concluding the negotiations. The third round of negotiations in July was crucial. Before this took place, Cabinet canvassed various options, including eliminating tariffs on the importation of all goods from the United States, but

preferred to offer to reduce tariffs to zero, except for those on passenger motor vehicles and textiles, clothing and footwear.<sup>75</sup> On 9 October 2003, before the next round of negotiations, Cabinet agreed to Vaile's request to modify the existing mandate for the negotiations following a US offer on agricultural trade that was deemed adequate.<sup>76</sup> The agreement with the United States was signed on 18 May 2004 and would come into effect on 1 January 2005.

Writing in 2015, Shiro Armstrong observed that the free trade deal was negotiated and signed within a year because of Howard's determination to consummate a trade deal with the United States in the context of the second Iraq War. The deal, Armstrong considered, damaged Australia's trade by diverting it away from low-cost sources.<sup>77</sup> Cabinet also considered submissions on other trade agreements, including signing the agreement with Singapore after Vaile had reached agreement with his counterpart there, making progress on a free trade agreement with Thailand and strengthening trade and economic links with Japan.<sup>78</sup>

By 2003 progress in the so-called Doha Round of multilateral trade negotiations had been mixed with some areas, such as services, moving at a reasonable pace, while others, such as agriculture, progressed more slowly.<sup>79</sup> Vaile obtained Cabinet approval for an Australian negotiating approach that sought substantial gains in market access for agricultural and industrial products and services while preventing gains being eroded in areas such as anti-dumping subsidies and countervailing measures.<sup>80</sup> Cabinet agreed to Australia's participation in the World Exposition held in Aichi, Japan, in 2005.<sup>81</sup> It also approved the signing of an agreement with New Zealand to jointly regulate therapeutic products.<sup>82</sup>

Another Cabinet submission relates to the sale of Australian wheat to Iraq by AWB Limited (the Australian monopoly wheat trader formerly known as the Australian Wheat Board). Under the UN Oil-for-Food Programme (OIP), which expired on 21 November 2003, AWB had become the dominant supplier of wheat to the Iraqi market. Iraq was Australia's largest wheat market in 1999–2000 and 2001, and Australia secured an average 65 per cent of the Iraqi wheat market over the period from 1996 to 2003. In 2001–02 Australia exported 2.2 million tonnes of wheat worth \$800 million, representing 82 per cent of Iraqi imports and 13.5 per cent of Australian wheat exports.<sup>83</sup>

The extraordinary success of the Australian wheat trade in Iraq was partly explained by the subsequent discovery, in the mid-2000s, that AWB had been paying kickbacks to the regime of Saddam Hussein through a middleman.<sup>84</sup> The discovery led to a major scandal and a royal commission presided over by Justice Terence Cole. To cover for the period following the anticipated expiry of OIP in November 2003, Cabinet agreed on 22 October to establish a trade finance facility, by means of the Export Finance and Insurance Corporation (EFIC), that would provide re-insurance for Australian wheat exporters on the National Interest Account (NIA). The NIA facility covered a maximum of \$350 million of exports to Iraq for exports shipped before December 2004.<sup>85</sup>

In matters of international law, Cabinet approved a recommendation from Downer, Attorney-General Philip Ruddock, David Kemp, Minister for the Environment and Heritage, and Ian Macfarlane, Minister for Industry, Tourism and Resources, to make a submission to the UN Commission on the Limits of the Continental Shelf. This proposed the extension of the outer limits of Australia's continental shelf beyond 200 nautical miles from the territorial sea baseline, including in the areas adjacent to the Australian Antarctic Territory. In doing so, the ministers sought to take advantage of the opportunity to define an internationally accepted outer limit that would protect Australia's exclusive sovereign rights and interests in possible future exploration and exploitation of the non-living and sedentary living resources of the seabed and subsoil in the area beyond 200 nautical miles as well as bestowing rights to regulate marine scientific research and the marine environment.<sup>86</sup>

Approval of the submission permitted Australia to submit the data in 2004 within the 10-year deadline set by the 1982 UN Convention on the Law of the Sea (UNCLOS) and to become the third country after Russia and Brazil to do so. This in turn enabled Australia, via the *Seas and Submerged Lands (Limits of the Continental Shelf) Proclamation 2012*, to define the 11 million square kilometres of seabed over which it could exercise exclusive rights to seabed resources. Two areas of Australia's augmented continental shelf extended south into the Antarctic Treaty area.<sup>87</sup>

On other international legal matters, Cabinet authorised relevant ministers, including Attorney-General Daryl Williams (who would be succeeded by Philip Ruddock from 7 October 2003), to prepare a negotiating mandate for the development of a thematic convention on the rights of persons with disabilities.<sup>88</sup> Cabinet also agreed to a submission from Downer that Australia should ratify a convention on procedures for handling hazardous chemicals and pesticides in international trade.<sup>89</sup>

In September 2002 Howard wrote to Defence Minister Robert Hill, expressing his concern about continuing performance problems with major defence acquisitions.<sup>90</sup> To address this long-term problem, Howard appointed a Secretaries Task Force and an External Defence Procurement Team, the latter consisting of Malcolm Kinnaird AO (Chairman), Len Early PSM and Bill Schofield AM. The team recommended reforming the Defence Materiel Organisation (DMO), which had been established in mid-2000, by drawing together the Defence Acquisition Organisation and Support Command Australia to produce an integrated organisation with responsibility for 'whole-of-life' acquisition and through-life support of capabilities.<sup>91</sup> In 2003 Cabinet agreed to several recommendations, including establishing the DMO as an executive agency within the Defence portfolio and as a prescribed agency under the *Financial Management and Accountability Act 1997*. These reforms were designed to transform the culture of the DMO to make it more business-like and performance-focused.<sup>92</sup>

Cabinet approved another of Hill's submissions to meet key priorities over the four years from 2003–04 to 2006–07, with a fiscal impact of \$2,802.3 million. This decision stemmed from the 2000 Defence White Paper and the associated Defence Capability Plan, which was described as the most 'specific long-term Defence funding commitment given by any Government in 25 years'.<sup>93</sup> Defence spending was set to increase by \$500 million in 2001–02, \$1 billion in 2002–03, and thereafter by 3 per cent annually in real terms. Hill and his department continued to work on reforming Defence's budgeting processes by focusing on whole-of-life capability management in acquisitions and logistics and by concentrating responsibility for asset management in both the DMO and the Corporate Services and Infrastructure Group.<sup>94</sup> In another defence submission, Hill sought Cabinet approval for Defence to amend its budgeting and reporting obligations, which were hitherto based on one outcome: 'the Defence of Australia and its National Interests'. Instead, Hill proposed a reporting structure with seven Outcomes, supported by 29 Outputs and 34 Programs.<sup>95</sup>

In July 2003 Hill received approval to acquire command and control systems and communications infrastructure to upgrade Australia's air defence systems.<sup>96</sup> A decision to sell and then lease back the Department of Defence's Russell Offices had been taken in 2000 and was confirmed in April 2002. Following that decision, the Department of Finance and Administration and the Department of Defence submitted a memorandum to the NSC in 2003 on necessary steps to address national security considerations before the sale.<sup>97</sup>

Australia's six *Collins* Class submarines were constructed in Adelaide between 1990 and 2003 by the Australian Submarine Corporation (ASC) to a Swedish design. In October 2003 the NSC agreed to a recommendation from Hill for the Commonwealth to sign a contract with the ASC for through-

life support of the submarines. The initial period of the agreement was 15 years, with options to extend to 25 years.<sup>98</sup> Hill also received approval to increase the total funding for Australia's military satellite communications, providing continuous UHR-band low data rate coverage across the region, from Sri Lanka in the west to Hawaii in the east, and from Antarctica to the Arctic Circle.<sup>99</sup>

To promote defence cooperation with our regional neighbours, on 28 May 2003, Cabinet approved a recommendation from Hill that Australia release a second and final tranche of financial assistance worth \$20 million towards the Papua New Guinea (PNG) government's efforts to reform the PNG Defence Force. The assistance, which had commenced in 2001, was predicated on a firm PNG agreement to a downsized force of around 2,000 (a reduction of more than 1,000).<sup>100</sup>

### **Economic, social welfare, health, education and immigration policies**

Many of the 2003 Cabinet submissions relate to the Howard government's policies in the areas of the economy, social welfare, health, education and immigration. The Australian economy performed well in 2003. Despite drought, war and rising oil prices, Australia enjoyed a Gross Domestic Product (GDP) growth rate of 2.7 per cent at the beginning of the year, a 6.1 unemployment rate in the middle of the year and an increase in the Consumer Price Index (CPI) at an annual rate of 2.7 per cent.<sup>101</sup> A budget surplus of \$2.2 billion and forecasted economic growth of 3.25 per cent permitted modest 'sandwich and milkshake' income tax cuts for those earning between \$30,000 and \$50,000 and larger cuts for low- and high-income earners.<sup>102</sup> The state of the economy emboldened Cabinet to agree to a moderate increase of up to \$12 per week in the Federal Minimum Wage in the Australian Industrial Relations Commission.<sup>103</sup>

In September 2003 Treasurer Peter Costello announced a federal Budget surplus of \$7.5 billion, raising the prospect of more tax cuts before the 2004 election. In a joint Budget submission for the 2004 pre-election Budget, Costello and Nick Minchin, Minister for Finance and Administration, proposed a staged process beginning with an examination of the state of the Budget in December 2003 by senior ministers and a final stage of early preparation of the Budget in April and May 2004. Cabinet also approved amendments to the budget process that clarified the definition of new policy proposals and improved the processes for identifying financial implications and risks.<sup>104</sup>

Under the National Competition Policy (NCP) framework, Costello introduced a submission for a measure to allow the Australian Government to make competition payments to states and territories assessed by the National Competition Council (NCC). The role of the NCC was to assess the progress of all jurisdictions in respect of implementing agreed NCP and related reforms (water, gas, electricity and road transport.) Cabinet accepted Costello's recommendations for competition payments to states and territories that in some cases involved imposing penalties.<sup>105</sup> Together, Costello and Tony Abbott, Minister for Employment and Workplace Relations, received Cabinet approval of a report on using employee share ownership schemes to drive productivity.<sup>106</sup>

Minchin brought to Cabinet his own submission aimed at curbing the increasing costs of the Public Sector Superannuation Scheme (PSS), whose unfunded liabilities in 2003 were around \$9 billion after 12 years of operation. Legislation to close the scheme had been defeated in the Senate in 2001, and closure continued to attract opposition from the non-government parties in the upper house. Cabinet agreed in 2003 to convert the PSS to a fully funded accumulation scheme for all new employees and office-holders who became PSS members from 1 July 2005.<sup>107</sup>

Senator Helen Coonan, Minister for Revenue and Assistant Treasurer, received Cabinet approval for a strategy to address low levels of consumer and financial literacy in Australia.<sup>108</sup>



Another subject for Cabinet on the economy was dealing with the collapse of HIH Insurance group of companies, which went through a corporate collapse in March 2001. In May of that year, Cabinet agreed to implement an assistance scheme to alleviate genuine hardship cases for policyholders affected by the failure of those companies. In 2003 Coonan sought Cabinet approval to close the HIH Claims Support Scheme and establish a limited gateway for special circumstances claims.<sup>109</sup> In another submission, Coonan received approval to introduce a civil penalty regime to deter promotion of tax avoidance and tax evasion schemes.<sup>110</sup>

The universal health care system Medicare, established by the Hawke government in 1984, assisted Australians in meeting health care costs. While hospital care was free and the Pharmaceutical Benefits Scheme (PBS) limited patient contributions to fixed co-payments with a safety net arrangement, there were no such guarantees around patient contributions for medical services funded under the Medical Benefits Schedule (MBS). By late 2002 opinion polls were registering a degree of public concern about the Medicare system.<sup>111</sup> The affordability problem was being manifested in three ways: where the upfront cost of a visit to the doctor was a barrier; where the gap cost of a single visit was the barrier; or where cumulative gap costs were the barriers.<sup>112</sup> The level of bulk-billing, which had fallen for 11 quarters before May 2003, became the litmus test of the Howard government's commitment to universal access to health care.<sup>113</sup>

In 2003 Howard showed that he continued to have no desire to expend political capital in fighting the popular Medicare scheme.<sup>114</sup> To that end, Kay Patterson, Minister for Health and Ageing, launched 'A Fairer Medicare', described as 'the most far-reaching reform of Medicare since its introduction in 1984', and created new incentives to bulk-bill in rural areas and for pensioners and other cardholders.<sup>115</sup> But instead of calming hostility, Patterson's reforms:

heightened concerns that Medicare was being undermined by stealth, moving towards a two-tiered system with means-tested bulk-billing. Patterson took the brunt of this attack, and was replaced by Tony Abbott as minister ... with a brief to end the growing political discontent over bulk-billing.<sup>116</sup>

On 5 November 2003 Cabinet agreed to enhance the Fairer Medicare package, including by extending the government-funded MBS safety net arrangement for concessional patients. This covered 80 per cent of out-of-pockets costs above \$500 a year for low-income families and above \$1000 a year for other families in a calendar year.<sup>117</sup> While the version of the plan announced by Abbott was a more generous one than the earlier version, it retained a fundamental assumption in Patterson's scheme. This was that both schemes aimed to 'recast Medicare as a safety net, rather than as the system of universal cover it was conceived to be'.<sup>118</sup>

A related problem for the Howard government was the rising cost of private health insurance premiums. All 43 health funds applied for premium increases in 2003, and the previous year had seen growth in benefits exceed growth in contribution income by a wide margin. This problem saw Patterson make a submission in February 2003 to secure Cabinet's agreement to a package of measures to reduce pressure on premium increases. Patterson's submission focused on the issues of prostheses benefits, reinsurance arrangements – a method of risk equalisation to support community rating, which required that funds not discriminate based on age, sex, health status or claims history when paying benefits or settling premiums – and default and ancillary benefits.<sup>119</sup>

Other initiatives in the Health portfolio included Cabinet's agreement to a recommendation from Patterson for Australia to sign the World Health Organization's Framework Convention on Tobacco Control. Australia had been a prominent member of the intergovernmental negotiating body

that developed the text. By 2003 Australia's public health policies on tobacco were among the most advanced in the world owing to measures such as bans on advertising, health warnings on tobacco products and restrictions on smoking in public places.<sup>120</sup>

Related initiatives in the health portfolio included Cabinet's agreement to the government's response to reviews in 2002 of the National HIV/AIDS and Hepatitis C Strategies and Strategic Research in HIV/AIDS, hepatitis C and Indigenous sexual health.<sup>121</sup> Another was Cabinet's approval of a National Illicit Drug Strategy (NIDS) that took the government's total spending commitment to 'Tough on Drugs' to over \$1.2 billion.<sup>122</sup>

By 2003 the Health Insurance Commission (HIC), an agency with a board of directors reporting to the Minister for Health and Ageing, was in financial trouble. The HIC's 10-member board included the managing director and the Secretary of Health in an *ex officio* position. It received 95 per cent of its revenue from the Department of Health, with the remainder coming from the Department of Veterans' Affairs (DVA) (4 per cent) and the Department of Family and Community Services (FACS) (1 per cent).

Under an agreement signed with Health in 1998, the HIC was responsible for managing legislated functions, processing claims, and paying benefits under Medicare and the Pharmaceutical Benefits Scheme (PBS) and delivering services connected with several other health programs. The HIC's revenue was in the order of \$442 million in 2002–03 and was collected under purchaser-provider arrangements with Health, DVA and FACS. The Output Pricing Arrangement with Health, however, had not delivered sufficient funds to ensure the HIC's solvency. This prompted Patterson to ask for additional funding for HIC of \$34.3 million in 2003–04.<sup>123</sup>

In July 2002 the government agreed that work and family should be a strategic priority for the government's third term. Accordingly, in September of that year, Howard commissioned an Interdepartmental Work and Family Taskforce on to develop policy options. One of the fruits of this taskforce, which provided its initial report to Cabinet in 2002, was a submission from Larry Anthony, Minister for Children and Youth Affairs, to expand access to childcare. Although Anthony proposed the uncapping of Outside School Hours (OSH) and Family Day Care (FCC), Treasury persuaded Cabinet to proceed by expanding places by a set amount.<sup>124</sup>

Brendan Nelson, Minister for Education, Science and Training, introduced a major package for the reform of the higher education sector. In 2001 this sector employed 80,000 people and had total revenue of \$10.2 billion, contributing 1.5 per cent to GDP. Commonwealth funding – including the Higher Education Contribution Scheme (HECS), at around \$6.2 billion in 2001 – accounted for about 61 per cent of total sector funding. In the decade leading up to 2000 the higher education sector attracted a 30 per cent increase in the number of students, and there was a greater emphasis during that time on seeking funding from non-Commonwealth sources. However, the last major reform of the higher education sector had taken place in 1988, when the Hawke government introduced the Unified National System and HECS.

In 2003 Nelson's package included extending unsubsidised loans to fee-paying students in public institutions.<sup>125</sup> His reforms preserved and even tightened many elements of the centrally controlled system, but they also created new price signals and gave students enrolled at private higher education institutions access to a loans scheme. Under the 2003 package, student charges in government-subsidised places would be set by the university, within limits imposed by the Commonwealth, and the income generated would go to the university.<sup>126</sup>

Nelson also received authority from Cabinet to open a dialogue with private schools on funding arrangements for non-government schools in the 2005–08 quadrennium. At that time, 30 per cent of private schools were funded based on need according to their socioeconomic status (SES). However, the Catholic school systems, which made up 61 per cent of non-government schools, received funding based on historical rates rather than on SES scores. Nelson thought that bringing Catholic schools into the SES policy was good policy and likely to be cheaper than other options.<sup>127</sup> He also devised a new method for the Commonwealth's contribution to the national vocational education and training (VET) system. This approach incorporated new performance measures relating to Commonwealth priorities for addressing 'Australia's changing demographics, welfare reform, youth transitions, practical reconciliation for Indigenous Australians and workplace relations'.<sup>128</sup>

Philip Ruddock, Minister for Immigration and Multicultural and Indigenous Affairs, persuaded Cabinet that the success of policies in relation to those attempting to come to Australia by boat meant that the government had been able to restore the balance in its humanitarian immigration program. This had enabled his department 'to provide greater entitlements for those resettled from countries of first asylum and reduced entitlements for those resettled as secondary movers'.<sup>129</sup> Ruddock and Downer received Cabinet approval to seek extensions of offshore processing arrangements with Nauru and, possibly, Papua New Guinea.<sup>130</sup> This was deemed necessary because the processing facility on Christmas Island was not expected to be ready until 2006.<sup>131</sup>

Kay Patterson, as Minister for Family and Community Services, and Kevin Andrews, Abbott's successor as Minister for Employment and Workplace Relations, obtained guidance for Cabinet on the government's long-term plans to modernise the social support system to better support participation and self-reliance of working-age people. This was consistent with the McClure Reference Group's recommendation to the government in 2000 to balance the goals of poverty alleviation and participation.<sup>132</sup>

Another subject on the social security front was negotiation of a social security agreement with Greece. Negotiations had been going on for ten years but had stalled over the issue of the level of pension paid to former Australian residents who moved back to Greece before they retired. Without an agreement, they could not claim an Australian pension when they reached pension age.<sup>133</sup> An agreement would eventually be concluded in 2007.<sup>134</sup>

Meanwhile, Ian Macfarlane and Joe Hockey, Minister for Small Business and Tourism, received Cabinet endorsement of a white paper on tourism, which was an industry contributing 4.5 per cent to GDP and representing 11.2 per cent of export earnings.<sup>135</sup> Cabinet also endorsed recommendations from Industry, Tourism and Resources for a whole-of-government approach to implementing recommendations for an Aerospace Industry Action Agenda.<sup>136</sup> On housing matters, it approved a submission from Amanda Vanstone, Minister for Family and Community Services, for a multilateral Commonwealth State Housing Agreement, with Commonwealth funding of over \$900 million per year from 2003–04 to 2007–08.<sup>137</sup>

### **Climate change, energy and the environment**

Having decided in 2002 not to ratify the Kyoto Protocol, the Howard government decided to respond to electoral pressure to take action to mitigate the long-term effects of climate change. One of the consequences was that in 2002, it adopted the Mandatory Renewable Energy Target (MRET). The MRET was introduced with an initial target of 9,500 gigawatt hours of new electricity generation and was intended to run to 2010.<sup>138</sup> In 2003 the government also pursued a forward strategy on climate,

as set out in a memorandum from the Department of the Environment and Heritage, the Department of Industry, Tourism and Resources, the Australian Greenhouse Office and DFAT. The plan wove together an international strategy, a domestic emissions abatement strategy and an adaptation strategy.<sup>139</sup> Treasury preferred to introduce a ‘non-prescriptive, broad-based market instrument’, such as ‘an emissions trading scheme’ of the kind that Howard would later foreshadow before the Australian general election in 2007.<sup>140</sup>

In a submission on their preferred approach to emissions management, David Kemp, Minister for Environment and Heritage, Costello, Downer and Joe Hockey, as Acting Minister for Industry, Tourism and Resources, recommended a ‘mandatory national emissions trading system’, albeit one that would not be introduced before 2012 ‘unless it was in the national interest to do so’.<sup>141</sup> On 8 September 2003, however, Cabinet decided not to support an emissions trading system after noting an oral report from Howard ‘on his meeting with industry leaders who expressed opposition to any government announcement of a disposition toward emissions trading as the preferred policy instrument for managing future emissions’.<sup>142</sup>

Cabinet noted several items of business before the Sustainable Environment Committee of Cabinet in 2003, including property rights for water, The Living Murray Program established in 2002, land-clearing in Queensland, national coastal policy, regional marine plans and priorities for the conservation of biodiversity.<sup>143</sup> The *Great Barrier Reef Marine Park Act 1975* required that zoning plans be developed for all areas declared to be part of the Great Barrier Reef Marine Park.

These were primary planning instruments for the conservation and management of the marine park. Cabinet gave Kemp authority to discuss key aspects of a revised zoning plan with stakeholders.<sup>144</sup> Cabinet also agreed that he should develop a Commonwealth position on a national Water Efficiency Labelling and Standards (WELS) scheme for consideration at the Environment Protection and Heritage Council meeting held in Perth on 2 October.<sup>145</sup> Ministers supported the work of the Department of the Environment and Heritage to halt the decline in Australia’s biodiversity through the Natural Heritage Trust, the National Action Plan for Salinity and Water Quality and efforts to reduce land clearing and promote environmental flows.<sup>146</sup> Cabinet also considered options for environmental measures associated with the reform of fuel excise.<sup>147</sup>

In energy policy, on 6 March 2003, Cabinet’s Energy Committee established an energy task force, a whole-of-government process involving officers from the Department of the Prime Minister and Cabinet (PM&C), the Department of the Treasury, the Department of the Environment and Heritage (DEH), the Department of Transport and Regional Services (DOTARS) and the Department of Industry, Tourism and Resources (DITR).<sup>148</sup> The task force was instructed to develop proposals for a more consistent and integrated framework for energy policy, to identify key decisions that the government needed to take during the year, and establish a clear timetable for the taking of those decisions.

The approach and timetable proposed by the task force supported the development of a major public statement on energy policy. Key decisions on energy policy in 2003 included the government’s response to an Independent Review of Energy Market Directions chaired by former Liberal Senator Warwick Parer; development of the Climate Forward Strategy discussed above; consideration of a National Framework on Energy Efficiency being developed by the Ministerial Council on Energy (MCE); a response to Sasol Chevron’s application for an investment incentive for its proposed Gas to Liquids project; a review of the balance of resource development initiatives; a review of the Gas Access Regime; and reform of the downstream petroleum market.<sup>149</sup>

In August 2003 Cabinet accepted the position of the energy task force that Australia enjoyed a strong energy position and argued against the needs for pipelines to supply gas from Western Australia and northern Australia to south-eastern Australia. The task force argued that:

While observing that declining reserves proximate to the south east markets may result in higher gas prices in the medium term, the Task Force does not consider this provides sufficient reason to intervene in the market.<sup>150</sup>

The Howard government pursued negotiations with the states and territories to try to develop a national legislative framework for the national energy market; establish a single national regulator for electricity and gas located in the Australian Competition and Consumer Commission (ACCC); develop a national code for energy distribution and retailing to be brought within the national energy regulator by 2005; and establish an independent transmission planning panel by 2004. While federal ministers made some progress in negotiations in June 2003, the states and territories resisted the Commonwealth's objective of a single national energy regulator within the ACCC.<sup>151</sup>

As part of its 2001 election campaign, the government announced a Biofuels for Cleaner Transport plan to promote the production, distribution, and transportation of biofuels. In 2003 Costello and Kemp obtained Cabinet agreement on measures to support greater market acceptance of ethanol–petrol blends in Australia by setting a 10 per cent upper limit for ethanol in petrol and by providing for fuel labelling under the *Fuel Quality Standards Act 2000*.<sup>152</sup> On a related matter, the Department of Industry, Tourism and Resources submitted a memorandum to Cabinet on Australia's obligations to participate in emergency oil measures developed by the International Energy Agency (IEA) to meet future oil supply emergencies. This issue had heightened relevance following the loss of Iraqi oil supplies during the Iraq War.<sup>153</sup>

### **Transport, infrastructure, communications, and legal issues**

Several submissions relate to the Royal Commission into the Building and Construction Industry, an inquiry established by the Howard government in 2001 to inquire into alleged misconduct in the building and construction industry in Australia.<sup>154</sup> The building and construction industry, which contributed an estimated 5.5 per cent to GDP annually had a pivotal role in Australia's economy. This inquiry followed several unsuccessful attempts by the Howard government to regulate the conduct of industrial relations more strongly within that industry. The royal commission commenced on 29 August 2001 and was overseen by a sole royal commissioner, Justice Terence Cole, who handed his final report to the governor-general on 24 February 2003.

Although Cole found no evidence of organised criminal activity, he recommended sweeping changes to industrial relations laws applicable to that industry. On 1 April 2003 Cabinet agreed to a response to Cole's final report in two stages: a broad initial response, to be followed by a detailed second-stage response. On 2 April 2003 Tony Abbott, Minister for Workplace and Employment Relations, announced industry-specific legislation to regulate workplace relations in the industry, including a new regulatory body, the Australian Building and Construction Commission (ABCC). A Treasury submission provided a response that accepted 27 of 32 recommendations, either wholly or partially.<sup>155</sup>

The government's efforts to implement its reform legislation for the industry stalled in the Senate in 2004 but were revived in 2005 after the government secured control of the upper house. This enabled passage of the *Building and Construction Industry Improvement Act 2005* along with establishment of the Office of the Australian Building and Construction Commissioner (ABCC), an

independent statutory authority responsible for monitoring and protecting workplace relations in the building and construction industry.

In November 2002 Cabinet considered the report of the Regional Telecommunications Inquiry (RTI) chaired by Dick Estens. Cabinet accepted that the RTI report provided a sufficient basis for proceeding with the full privatisation of Telstra as long as two issues identified in the report were addressed. Accordingly, in June 2003 Cabinet agreed to a submission from Richard Alston, Minister for Communications, Information Technology, and the Arts, that legislation be introduced as soon as possible to enable full privatisation of Telstra Corporation (Telstra).

To ease the path, Cabinet agreed to Estens' key recommendations. One was to impose a license condition on Telstra to provide dial-up internet access over its fixed telephone network at a minimum equivalent data rate of 19.2 kilobits per second. The other was to require the Australian Communications Authority (ACA) to identify the worst-performing Exchange Service Areas (ESAs) in regional, rural and remote areas and require Telstra to provide a formal strategy for improving service in those ESAs.<sup>156</sup>

Alston had less success with a submission proposing new arrangements for costing and funding the Universal Service Obligation (USO) that had been established in the *Telecommunications (Consumer Protection and Service Standards) Act 1999* to ensure reasonable access to telephone services for all Australians. In practice, Telstra was the sole USO provider in Australia, 'reflecting its historical position as the incumbent, ubiquitous national service provider, with other major providers subsidising Telstra for this provision on the basis of a costing model'.<sup>157</sup>

Alston's submission was based on the RTI's finding that current USO obligations might be favouring Telstra and constraining regional competition. To address this problem, he framed a submission requiring Telstra to take on full responsibility for the USO in regard to telephone services, but to make a clear break with the USO when encouraging access to important new services such as broadband. On 15 April 2003, however, Cabinet decided not to proceed with the submission.<sup>158</sup>

In another communications submission Alston sought guidance from Cabinet on a proposal for the merger of the Australian Broadcasting Authority (ABA), the body responsible for broadcasting licensing, regulation of commercial and subscription broadcasting services, online content regulation and Broadcasting Services Bands, and the ACA, the agency responsible for the regulation of telecommunications licensing, most aspects of telecommunications-specific service regulation and the management of spectrum other than the 'broadcasting services bands' (that is, that part of the spectrum used for commercial, national and community television and radio).<sup>159</sup> Changes to cross-media ownership rules including a two-out-of-three media sector limit for TV/newspaper/radio mergers and metropolitan and rural/regional voice limits, were noted by Cabinet, but it took until 2005 for these to come to fruition.<sup>160</sup>

A memorandum from the Department of Transport and Regional Services, the Treasury and PM&C responded to Cabinet's request in December 2002 to examine options for more effective and efficient operation of the coastal trading permit system. Unlike many other countries, Australia did not reserve its coastal trade for Australian flagged or based vessels. The coastal trade was open to foreign shipowners under a licensing system whose main prerequisite was that they pay Australian wages to their crews. Cabinet decided to extend the interim immigration arrangements in respect of foreign crews on Australian ships – arrangements announced by Ruddock in December 2002 – and to remove the need to provide six months' notice of cancellation of a Continuing Voyage Permit (CVP).<sup>161</sup>

The sale of Sydney (Kingsford Smith) Airport was completed in 2002. In the same year, Nick Minchin, Minister for Finance and Administration, and John Anderson, Minister for Transport and Regional Services, were given approval for their proposed strategy to sell the three remaining Sydney airports (Bankstown, Camden and Hoxton Park).<sup>162</sup> Meanwhile, Attorney-General Daryl Williams received Cabinet approval for a strategy to combat rising levels of identity fraud. This did not embrace the national identity card idea that the Hawke government had tried but failed to implement in the 1980s, but rather sought to develop common supporting mechanisms for Commonwealth agencies to ensure accuracy in the verification of identity and a basis for cleansing existing data that had not been verified.<sup>163</sup>

In 2001 the Senate rejected legislation to establish an Administrative Review Tribunal (ART) by amalgamating the Administrative Appeals Tribunal (AAT), the Social Security Appeal Tribunal (SSAT), the Merits Review Tribunal (MRT) and the Refugee Review Tribunal (RRT). That being so, Williams recommended discontinuing the plan to establish a single tribunal, but instead reforming the AAT and pursuing administrative efficiencies with respect to the federal merits tribunal.<sup>164</sup> Williams also made a submission to Cabinet on reform of the family law system, and Chris Ellison, Minister for Justice and Customs, received approval to amend the *Criminal Code Act 1995* to introduce new telecommunications offences in relation to internet content.<sup>165</sup>

### **Rural and regional issues**

In rural and regional policy, Cabinet had on its agenda the Sustainable Regions Program. This was one of the issues that spoke to an enduring issue in the Howard government: maintaining the relationship between the Liberal and National parties. During the period of this government, the National Party, the junior Coalition party, was losing numbers and had, at the same time, to combat Pauline Hanson's 'One Nation' movement.<sup>166</sup> In the 2000s there were none of the vigorous Coalition battles that had occurred in the early 1950s (the debate over revaluation), the late 1960s (what to do about sterling's devaluation) and 1971–72 (devaluation again).<sup>167</sup>

The National Party nonetheless fought its corner on aid to rural and regional Australia, which was one of the nine major issues identified by Cabinet on 30 July 2002. One of its projects was the Sustainable Regions Program (SRP), a project resulting from the *Stronger regions, a stronger Australia*, endorsed by Cabinet on 20 August 2001. The SRP was designed to assist regions undergoing major economic, social, technological and environmental change and to support community leadership in the development of local solutions.

The eight regions were the Atherton Tablelands and Wide Bay Burnett (Qld); Far North East New South Wales and Campbelltown–Camden (NSW); Gippsland (Vic); North West and West Coast (Tas); Playford/Salisbury (SA); and Kimberley (WA). By August 2003 Anderson had approved 97 projects to the value of \$29.5 million (GST exclusive), and the projects had attracted an additional \$84 million in funding from other partners.<sup>168</sup> Another facet of the *Stronger regions, a stronger Australia* project in 2003 was Cabinet's agreement to publish an independent report, *Regional business – a plan for action*. The report was commissioned to identify impediments to the growth and effectiveness of federal government assistance to regional business.<sup>169</sup>

Following a disastrous fire season in the Australian Capital Territory in 2003 and severe drought across much of the country from March 2002 to January 2003, Cabinet agreed to set up a national inquiry into bushfire prevention and mitigation and continued to provide financial relief to farmers to manage drought conditions.<sup>170</sup>

## Indigenous policy

A key Cabinet submission from 2003 in the Indigenous area was concerned with health. A National Aboriginal and Torres Strait Islander Health Council had developed the *National strategic framework for Aboriginal and Torres Strait Islander health* to provide an approach to Indigenous health. The development of the framework was driven by the Commonwealth and gained the support of state and territory governments, the Aboriginal and Torres Strait Islander Commission (ATSIC) and the Aboriginal community-controlled health sector. It aimed to achieve a whole-of-government commitment in each jurisdiction to address nine key result areas, recognised that action had to be in partnership with local communities, and devoted attention to improving the responsiveness of the mainstream health system to the needs of Indigenous Australians.<sup>171</sup>

Ruddock sought to shape a draft *UN Declaration on the Rights of Indigenous Peoples* so as to avoid the use of 'self-determination' in the operative articles of the declaration.<sup>172</sup> Later, Amanda Vanstone, Ruddock's successor as Minister for Immigration and Multicultural and Indigenous Affairs, obtained Cabinet's approval to modernise the Malcolm Fraser-era *Aboriginal Councils and Associations Act 1976* into what became the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* after a review agreed by Cabinet in July 2002.<sup>173</sup>

In November 2003 Vanstone received the final report of the review of ATSIC, *In the hands of the region*.<sup>174</sup> Intended by the Hawke government in 1990 to be the body through which Indigenous people were formally involved in the processes of government affecting their lives, ATSIC had attracted criticism over succeeding years – perhaps unfairly, given that it had achieved a measure of success in promoting Indigenous self-determination. The decentralised structure of ATSIC, based on regional councils, gave elected representatives real power over funding, and in 2002 almost half of the Commonwealth's \$2.5 billion Indigenous-specific spending was controlled by ATSIC. Yet policy differences emerged between the minister and ATSIC, which, following the 2001 election, was subsumed within the larger Department of Immigration, Multiculturalism and Indigenous Affairs. In June 2002 the Howard government approved a recommendation from Ruddock to review the operations of the commission. While the report that was eventually delivered to Vanstone did not advocate abolishing ATSIC, it did point out the limitations of providing funding through mainstream agencies. Nonetheless, in 2004 legislation was enacted to finally abolish the body.<sup>175</sup>

In August 2002 Cabinet had decided that the government should not issue an apology for past treatment of Indigenous people, not to pursue a treaty and not to have a referendum for a new preamble to the Constitution.<sup>176</sup> However, in 2007, Howard would reverse one aspect of these decisions by putting the issue of Constitutional recognition on the table – thus setting Australia on the path to the unsuccessful 2023 referendum on the Indigenous Voice to parliament.<sup>177</sup>

## Conclusion

Australia joined the war in Iraq in March 2003, even while maintaining that it had not made up its mind until the last moment.<sup>178</sup> As Graeme Dobell put it in 2013:

The Howard Government claimed to be considering all options, but in reality it closed down consideration. Options weren't called for. Getting wrong answers to questions posed about Iraq would make it harder for the Prime Minister to take Australia to war.<sup>179</sup>

By contrast, Canada's prime minister, Jean Chrétien, made it clear in 2002 that his country's participation in any war against Iraq would depend on having the support of the United Nations.<sup>180</sup> The policy still permitted Chrétien to participate in the invasion should China or Russia veto a



resolution that was supported by the rest of the US Security Council. In 2003, when the Security Council did not support the war, neither did Canada. By contrast, Australia went ahead with its commitment to the United States in Iraq lacking a Security Council resolution but armed with internal advice that the use of force was authorised by earlier Security Council resolutions.<sup>181</sup>

The October 2003 visit to Australia by the leaders of the United States and China offered the Australian Government hope that these two foreign countries would establish a *modus vivendi* and that Australia would be able to maintain a constructive relationship with both its major ally and its soon-to-be major trading partner. At home, Australia was on the cusp of one of the greatest economic booms in its history, fueled by Chinese demand for exports of minerals and energy.<sup>182</sup> This boom gave the Howard government the space to turn its attention to reforms illuminated by these Cabinet papers. They include areas such as defence acquisitions, energy policy, the building and construction industry, the higher education and vocational training sectors, communications, coastal shipping, social welfare and the private and public health systems.

Two opportunities were missed in 2003. One was an emissions trading system, which Howard only sought to introduce at the end of his term and which one of his ministers, Tony Abbott, extinguished in 2013. The other was an Australian sovereign wealth fund, larger than the Future Fund for unfunded liabilities of politicians and public servants that was established by Peter Costello in 2006. Such a sovereign wealth fund could ideally have been introduced in 2003, when the China resources boom was beginning, with immense consequences for Australia's continuing prosperity once the boom had ended.<sup>183</sup>

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## Endnotes

<sup>1</sup> The title of this section is based on Graeme Dobell's perceptive series of articles on the Howard government's Iraq War decision in *The Strategist* cited below.

<sup>2</sup> James Bluemel and Renad Mansour, *Once upon a time in Iraq: history of a modern tragedy*, BBC Books, London, 2020; Benjamin Isakhan, 'Iraq war, 20 years on: how the world failed Iraq and created a less peaceful, democratic and prosperous state', *The Conversation*, 17 March 2023.

<sup>3</sup> Chapter VII of the United Nations Charter is the section that deals with international action in response to threats to world peace. The measures that can be taken under Chapter VII range from partial to complete interruption of economic relations and means of communication and the severance of diplomatic relations to the direct use of armed force (Article 42).

<sup>4</sup> 'President Bush announces major combat operations in Iraq have ended', 1 May 2003, [President Bush Announces Major Combat Operations in Iraq Have Ended \(archives.gov\)](https://www.archives.gov/newsroom/2003/05/01/bush-iraq)

<sup>5</sup> 'How the war started', *The Week*, 24 March 2003.

<sup>6</sup> Robert Draper, *To start a war: how the Bush Administration took America into Iraq*, Penguin Press, New York, 2020, cover. See also Thomas E Ricks, *Fiasco: the American military adventure in Iraq*, Penguin Press, New York, 2007.

<sup>7</sup> John Howard, 'Iraq 2003: a retrospective', Speech, Lowy Institute, 9 April 2013. See also John Howard, *Lazarus rising: a personal and political autobiography*, revised edition, HarperCollins, Sydney, 2011, Chapter 34.

<sup>8</sup> Julian Borger, 'Colin Powell's UN speech: a decisive moment in undermining US credibility', *The Guardian*, 19 October 2021; Judith Betts and Mark Phythian, *The Iraq War and democratic governance: Britain and Australia go to war*, Palgrave Macmillan, Basingstoke, UK, 2020.

<sup>9</sup> Quoted in Paul Barratt, 'Howard's war – a continuation of politics by other means', *Pearls and Irritations*, 10 March 2017.

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<sup>10</sup> Albert Palazzo, 'Iraq and the politics of alliance relationships', in Tom Frame (ed.), *Trials and transformations, 2001–2004: the Howard government*, vol. III, UNSW Press, Sydney, 2019, p. 238.

<sup>11</sup> Jean Edward Smith, *George Bush's war*, Henry Holt, New York, 1992.

<sup>12</sup> Ewen MacAskill and Julian Borger, 'Iraq War was illegal and breached UN Charter, says Annan', *The Guardian*, 16 September 2004. See James Traub, *The best intentions: Kofi Annan and the UN in the era of world power*, Bloomsbury, London, 2006.

<sup>13</sup> 'Every word of Crean's defining counter to John Howard on Iraq', 5 February 200, republished in *The Sydney Morning Herald*, 25 June 2003; Phillip Coorey, 'Labor's journeyman leaves a legacy of principle and reform', *Australian Financial Review*, 26 June 2023.

<sup>14</sup> Cabinet Submission JH03/0236 – Implications of the Post-Conflict Situation in Iraq for Australia's Migration and Refugee Programs, Decision of the National Security Committee, JH03/0326/NS, 25 June 2003, NAA: JH03/0236/NS.

<sup>15</sup> Without Submission – Iraq–Military Operations, Cabinet Decision JH03/0157/CAB, 1 April 2003, NAA: A14370, JH03/0157.

<sup>16</sup> John Howard, 'Iraq 2003: a retrospective', Speech, Lowy Institute, 9 April 2013.

<sup>17</sup> Paul Barratt, in 'Here we go again', *Arena Magazine*, October 2014, criticised decisions made by a small group of ministers to go to war in the cases of Vietnam, Iraq and Afghanistan. He argued that 'inhibitions based on concerns about the major ally's capacity to fight effectively and win within a period of a year or two (if perceived at all) can be easily swept aside by the desire ... to remain close to whoever is the US President at the time of deciding. Also in this system of decision-making, broader issues such as the morality of the commitment, which was clearly a major public issue in the cases of Vietnam and Iraq, are relatively easy for the Government to ignore or set to one side. The small group setting also makes it easier to believe faulty intelligence reports, or even dismiss them when they are inconvenient for the government's preferred policy'.

<sup>18</sup> John Howard, *Lazarus rising: a personal and political autobiography*, HarperCollins, Sydney, 2011, p. 445.

<sup>19</sup> Without Submission – Iraq: Authority for Australian Defence Force Military Action, Cabinet Decision JH03/0124/CAB, NAA: A14370, JH03/0124. Margaret Swieringa argues that the government's justification for war was not supported by any of its own agencies' intelligence. See Margaret Swieringa, 'Howard ignored advice and went to war in Iraq', *The Sydney Morning Herald*, 12 April 2013.

<sup>20</sup> Without Submission – Iraq – Military Operations, Cabinet Decision JH03/0157/CAB, 1 April 2003, NAA: A14370, JG03/0157.

<sup>21</sup> Howard, *Lazarus rising*, p. 446.

<sup>22</sup> Howard, *Lazarus rising*, p. 446.

<sup>23</sup> Gregory Pemberton, *All the way: Australia's road to Vietnam*, Allen & Unwin, Sydney, 1987; Peter Edwards with Gregory Pemberton, *Crises and commitments: the politics and diplomacy of Australia's involvement in Southeast Asian conflicts 1948–1965*, Allen & Unwin in association with the Australian War Memorial, Sydney, 1992; Gary Woodard, *Asian alternatives: Australia's Vietnam decision and lessons on going to war*, Melbourne University Publishing, Carlton, Vic, 2004; Gary Woodard, 'Two Australian wars, two prime ministers: Australia's virtual Vietnam, and lessons for today', NAPS/net Policy Forum, 18 April 2013, [Two Australian wars, two prime ministers: Australia's virtual Vietnam, and lessons for today | Nautilus Institute for Security and Sustainability](#)

<sup>24</sup> Paul Barratt, 'The war crimes inquiry should make us question how we go to war and why', *The Guardian*, 20 November 2020.

<sup>25</sup> Graeme Dobell, 'Iraq lessons: the Cabinet submission that never was', *The Strategist*, 23 November 2015, and 'Iraq lessons: the Cabinet submission that never was (part 2)', *The Strategist*, 30 November 2015.

<sup>26</sup> Robert Garran, *True believer: John Howard, George Bush and the American alliance*, Allen & Unwin, Sydney, 2004, p. 199.

<sup>27</sup> In an interview with Garran on 12 March 2004, Garran recorded that 'asked to comment on reports that there had been no overarching cabinet submission on Iraq, Howard did not dispute the point, and answered that the issue was dealt with by cabinet's National Security Committee'. Garran, *True believer*, fn 15, p. 220. See

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also Patrick Weller, *Cabinet government in Australia, 1901–2006*, UNSW Press, Sydney, 2007, p. 182 and Howard, *Lazarus rising*, p. 238.

<sup>28</sup> Weller, *Cabinet government in Australia*, p. 182.

<sup>29</sup> Weller, *Cabinet government in Australia*, p. 183.

<sup>30</sup> Weller, *Cabinet government in Australia*, p. 187.

<sup>31</sup> Weller, *Cabinet government in Australia*, p. 183.

<sup>32</sup> Weller, *Cabinet government in Australia*, p. 183.

<sup>33</sup> Brendan Nelson, 'The role of government and parliament in the decision to go to war', n.d. Parliament of Australia, Papers of Parliament No. 63, [The Role of Government and Parliament in the Decision to Go to War – Parliament of Australia \(aph.gov.au\)](https://aph.gov.au/Parliament_of_Australia)

<sup>34</sup> Without Submission – Iraq: Authority for Australian Defence Force Military Action, Cabinet Decision JH03/0124/CAB, NAA: A14370, JH03/0124.

<sup>35</sup> Samuel Furphy (ed.), *The seven dwarfs and the age of the mandarins: Australian Government administration in the post-war reconstruction era*, ANU Press, Canberra, 2015. For the operation of the Cabinet system under Menzies, see David Lee, 'Cabinet', in Scott Prasser, JR Nethercote and John Warhurst (eds), *The Menzies era: a reappraisal of government, politics and policy*, Hale & Iremonger, Sydney, 1995, pp. 123–36.

<sup>36</sup> *The Prime Minister and Cabinet (Miscellaneous Provisions) Act 1994*. See Elaine Thompson, 'Democracy undermined: reforms to the Australian Public Service from Whitlam to Hawke', *The Australian Quarterly*, vol. 63, no. 2, 1991, pp. 127–42.

<sup>37</sup> Paul Barratt, 'My, how things have changed', *Meanjin*, Autumn, 2021.

<sup>38</sup> Quoted in Dobell, 'Iraq lessons: the impact of the Howard fib', *The Strategist*, 13 November 2015.

<sup>39</sup> Dobell, 'Iraq lessons: the impact of the Howard fib'. For a long-term perspective, see James Curran, 'Iraq War casts a long shadow over Australia's sovereignty', *Australian Financial Review*, 19 March 2023.

<sup>40</sup> Peter Edwards, *Arthur Tange: last of the mandarins*, Allen & Unwin, Crows Nest, NSW, 2006, and David Horner, *Defence suprema: Sir Frederick Shedden and the making of Australian defence policy*, Allen & Unwin, St Leonards, NSW, 2000.

<sup>41</sup> Ministerial Statement by the Prime Minister, 4 February 2003, [ParlInfo - MINISTERIAL STATEMENTS : Iraq \(aph.gov.au\)](https://aph.gov.au/ParlInfo)

<sup>42</sup> Graeme Dobell, 'The Iraq war 10th anniversary: the Canberra silence', *The Strategist*, 12 March 2013, and 'Cabinet papers reveal Australia was on path to war in Iraq in 1998', *The Strategist*, 20 January 2020. See also Sally Graham, 'Australia in Iraq: a summary of the Iraq dossier', *The Cove*, 5 September 2017; David Wroe, 'The secret Iraq dossier: inside Australia's flawed war', *The Age*, 25 February 2017; and Albert Palazzo, *The Australian Army and the war in Iraq 2002–2010*, 15 March 2011 (released in 2017).

<sup>43</sup> Hugh White, 'Why Howard took us to war', *The Age*, 26 February 2004. See also Paul Barratt, 'Faulty intelligence, or a war pre-ordained?', *Pearls and Irritations*, 12 July 2016.

<sup>44</sup> A Berriedale Keith, *The dominions as sovereign states: their constitutions and governments*, Macmillan and Co, London, 1938, pp. 46–48 and pp. 605–07.

<sup>45</sup> Cablegram from John Curtin to SM Bruce, 3 December 1941, WJ Hudson and HJW Stokes (eds), *Documents on Australian foreign policy, 1937–49. Volume V: July 1941–June 1942*, Australian Government Publishing Service, Canberra, 1982, pp. 266–68; David Lee, *John Curtin*, Connor Court Publishing, Redland Bay, Qld, 2022, p. 77; David Lee, 'States rights and Australia's adoption of the Statute of Westminster, 1931–1942', *History Australia*, vol. 13, issue 2, 2016, pp. 258–74. See also, Commonwealth on Australia, *Inquiry into international armed conflict decision making*, Commonwealth of Australia, 2023, [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Joint/Foreign\\_Affairs\\_Defence\\_and\\_Trade/Armedconflict/Report](https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Foreign_Affairs_Defence_and_Trade/Armedconflict/Report)

<sup>46</sup> Charles Sampford and Margaret Palmer, 'The Constitutional power to make war: domestic legal issues raised by Australia's action in Iraq', *Griffith Law Review*, 2009, vol. 18, issue 2, p. 374. They report that Hollingworth

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recalled: 'I had previously read public statements made by some academics and international lawyers, and, on the advice of the Official Secretary, I sought clarification from the Attorney-General as to technical ramifications that could arise under international law'.

<sup>47</sup> Sampford and Palmer, 'The Constitutional power', p. 350. 'Declarations recognizing the jurisdiction of the Court as compulsory', Australia, 22 March 2002, <https://www.icj-cij.org/declarations/au>

<sup>48</sup> Sampford and Palmer, 'The Constitutional power', p. 374. Hollingworth may also have been reacting to claims from the Anglican Church that the Howard government was beholden to the United States and unable to think for itself on Iraq. See 'PM and churches clash over Iraq', *The Age*, 5 October 2002.

<sup>49</sup> Without Submission – Iraq: Authority for Australian Defence Force Military Action, Cabinet Decision JH03/0124/CAB, NAA: A14370, JH03/0124.

<sup>50</sup> Nelson, 'The role of government and parliament in the decision to go to war'.

<sup>51</sup> Sampford and Palmer, 'The Constitutional Power', p. 350. Later, on p. 380, they argue: 'In 2003, it appeared that the Defence Minister used his legal powers under the *Defence Act* to implement decisions taken by Cabinet and/or its Security Sub-Committee to give instructions to service head(s) to take the actions which involved us in war. A powerful argument could be made that the relevant sections of the *Defence Act* were not intended to be used to go to war and that such instructions are in peacetime or *in bello* decisions ... [G]iven the gravity of the decision, it might seem surprising that the government did not choose the most obvious and unimpeachable legal means to go to war'. In a similar vein, former Secretary of Defence Paul Barratt argued, in 'It's too easy to take us to war', *Pearls and Irritations*, 22 November 2019, that 'successive Governments appear to have relied upon Section 8 of the *Defence Act 1903*, a provision which in its current form was introduced in 1975 to make clear that the Minister for Defence had 'general control and administration' of the Defence Force and that both the Secretary and the newly created position of Chief of the Defence Force were subject to the Minister's discretion. Section 8 was never intended to create a new power to make war'.

<sup>52</sup> Without Submission – Governor-General: Provision in Letters Patent for Standing Aside, Decision of Ministry JH03/0186/MIN, 12 May 2003, NAA: A14370, JH03/0186.

<sup>53</sup> Sampford and Palmer, 'The Constitutional power', p. 374, record that the attorney-general did not respond to Hollingworth, but that Howard did 'from available legal advice'. Howard did not pursue an undertaking to bring the decision to the Executive Council 'for noting' and advised Hollingworth that 'his predecessors had not been involved in past decisions and that no involvement was necessary'.

<sup>54</sup> Tom McIlroy, 'Kerr–Fraser conflict a precedent for governor-general's intervention', *Australian Financial Review*, 21 August 2022.

<sup>55</sup> Among the questions raised by this episode are whether the governor-general was entitled to ask for the advice of the attorney-general as to the international legality of the war, whether he could seek independent legal advice if the government were not permitted to give it, and '[w]hat should the Governor-General do if he is uncertain of the international legality of the war after receiving advice from the government – especially if the advice is not from the Attorney-General whose advice he has requested?' Sampford and Palmer, 'The Constitutional Power', pp. 375–76. The authors go on to discuss the possibility that the governor-general might insist on seeking the opinion of the attorney-general as first law officer, insist on the publication of the advice or even consider the possibility of resignation. Sampford and Palmer, 'The Constitutional power', pp. 374–77. See also Barratt, 'It's too easy to take us to war'. Before he agreed to Malcolm Fraser's request for a double dissolution in 1983, Stephen asked for further advice. For Stephen, see Philip Ayres, *Fortunate voyager: the worlds of Ninian Stephen*, The Miegunyah Press, Carlton, Vic, 2013.

<sup>56</sup> 'The government's legal advice on using force', *Sydney Morning Herald*, 19 March 2003.

<sup>57</sup> Without Submission – Iraq: Authority for Australian Defence Force Military Action, Cabinet Decision JH03/0124/CAB, NAA: A14370, JH03/0124.

<sup>58</sup> Gabrielle Appleby, 'The political imperative for a legal war', *Inside Story*, 13 July 2016.

<sup>59</sup> 'This war is illegal: Howard's last top law man', *The Sydney Morning Herald*, 21 March 2003.

<sup>60</sup> Murray Goot, 'Polls apart on whether this is a conflict is worth waging', *The Sydney Morning Herald*, 1 April 2003; Murray Goot, 'Public opinion and the democratic deficit: Australia and the war against Iraq', *Australian Humanities Review*, no. 29, 2003; Robert Manne, 'Murdoch's war', *The Monthly*, July 2005.

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- <sup>61</sup> Department of Foreign Affairs and Trade, *Advancing the national interest*, Canberra, 2003.
- <sup>62</sup> Cabinet Submission JH03/0012 – Foreign and Trade Policy White Paper, 19 January 2003, p. 3.
- <sup>63</sup> Without Submission – Hizballah, Cabinet Decision JH03/0217/NS, 28 May 2003, NAA: A14370, JH03/0217/NS.
- <sup>64</sup> Without Submission – Australia’s National Security: a Defence Update, Cabinet Decision JH03/0034/NS, NAA: A14370, HH03/0034.
- <sup>65</sup> Cabinet Submission JH03/0041 – International Maritime Organization – Implementation of Measures to Enhance Maritime Security, Decision of National Security Committee JH03/0041/NS, 5 March 2003, NAA: A14370, JH03/0041/NS.
- <sup>66</sup> Cabinet Submission JH03/0202 – Bougainville: Successor to the Peace Monitoring Group, Decision of the National Security Committee, JH03/0202/NS, 28 May 2003, NAA: JH03/0202/NS.
- <sup>67</sup> Without Submission – Solomon Islands: Regional Assistance Mission, Cabinet Decision JH03/0280/CAB, 22 July 2003, NAA: A14370, JH03/0280.
- <sup>68</sup> See Bob Breen, *The good neighbour: Australian peace support operations in the Pacific Islands, 1980–2006, The official history of Australian peacekeeping, humanitarian and post–Cold War operations, Volume V*, Cambridge University Press, Port Melbourne, Vic, 2016.
- <sup>69</sup> Without Submission – International Unitisation Agreement for the Sunrise & Troubadour Petroleum Fields & Implementation of the Timor Sea Treaty, Cabinet Decision JH03/0076/CAB, 3 March 2003, NAA: A14370, JH03/0076.
- <sup>70</sup> Cabinet Memorandum JH03/0425 – Protection of Timor Sea Oil and Gas Infrastructure, Decision of National Security Committee JH03/0425/NSC, 26 November 2003, NAA: A14370, JH03/0425.
- <sup>71</sup> Jane Perlez, ‘A visitor from China eclipses Bush’s stop in Australia’, *The New York Times*, 25 October 2003. Without Submission – Visit to Canberra by the President of the United States George W Bush: Aviation Security Arrangements, Decision of National Security Committee JH03/0391/NS, 15 October 2003, NAA: A14370, JH03/0391/NS.
- <sup>72</sup> Cabinet Minute – Without Submission – Australia-China Free Trade Agreement Scoping Study, Cabinet Decision JH03/0263/CAB, 22 July 2003, NAA: A14370, JH03/0263.
- <sup>73</sup> Cabinet Submission JH03/0377 – China: Trade and Economic Framework (TEF) – Cabinet Decision JH03/0377/CAB, 9 October 2003, NAA: A14370, JH03/0377; Without Submission – Australia–China Free Trade Agreement Scoping Study, Cabinet Decision JH03/0263/CAB, 22 July 2003, NAA: A14370, JH03/0263.
- <sup>74</sup> Cabinet Submission JH03/0051 – Australia–United States Free Trade Agreement, Cabinet Decision JH03/0051/CAB, 3 March 2003, NAA: A14370, JH03/0051.
- <sup>75</sup> Cabinet Submission JH03/0247 – Australia–United States Free Trade Agreement (AUSFTA) – Market Access, Cabinet Decision JH03/0247/CAB, 26 June 2003 and Cabinet Decision JH03/0247/CAB2, 26 August 2003, NAA: A14370, JH03/0247. See also Cabinet Submission JH03/0417 – Future Textile, Clothing and Footwear (TCF) Assistance Arrangements, Cabinet Decision JH03/0417/CAB, 24 November 2003, NAA: A14370, JH03/0417.
- <sup>76</sup> Cabinet Submission JH03/0375 Australia–United States Free Trade Agreement (AUSFTA) – Mandate Review, Cabinet Decision JH03/0375/CAB, 9 October 2003, NAA: A14370, JH03/0375.
- <sup>77</sup> Shiro Armstrong, ‘The costs of Australia’s “free trade” agreement with America’, *Inside Story*, 28 April 2015. See also Linda Weiss, Elizabeth Thurbon and John Mathews, *How to kill a country: Australia’s devastating trade deal with the United States*, Allen & Unwin, Crows Nest, NSW, 2004, and Ann Capling, *All the way with the USA: Australia, the US and free trade*, UNSW Press, Sydney, 2005.
- <sup>78</sup> Cabinet Submission JH03/0010 – Singapore–Australia Free Trade Agreement, Decision JH03/0010/CAB, 3 February 2003, NAA: A14370, JH03/0010; Cabinet Minute – Without Submission – Australia – Thailand Free Trade Agreement, JH03/0093/CAB/2, NAA: A14370 JH03/0093; Cabinet Submission JH03/0376 – Australia–Thailand Free Trade Agreement, Cabinet Decision JH03/0376/CAB, 9 October 2003, NAA: 14370, JH03/0376; Cabinet Memorandum – Trade Implications of Australia’s Quarantine Regime, Cabinet Decision JH03/0222/CAB, 10 June 2003 NAA: A14370, JH03/0222; Cabinet Submission JH03/0069 – Australia–Japan

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Trade and Economic Consultations, Cabinet Decision JH03/0069/CAB, 19 March 2003, NAA: A14370, JH03/0069.

<sup>79</sup> Amrita Narlikar and Rorden Wilkinson, 'Collapse at the WTO: A Cancún post-mortem', *Third World Quarterly*, vol. 25, issue 3, 2004, pp. 447–60.

<sup>80</sup> Submission JH03/0101 – World Trade Organization (WTO) Doha Negotiations: Australia's Approach, Cabinet Decision JH03/0101/CAB, 19 March 2003; Submission JH03/0325 – World Trade Organization (WTO), NAA: A14370, JH03/0102: Approach to the Fifth Ministerial Conference in Mexico in September 2003, Cabinet Decision JH03/0325/CAB, 26 August 2003, NAA: A14370, JH03/0325.

<sup>81</sup> Without Submission – Australia's Participation in the 2005 World Exposition in Aichi, Japan, Cabinet Decision JH03/0231/CAB, 23 June 2003, NAA: A14370, JH03/0231.

<sup>82</sup> Cabinet Submission JH03/0416 – Regulating Therapeutic Products in Australia and New Zealand, Cabinet Decision JH03/0416/CAB, 1 December 2003, NAA: A14370, JH03/0416.

<sup>83</sup> Submission JH03/0381 – Export Finance and Insurance Corporation (EFIC) – National Interest Account (NIA) Facility or Australian Exports to Iraq 15 October 2003, p. 5, NAA: A14370, JH03/0381.

<sup>84</sup> Caroline Overington, *Kickback: inside the Australian Wheat Board scandal*, Allen & Unwin, Crows Nest, NSW, 2007; Commonwealth of Australia, *Report of the Inquiry into certain Australian companies in relation to the UN Oil-for-Food Programme*, Canberra, 2006; Richard Ackland, 'This inquiry is only half the job', *The Sydney Morning Herald*, 14 April 2006; and Rebecca Weisser, 'The systematic failure of Australian Department of Foreign Affairs and Trade to prevent AWB's corrupt contracts', *The Australian*, 25 April 2006.

<sup>85</sup> Cabinet Decision JH03/0381/CAB, 22 October 2003, NAA: A14370, JH03/0381; Cabinet Memorandum JH03/0092 – Export Finance and Insurance Corporation (EFIC): National Interest Account (NIA) – Exposure and Risk Management Report, Cabinet Decision JH03/0092/CAB, 24 March 2003, NAA: A14370, JH03/0092.

<sup>86</sup> Cabinet Submission JH03/0415 – Delineation of the Outer Limit of Australia's Extended Continental Shelf, p. 1, Cabinet Decision JH03/0415/CAB, 1 December 2003, NAA: A14370, JH03/0415.

<sup>87</sup> Tony Press, 'Explainer: Australia's extended continental shelf and Antarctica', *The Conversation*, 30 May 2012.

<sup>88</sup> Cabinet Submission JH03/0194 – Ad Hoc Committee Meeting on a Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities, Cabinet Decision JH03/0194/CAB, 12 May 2003, NAA: A14370, JH03/0194.

<sup>89</sup> Cabinet Submission JH03/0290 – Ratification of the Rotterdam Convention on the Prior Informed Consent (PIC) Procedure, Cabinet Decision JH03/0290/CAB, 18 August 2003, NAA: A14370, JH03/0290.

<sup>90</sup> See Parliament of Australia, Foreign Affairs, Defence and Trade References Committee, *Report on the inquiry into materiel acquisition and management in Defence*, Canberra, March 2003; Cabinet Submission JH03/0302 – Defence Science and Technology Organisation (DSTO) Rationalisation Project, Decision of National Security Committee, 21 August 2003, NAA: A14370, JH03/0302/NS.

<sup>91</sup> Submission JH03/0320 – Report into the Review of Defence Procurement, Decision of the National Security Committee JH03/0320/NS, 17 September 2003, NAA: A14370, JH03/0320.

<sup>92</sup> Submission JH03/0320 – Report into the Review of Defence Procurement, Decision of the National Security Committee JH03/0320/NS, 17 September 2003, NAA: A14370, JH03/0320.

<sup>93</sup> Submission JH03/0085 – 2003–04 Budget – Defence Portfolio Budget Submission, p. 6, Cabinet Decision JH03/0084/CAB/3, 15 April 2003, NAA: A14370, JH03/0085.

<sup>94</sup> Submission JH03/0150 – Reforms to Defence's Budgeting and Business Processes, Cabinet Decision JH03/0150/CAB/2, 15 April 2003, NAA: A14370, JH03/0150.

<sup>95</sup> Cabinet Submission JH03/0099 – Proposed New Defence Outcome, Output and Program Structure, Expenditure Review Committee Decision JH03/0099/ER, 1 April 2003 and Cabinet Decision JH03/0099/CAB/2, 15 April 2003, NAA: A14370, JH03/0099.

<sup>96</sup> Cabinet Submission JH03/0265 – Project Air 5333 (Vigilair) Replacement of Air Defence Systems, Decision of National Security Committee JH03/0265/NS, 29 July 2003, NAA: A14370, JH03/0265/NS.

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- <sup>97</sup> Cabinet Memorandum – Sale of Defence Russell Offices, Decision of National Security Committee JH03/0023/NS, 5 March 2003, NAA: A14370, JH03/0023/NS.
- <sup>98</sup> Cabinet Submission JH03/0366 – Establishment of a Strategic Agreement for the Through Life Support of Collins Class Submarines, Decision of the National Security Committee JH03/0366/NS, 15 October 2003, NAA: A14370, JH03/0366/NS.
- <sup>99</sup> Cabinet Submission JH03/0271: Joint Project 2008 Phase 3E – Military Satellite Communications (MILSATCOM) Ground Infrastructure, Decision of National Security Committee JH03/0271/NS, 29 July 2003, Naa: A14370, JH03/0271/NS.
- <sup>100</sup> Cabinet Submission JH03/0204 – Papua New Guinea: Release of Further Financial Assistance to PNGDF Reform Program, Decision of the National Security Committee, JH03/0204/NS, 28 May 2003, JH03/0204/NS.
- <sup>101</sup> Aynsley Kellow, 'Economics and the environment', in Tom Frame (ed.), *Trials and transformations*, p. 282.
- <sup>102</sup> The phrase was that of Senator Amanda Vanstone, Minister for Family and Community Services. See Toni O'Loughlin and Tim Dodd, 'Lucky to buy a sandwich', *Australian Financial Review*, 15 May 2003.
- <sup>103</sup> Cabinet Submission JH03/0011 – Commonwealth's Position in the 2003 Review of Award Wages, Cabinet Decision JH03/0011/CAB, 3 February 2003, NAA: A14370, JH03/0011.
- <sup>104</sup> Submission JH03/0353 2004–05 Budget Process, Cabinet Decision JH03/0353/CAB, 23 September 2003, NAA: A14370, JH03/0353; Submission JH03/0131 – 2003–04 Treasury Portfolio Budget Submission, Cabinet Decision CABJH03/0131/CAB/3, 15 April 2003, JH03/0131; Cabinet Submission JH03/0090 – 2003–04 Budget – Foreign Affairs and Trade Portfolio Budget Submission, Cabinet Decision JH03/0090/CAB/4, 15 April 2003, NAA: A14370, JH03/0090; Cabinet Submission JH03/0075 – 2003–04 Budget – Environment and Heritage Portfolio Budget Submission, Cabinet Decision JH03/0075/CAB/5, 15 April 2003, NAA: A14370, JH03/0075; Cabinet Submission JH03/0097 – 2003–04 Budget – Family and Community Services Portfolio Budget Submission, Cabinet Decision JH03/0097/CAB/6, 15 April 2003, NAA: A14370, JH03/0097; Without Submission – Senior Ministers' Review for 2004–05 Budget: Environment and Heritage Portfolio, Cabinet Decision JH03/0465/SM, 10 December 2003; Without Submission – Senior Ministers' Review for 2004–05 Budget Overview, Cabinet Decision JH03/0456/SM, NAA: A14370, JH03/0456; Without Submission – Senior Ministers' Review for 2004–05 Budget; Melbourne 2006 Commonwealth Games, Cabinet Decision JH03/0461/SM, 10 December 2003, NAA: A14370, JH03/0461; Cabinet Submission JH03/0102 – 2003–04 Budget – Transport and Regional Services Portfolio Budget Submission, Cabinet Decision JH03/0102/CAB/4, 15 April 2003, NAA: A14370, JH03/0102.
- <sup>105</sup> Cabinet Submission JH03/0420 – National Competition Policy – 2003–04 Competition Payments to States and Territories, Cabinet Decision JH03/0420/CAB, 24 November 2003, NAA: A14370, JH03/0420.
- <sup>106</sup> Cabinet Submission JH03/01119 – Employee Share Ownership, Cabinet Decision JH03/0119/CAB, 24 March 2003, NAA: A14370, JH03/0119.
- <sup>107</sup> Cabinet Submission JH03/0351 – Proposed New Superannuation Arrangements for Commonwealth Civilian Employees, Cabinet Decision JH03/0351/CAB, 23 September 2003, NAA: A14370, JH03/0351.
- <sup>108</sup> Cabinet Submission JH03/0422 – The National Consumer and Financial Literacy Strategy, Cabinet Decision JH03/0422/CAB, 15 December 2003, NAA: A14370, JH03/0422.
- <sup>109</sup> Cabinet Submission JH03/0287 – Proposal to Restructure the HIH Claims Support Scheme, Cabinet Decision JH03/0287/CAB, 18 August 2003, NAA: A14370, JH03/0287. Also Cabinet Submission JH03/0255 – Government Response to Recommendations of HIH Royal Commission Report into the Failure of the HIH Insurance Group, Cabinet Decision JH03/0255/CAB, 15 July 2003, NAA: A14370, JH03/0255.
- <sup>110</sup> Cabinet Submission JH03/0413 – New Civil Penalty Regime to Deter the Promotion of Tax Avoidance and Tax Evasion Schemes, Cabinet Decision JH03/0413/CAB, 1 December 2003, NAA: A14370, JH03/0413.
- <sup>111</sup> James Gillespie, 'The politics of health', in Frame (ed), *Trials and transformations*, p. 327
- <sup>112</sup> Submission JH03/0036 – Affordability of Medical Services Under the Medicare Benefits Schedule – A New Policy Approach, Decision JH03/0036/CAB, 3 March 2003, Cabinet Decision JH03/0036/CAB/2, 6 March 2003 and Cabinet Decision JH03/0036/CAB/3, 15 April 2003, NAA: A14370, JH03/0036.

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- <sup>113</sup> Submission JH03/0036 – Affordability of Medical Services Under the Medicare Benefits Schedule – A New Policy Approach, Decision JH03/0036/CAB, 3 March 2003, Cabinet Decision JH03/0036/CAB/2, 6 March 2003 and Cabinet Decision JH03/0036/CAB/3, 15 April 2003, NAA: A14370, JH03/0036.
- <sup>114</sup> James Gillespie, ‘The politics of health’, in Frame (ed.), *Trials and transformations*, p. 327.
- <sup>115</sup> ‘A “fairer” Medicare? Truth is Howard would rather have put it down’, *The Sydney Morning Herald*, 30 April 2003.
- <sup>116</sup> James Gillespie, ‘The politics of health’, p. 327.
- <sup>117</sup> Without Submission – A Fairer Medicare – JH03/0411/M, 5 November 2003, NAA: A14370, JH03/0411.
- <sup>118</sup> ‘Not Much of a Plus for Medicare’, *The Age*, 19 November 2003.
- <sup>119</sup> Cabinet Submission JH03/0330 – Options to Contain Future Private Health Insurance Premium Increases, Cabinet Decision JH03/0030/CAB, 18 February 2003, NAA: A14370, JH03/0030.
- <sup>120</sup> Cabinet Submission JH03/0343 – Framework Convention on Tobacco Control and Future Agenda, Cabinet Decision JH03/0343/CAB, 23 September 2003, NAA: A14370, JH03/0343.
- <sup>121</sup> Cabinet Submission JH03/0345 – Government Response to the 2002 Reviews of the National HIV/AIDS and Hepatitis C Strategies and Strategic Research, Cabinet Decision JH03/0345/CAB, 15 September 2003, NAA: A14370, JH03/0345.
- <sup>122</sup> Cabinet Submission JH03/0100 – National Illicit Drug Strategy – ‘Tough on Drugs’ – Next Phase, Cabinet Decision JH03/0100/CAB4, 15 April 2003, NAA: A14370, JH03/0100.
- <sup>123</sup> Cabinet Submission JH03/0151 – Financial Needs of the Health Insurance Commission for 2003004 and Beyond, Expenditure Review Committee Decision JH03/0151/ER, 1 April 2003 and Cabinet Decision JH03/0151/CAB/2, 15 April 2003, NAA: A14370, JH03/0151.
- <sup>124</sup> Cabinet Submission JH03/0421 – Child Care Initiatives, Cabinet Decision, JH03/0421/CAB, 1 December 2003 with Treasury Coordination Comments at p. 12, NAA: A14370, JH03/0421.
- <sup>125</sup> Cabinet Submission JH03/0120 – Higher Education Reforms, Decision of Expenditure Review Committee, JH03/0120/ER, 24 March 2003, Decision of Expenditure Review Committee JH03/0120/ER/2, 25 March 2003, Decision of Expenditure Review Committee JH03/0120/ER/3, 1 April 2003, Decision JH03/0120/ER/4, 10 April 2003 and Cabinet Decision JH03/0120/CAB/5, 15 April 2003, NAA: A14370, JH03/0120.
- <sup>126</sup> Andrew Norton, ‘Two steps forward, one step back: Dr Nelson mixes price flexibility and rigid quotas’, *The Centre for Independent Studies*, 18 June 2003.
- <sup>127</sup> Cabinet Submission JH03/0278 – Issues for Non-Government Schools Funding – 2005 to 2008, Cabinet Decision JH03/0278/CAB, 29 July 2003, NAA: A14370, JH03/0278.
- <sup>128</sup> Cabinet Submission JH03/0109 – Commonwealth Support for Vocational Education and Training, p. 1, Cabinet Decision JH03/0209/CAB/3, 15 April 2003, NAA: A14370, JH03/0109/CAB/3.
- <sup>129</sup> Cabinet Submission JH03/0103 – 2003–04 Humanitarian Program, p. 3, Cabinet Decision JH03/0103/CAB, 24 March 2003, NAA: A14370, JH03/0103. See also Cabinet Submission JH03/0104 – 2003–04 Migration (Non-Humanitarian) Programme, Cabinet Decision JH03/0104/CAB, 24 March 2003, NAA: A14370, JH03/0104.
- <sup>130</sup> Cabinet Submission JH03/0224 – Offshore Processing Centres: Arrangements with Nauru and PNG, Cabinet Decision HH03/0224/CAB, 16 June 2003, NAA: A14370, JH03/0224.
- <sup>131</sup> Cabinet Submission JH03/0031 – Christmas Island Permanent Immigration Reception and Processing Centre (IRPC) – Supplementary Decision, Cabinet Decision JH03/0331/CAB, 18 February 2003, NAA: A14370, JH03/0331.
- <sup>132</sup> Cabinet Submission JH03/0453 – Working Age Payment Reform, Cabinet Decision JH03/0453/CAB, 15 December 2003, NAA: A14370, JH03/0453.
- <sup>133</sup> Cabinet Submission JH03/0333 – Social Security Agreement between Australia and Greece – Further Submission, Cabinet Decision JH03/0333/CAB, 8 September 2003, NAA: A14370, JH03/0333.
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- <sup>138</sup> Kellow, 'Economics and the environment', p. 288.
- <sup>139</sup> Cabinet Memorandum – Development of a Forward Strategy on Climate Change – Progress Report, Cabinet Decision JH03/0039/CAB/2, 19 March 2003, NAA: A14370, JH03/0039.
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- <sup>144</sup> Cabinet Submission JH03/0396 – Great Barrier Reef Marine Park – Representative Areas Programme, Cabinet Decision JH03/0936/CAB, 11 November 2003, NAA: JH03/0396.
- <sup>145</sup> Cabinet Submission JH03/0344 – Implementation of a Mandatory National Water Efficiency Labelling and Standards Scheme, Cabinet Decision JH03/0344/CAB, 30 September 2003, NAA: A14370, JH03/0344.
- <sup>146</sup> Cabinet Submission JH03/0196 – National Biodiversity Conservation Priorities, Cabinet Decision JH03/0196/CAB/2, 10 June 2003, NAA: A14370, JH03/0196.
- <sup>147</sup> Cabinet Memorandum JH03/0404 – Fuel Excise Reform: Environmental Measures, 4 November 2003, NAA: A14370, JH03/0404; Cabinet Memorandum JH04/0294 – Fuel Excise Review: Overview, Cabinet Decision JH903/0294/CAB/4, 15 September 2003, NAA: A14370, JH03/0294.
- <sup>148</sup> Without Submission, Decision of Energy Committee, JH03/0087/E, 6 March 2003 and Without Submission, Cabinet Decision JH03/0087/CAB/2 – Australian Energy Policy – An Overview, NAA: A14370, JH03/0087.
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- <sup>152</sup> Cabinet Submission JH03/0110 – Ethanol Labelling and Limits in Petrol, Cabinet Decision JH03/0110/CAB, 24 March 2003, NAA: A14370, JH03/0110.
- <sup>153</sup> Cabinet Memorandum – International Energy Agency (IEA) Emergency Oil Measures and Australia’s Obligations, Cabinet Decision JH03/0169/CAB, 12 May 2003, NAA: A14370, 12 May 2003, NAA: A14370, JH03/0169.
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- <sup>156</sup> Cabinet Submission JH03/0007 – Regional Telecommunications Inquiry: Further Submission, Cabinet Decision JH03/0007/CAB, 3 February 2003, Cabinet Decision JH03/0007/CAB/2, 15 April 2003, and Cabinet Decision JH03/0007/CAB/3, 10 June 2003, NAA: A14370, JH03/0007.
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- <sup>159</sup> Cabinet Submission JH03/0209 – Institutional Arrangements for Regulation of Telecommunications and Broadcasting, Cabinet Decision JH03/0209/CAB, 10 June 2003, NAA: A14370, JH03/0209.
- <sup>160</sup> Without Submission – Cross-media Arrangements, Cabinet Decision JH03/0071/CAB, 3 March 2003, NAA: A14370, JH03/0071; Tim Dwyer and Annika Dean, ‘Why media reform in Australia has been so hard to achieve’, University of Sydney, 12 May 2017, <https://www.sydney.edu.au/news-opinion/news/2017/05/12/why-media-reform-in-australia-has-been-so-hard-to-achieve.html>
- <sup>161</sup> Cabinet Memorandum JH03/0324 – Future Arrangements for Australian Shipping, Cabinet Decision JH03/0324/CAB, 26 August 2003, NAA: A14370, JH03/0324.
- <sup>162</sup> Cabinet Submission JH03/0147, Strategy for the Sale of the Three Basin Airports, Cabinet Decision JH03/0147/CAB, 1 April 2003, NAA: A14307, JH03/0147.
- <sup>163</sup> Cabinet Submission JH03/0208 – Identity Fraud, Cabinet Decision JH03/0208/CAB, 16 June 2003, NAA: A14370, JH03/0208.
- <sup>164</sup> Cabinet Submission JH03/0004 – Reform of the Federal Merits Review Tribunal System, Cabinet Decision JH03/0004/CAB, 3 February 2003, NAA: A14370, JH03/0004.
- <sup>165</sup> Cabinet Submission JH03/0440 – Government Response to the Report of the Family Law Pathways Advisory Group – Out of the Maze, Cabinet Decision JH03/0440/CAB/3, 15 April 2003, NAA: A14370, JH03/0440; Cabinet Submission JH03/0880 – Telecommunications Offences, Cabinet Decision JH03/0880/CAB, 1 April 2003, NAA: A14370, JH03/0880.
- <sup>166</sup> Weller, *Cabinet government in Australia*, p. 180.
- <sup>167</sup> Weller, *Cabinet government in Australia*, Chapter 6.
- <sup>168</sup> Cabinet Memorandum JH03/0332 – Sustainable Regions Programme Update, Cabinet Decision JH03/0332/CAB, 15 September 2003, NAA: A14370, JH03/0332.
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- <sup>171</sup> Cabinet Submission JH03/0006 – National Strategic Framework for Aboriginal and Torres Strait Islander Health, Cabinet Decision JH03/0006/CAB, 3 February 2003, NAA: A14370, JH03/0006.
- <sup>172</sup> Cabinet Submission JH03/0212 – Draft Declaration on the Rights of Indigenous Peoples, Cabinet Decision JH03/0212/CAB, 10 June 2003, NAA: A14370, JH03/0212.
- <sup>173</sup> Submission JH03/0286 – Reform of the Aboriginal Councils and Associations Act, Decision JH03/0286/CAB, 11 November 2003, NAA: A14370, JH03/0286.
- <sup>174</sup> John Hannaford, Jackie Huggins and Bob Collins, ‘In the hands of the regions – a new ATSIC report of the review of the Aboriginal and Torres Strait Islander Commission’, *Australian Indigenous Law Reporter*, vol. 8, no. 3, 2003, pp. 105–12.
- <sup>175</sup> Quoted in Alison Holland, ‘Many claim Australia’s longest-running Indigenous body failed. Here’s why that’s wrong’, *The Conversation*, 24 July 2023.
- <sup>176</sup> Cabinet Submission JH02/0271 – Government Response to the Final Report of the Council for Aboriginal Reconciliation – Reconciliation: Australia’s Challenge – Decision JH02/0271/CAB, 10 September 2002, NAA: A14370, JH2002/271.
- <sup>177</sup> Gabrielle Appleby and Sean Brennan, ‘The long road to recognition’, *Inside Story*, 19 May 2017.
- <sup>178</sup> According to former diplomat Tony Kevin, Australian troops were engaged in hostilities on the evening of 18 March (Iraq time), 16 hours after Bush’s 48-hour ultimatum to cede power. Tony Kevin, ‘Our questionable tactics in Iraq’, *The Age*, 17 January 2004.
- <sup>179</sup> Graeme Dobell, ‘Iraq lessons: the impact of the Howard fib’.
- <sup>180</sup> Timothy A Sayle, ‘“But he has nothing on at all!” Canada and the Iraq War, 2003’, *Canadian Military History*, vol. 19, issue 4, 2015, p. 6.
- <sup>181</sup> Ewan MacAskill, ‘Adviser quits Foreign Office over legality of war’, *The Guardian*, 22 March 2003; Vikram Dodd, ‘Iraq war illegal, says FO adviser who quit’, *The Guardian*, 14 June 2004.
- <sup>182</sup> David Lee, *The second rush: mining and the transformation of Australia*, Connor Court Publishing, Redland Bay, Qld, 2016, Chapter 9.
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NATIONAL ARCHIVES OF AUSTRALIA

Our Ref: R1237842022

EVENT BRIEF					
2003 Embargoed Media Cabinet Records Release					
Purpose of Event	Embargoed release of selected 2003 Cabinet records to the media ahead of their public release on 1 January 2024				
Guest Speaker	Former Senator Robert Hill				
Cabinet Historian	Associate Professor David Lee				
Date	Tuesday 5 December 2023	Time	10.00am	Duration	3 hrs
Location	National Archives of Australia, Kings Avenue, Parkes				
Event Manager	s 47F(1), Assistant Director, Partnerships, Members and Events s 47F(1)				
Media Engagement	s 47F(1), Assistant Director, Communications and Media s 47F(1)				

## DESCRIPTION

- Associate Professor David Lee will be speaking at the annual National Archives of Australia event to mark the embargoed release of 2003 Cabinet records on Tuesday, 5 December 2023.
- More than 200 Howard Government Cabinet records will be released under embargo to the media.
- The embargo prohibits the publication or broadcast of information from the records or National Archives briefing material until their public release on 1 January 2024.
- National Archives Director-General Simon Froude will host the event followed by a short presentation by Cabinet Historian Associate Professor David Lee.
- Dr Lee's address will be based on his essay covering the social, cultural, economic and political factors that shaped Cabinet deliberations in the year 2003.
- Assistant Director-General, Access and Public Engagement Louise Doyle will MC and coordinate a question-and-answer session with attending journalists after Robert Hill speaks.
- Scheduled one-on-one media interviews will take place after the formal proceedings in the Members Lounge.
- Media will provide a pool for cameras and sound to save set up time for the one-on-one interviews.
- ABC will record the event for broadcast on 1 January 2024.



**NATIONAL ARCHIVES OF AUSTRALIA**

Our Ref: R1237842022

## BACKGROUND

- Since 1986, National Archives has conducted an annual embargoed release of Cabinet records in early December.
- Media representatives are given embargoed access to selected Cabinet records before their public release on 1 January the following year, allowing journalists to prepare material for broadcast and publication in advance.
- In line with established practice, the embargoed 2003 Cabinet papers were selected in consultation with relevant Commonwealth agencies and the media. The records have been access examined and digitised for the embargoed release with public release via the National Archives website and RecordSearch to follow on 1 January 2024.
- Key issues that may feature in media coverage in the new year include:
  - Iraq war
  - Solomon Islands Regional Assistance Mission
  - Murray Darling River System
  - Government response to Bali Bombings – memorial, financial assistance
  - Live sheep exports
  - Medical indemnity Insurance package
  - Fuel excise reform
  - Free trade agreements
  - Millennium drought
  - Tough on drugs strategy
  - Rugby World Cup
  - Migration and refugee programs
  - Indigenous education support

## ATTACHMENTS

Attachment A: Order of Proceedings

Attachment B: Media list



NATIONAL ARCHIVES OF AUSTRALIA

Our Ref: R1237842022

## ORDER OF PROCEEDINGS

## ATTACHMENT A

<b>Event</b>	<b>2003 Embargoed Cabinet Records Release</b>
<b>Date</b>	Tuesday 5 December 2023
<b>Time</b>	10:00am-1:30pm
<b>Venue</b>	National Office, Parkes

Time	Duration	Task
10:00 - 10:25	25 min	Registration of media outside of Function Room. Morning tea self-service and media setup in Function Room.
10:05	10 min	Robert Hill is picked up from hotel and driven to the National Archives.
10:15 - 10:25	10 min	Robert Hill and David Lee escorted to Members Lounge to meet Simon Froude and Louise Doyle for tea/coffee. Photographer takes official photo of speakers. Guest speakers fitted with lapel mics.
10:25		Louise Doyle moves to the Function Room.
10:30 - 10:33	3 min	Louise Doyle welcomes guests and provides introduction to the embargoed release of 2003 Cabinet records, housekeeping and embargo conditions.
10:30	2 min	Robert Hill, David Lee and Simon Froude move to Function Room and seated in the front row.
10:33 - 10:36	3 min	Louise Doyle introduces Simon Froude. Simon Froude provides Acknowledgement to Country and welcomes guests. Invites David Lee to provide a historical snapshot of the 2003 Cabinet records. Simon Froude departs stage and is seated in front row with Louise Doyle.
10:36 - 10:46	10 min	David Lee talks about the events and issues of 2003.
10:46 - 10:50	4 min	Simon Froude thanks David Lee and introduces Robert Hill.
10:50 - 11:10	20 min	Robert Hill speaks on his recollections of the Howard Government of 2003.
11:10 - 11:12	2 min	Louise Doyle thanks Robert Hill and David Lee. Invites questions from the media. Robert Hill and David Lee seated on the stage to answer questions (lapel mics provided).



**NATIONAL ARCHIVES OF AUSTRALIA**

<b>11:12 - 11:32</b>	20 min	Questions from the media, managed by Louise Doyle. 2 x roving mics from the floor.
<b>11.32 - 11.35</b>	3 min	Louise Doyle thanks Robert Hill, mentions next year's selection of 2004 cabinet records and closes proceedings. Refreshments continue for media while scheduled interviews with Robert Hill take place in the Members Lounge.
<b>11.35 - 11:45</b>	10 min	Robert Hill escorted to Members Lounge for a break. Simon Froude and David Lee escorted to Watson Room.
<b>11:45 - 1:19</b>		Interviews with Robert Hill, Members Lounge Interviews with Simon Froude and David Lee, Watson Room.
<b>11:45 - 11:55</b>	10 min	<b>TV</b> interview with Robert Hill, Members Lounge – Seven
<b>11:57 - 12:07</b>	10 min	<b>TV</b> interview with Robert Hill, Members Lounge – Sky News
<b>12:09 - 12:19</b>	10 min	<b>TV</b> interview with Robert Hill, Members Lounge – ABC
<b>12:21 - 12:31</b>	10 min	<b>TV</b> interview with Robert Hill, Members Lounge – Nine
<b>12:33 - 12:43</b>	10 min	<b>Print</b> interview with Robert Hill, Members Lounge – The Guardian
<b>12:45 - 12:55</b>	10 min	<b>Print</b> interview with Robert Hill, Members Lounge – The Australian
<b>12:57 - 1:07</b>	10 min	<b>Print</b> interview with Robert Hill, Members Lounge – The Mandarin
<b>1:09 - 1:19</b>	10 min	<b>Print</b> interview with Robert Hill, Members Lounge – News.com.au
<b>1:20 - 1:30</b>	10 min	Simon Froude, Louise Doyle, Robert Hill and David Lee driven to Louis Dining at Hotel Realm for lunch
<b>3:15</b>		Simon Froude, Louise Doyle, Robert Hill and David Lee are picked up from lunch and driven back to National Archives or hotel



NATIONAL ARCHIVES OF AUSTRALIA

Our Ref: R1237842022

## WATSON ROOM RUN SHEET – SIMON FROUDE AND DAVID LEE INTERVIEWS

<b>11:45 – 11:55</b>	10 min	<b>TV</b> interview with Simon Froude and David Lee - ABC
<b>11:57 - 12:07</b>	10 min	<b>TV</b> interview with Simon Froude and David Lee – Nine
<b>12:09 - 12:19</b>	10 min	<b>Print</b> interview with Simon Froude and David Lee – The Mandarin
<b>12:21 - 12:31</b>	10 min	<b>Print</b> interview with Simon Froude and David Lee – News.com.au
<b>12:33 – 12:43</b>	10 min	To be allocated on day
<b>12:45 – 12:55</b>	10 min	To be allocated on day
<b>12:57 – 1:07</b>	10 min	To be allocated on day
<b>1:09 – 1:19</b>	10 min	To be allocated on day

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Our Ref: R1237842022

MEDIA LIST

ATTACHMENT B

Outlet	First name	Last name	Job Title
2GB	s 47F(1)		Federal Political Reporter
ABC - Canberra			Chief of Staff
Australian Associated Press			Editor
Australian Associated Press			Canberra Bureau Chief
Australian Associated Press			Federal Political Reporter
Australian Defence Business Review			Australian Defence Business Review, Australian Defence Magazine
Australian Strategic Policy Institute			Journalist Fellow
Community Broadcasting Association			Political Reporter, National Radio News and the Community Radio Network
Herald Sun			Political Reporter
Network Ten			Bureau Chief
Network Ten			Federal Political Reporter
News Corp NewsWire			Federal Political Reporter
Nine Network			Camera operator
Nine Network			Federal Press Gallery Member
SBS			Political Correspondent
SBS			Digital Federal Political Report
Seven Network			Federal Political Reporter
Sky News			Federal Politics Reporter
Sky News			Camera operator
Sky News			Camera Operator
The Age			Economics Correspondent
The Australian			Senior Writer and Columnist
The Australian Financial Review			Senior Reporter
The Canberra Times			Reporter
The Canberra Times			Chief Political Correspondent
The Conversation			Chief Political Correspondent
The Conversation			Politics and Society Editor
The Daily Telegraph			National Political Reporter
The Guardian			Foreign Affairs and Defence Correspondent
The Mandarin			Senior Journalist
The Saturday Paper			Chief Political Correspondent
The West Australian			Canberra Bureau Chief

## The 2003 Cabinet Papers in Context

Draft 29 September 2023

Associate Professor David Lee

School of Humanities and Social Sciences

University of New South Wales, Canberra

### Introduction

The Howard Government's decision to participate in the Iraq War dominated Australian politics in 2003. While Iraq was the dominant issue in 2003, the cabinet papers on this subject are sparse, pointing to the primacy that the National Security Committee (NSC) of cabinet had achieved in the domain of national security at that time. Nonetheless, because of its importance, the Iraq War is dealt with in its own section in this paper. There are many more papers on diverse issues relating to Australia's national security, and foreign and trade and defence policies beyond Australia's participation in the Iraq War. Most of the cabinet papers deal with manifold aspects of domestic policy discussed in five separate sections: economic, social welfare, health and immigration policies; climate change, energy and the environment; transport, infrastructure, communications and legal issues; rural and regional issues; and Indigenous policy. The sections are as follows:

**Iraq: the cabinet submission that never was**

**National Security, Defence, Foreign and Trade Policies**

**Economic, Social Welfare, Health and Immigration Policies**

**Climate Change, Energy and the Environment**

**Transport, Infrastructure, Communications and Legal Issues**

**Rural and Regional Issues**

**Indigenous Policy**

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**Iraq: the cabinet submission that never was<sup>1</sup>**

The most important decision of John Howard's cabinet in 2003 was to commit Australia to the US-led military intervention in Iraq, an extension of the 'war on terror' that had been waged since 2001.<sup>2</sup> The invasion of Iraq began on 19 March (air) and 20 March 2003 (ground). Hostilities lasted about a month and included 26 days of major combat operations. Forces from the United States and close allies—the United Kingdom, Australia and Poland—participated. This was a 'coalition of the willing' rather than the broad-based group, acting under Chapter VII of the United Nations Charter, that expelled Iraq from Kuwait in 1991.<sup>3</sup> s 47C(1)

The early stage of the war ended on 1 May 2003 when President George W. Bush declared the end of major combat operations in his 'Mission Accomplished Speech'.<sup>5</sup> Afterwards, the Coalition Provisional Authority (CPA) was established as the first of several transitional governments in Iraq.

Summary of Comments on 42. Historian Essay DRAFT -Oct 2023.pdf

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**s 47C(1), s 47F(1)**

## s 47C(1)

**s 47C(1)** In 2020 US historian Robert Draper painted a portrait of the Bush administration driving an ignoble agenda and driven by 'fear, imagination, ideology, and blind idealism rather than truth seeking—all to justify a decision that would result in hundreds of thousands of deaths and a flood tide of chaos in the Middle East that shows no signs of ending'.<sup>7</sup>

Writing in 2013, the Australian Prime Minister, John Howard, recalled that 'Australia's decision to join the Coalition in Iraq was a product both of our belief at the time that Iraq had WMDs, and the nature of our relationship and alliance with the United States'.<sup>8</sup> The US war aim quickly crystallised into that of 'regime change'. Britain and Australia, however, continued to emphasise the objectives of disarming Iraq of the WMD that US intelligence and US diplomats wrongly insisted that Iraq possessed.<sup>9</sup> As army historian Albert Palazzo observed: 'Once the war began, ADF [Australian Defence Force] forces which engaged Iraqi forces did so under US operational command and by default in support of the ally's desire to overthrow Saddam, no matter the sophistry of the more limited Australian intent'.<sup>10</sup> For Palazzo, '[i]mproving the alliance was [Australia's] main goal: a logical if not proper goal, and one that was not explained to the Australian people'.<sup>11</sup>

The 2003 Iraq War differed from the first Gulf War which was in response to Iraqi aggression against Kuwait and mandated by the UN Security Council.<sup>12</sup> The United Nations Charter of 1945 allowed only two exceptions to its general prohibition of the use of force: self-defence against an armed attack and a definite decision on the part of the UN Security Council. Secretary-General of the United Nation, Kofi Annan, and other authorities regarded the 2003 Iraq War as illegal because of the absence of these criteria.<sup>13</sup> Consonant with this position, the Leader of the Australian Labor Party (ALP) Opposition, Simon Crean, addressed the parliament on 5 February 2003, arguing that Australian troops should not be sent to Iraq in advance of a UN mandate.<sup>14</sup>

What do the cabinet documents tell us about Australia's decision on the Iraq War? One submission analyses the implications of the post-conflict situation in Iraq for Australia's migration and refugee programs.<sup>15</sup> There is also a short minute dated 1 April 2003 in which cabinet 'noted an oral report by the Prime Minister on the progress of military operations in Iraq and the contribution made by the Australian Defence Force'.<sup>16</sup> There was no submission to cabinet before the war on costs, benefits and implications of Australia's entry into the war. This was notwithstanding that the Iraq decision was, in Howard's words, 'the most controversial foreign policy decision taken by my Government in the almost twelve years it held office'.<sup>17</sup> This indicates that cabinet's National Security Committee (NSC) was the locus of decision-making on the war.<sup>18</sup>

There is a cabinet minute dated 18 March 2003 based on two oral reports from Howard. One of these was on his extensive discussions with Bush and the other was his notification to cabinet of a request received on the morning of 18 March 2003 from the President asking 'that Australia participate in military action by a coalition to disarm Iraq of its weapons of mass destruction and advice that it was the intention of the President to issue a final ultimatum to Iraq shortly'.<sup>19</sup> Cabinet noted that Australia's goal in 'participating in any military enforcement action would be disarmament of Iraq's weapons of mass destruction'.<sup>20</sup>

The Australian forces committed to Iraq would consist of ADF elements pre-deployed to the Middle East to take part in military enforcement action against Iraq; ADF elements deployed to the Middle East as part of the Multinational Interdiction Force and maritime surveillance forces deployed as part of Operation Slipper (the ADF contribution to the war in Afghanistan made in 2001); and ADF personnel deployed to the Middle East with the forces of other coalition countries.<sup>21</sup> Just as Australia

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joined the Vietnam War in 1965 based on a request from the United States Government, which arranged a request from the South Vietnamese Government, so it participated in the second Iraq War after a request from the US President rather than through a definite decision of the UN Security Council, which declined to pass the necessary resolution.<sup>22</sup>

While the United States was keen for Australia to provide a reconnaissance battle group of about 2000 men to secure the western flank of the first marine division driving to Baghdad, Howard offered instead a niche capability of special forces troops. For some critics, like Paul Barratt and Paul Brereton, who led the inquiry into Australian Special Forces in Afghanistan, the ADF should not have supported what was a political rather than military decision to reply on special forces in Iraq.<sup>23</sup>

Several Australian journalists have already commented about the absence of a cabinet submission on the Iraq War.<sup>24</sup> Robert Garran wrote in 2004 that:

Howard acknowledges that there was no cabinet submission on the costs and benefits of going to war in Iraq. The Department of Foreign Affairs and Trade (DFAT) was not asked for, and did not offer, any advice on the pros and cons of supporting American intervention. This reinforces the view that Howard's decisions on Iraq were political, not based on a dispassionate appraisal of the threats it posed.<sup>25</sup>

Howard did not dispute Garran's account in 2004 but indicated that the issue was dealt with by the NSC. Professor Patrick Weller sees the NSC as the most powerful of three principal cabinet committees. These were the national security committee (NSC), the expenditure review committee (ERC) and the parliamentary business committee.<sup>26</sup> The NSC consisted of senior ministers whose discussions ranged over defence, security, intelligence matters, and some foreign issues. Senior officials—the Chief of Defence Force, the secretaries of Defence, Prime Minister and Cabinet, Foreign Affairs and Trade, and heads of the Office of National assessments (ONA) and the Australian Security Intelligence Organisation (ASIO)—attended all meetings with ministers on one side of the table and officials on the other.<sup>27</sup> In 2002–03 there were 64 meetings of the NSC/Secretaries Committee on National Security and 250 submissions; in 2003–04 there were 32 such meetings and 206 submissions. The large jump in the business of the NSC in 2003 coincided with the Iraq War.<sup>28</sup> Howard called his creation 'the most effective whole of government arrangement with which I've been associated as prime minister'.<sup>29</sup>

Weller explains how the NSC worked:

Except on rare occasions where Howard may wish to have a full cabinet discussion of an issue before the NSC, the committee's decisions stand on their own as cabinet decisions, unlike those of the ERC, which are referred to a 'budget cabinet' meeting for final discussion and ratification.<sup>30</sup>

The NSC's connection with the war-making power was described to parliament by Brendan Nelson, Robert Hill's successor as Minister for Defence. Nelson explained the procedures for war-making in the 2000s in this way:

It is the NSC that considers, debates and resolves to commit Australian defence personnel to domestic or overseas deployments. The full cabinet then considers the advice and recommendation of the NSC. Once a position is adopted, the Opposition leader, members of the full government executive and its back bench are briefed.<sup>31</sup>

What discussions took place in the NSC on Iraq in 2003 must await publication of the relevant volumes of the official histories of Australian Operations in Iraq and Afghanistan and public

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requests for access to those cabinet committee documents under the *Archives Act* 1983. Cabinet was content that it had 'reached its decisions in accordance with its Executive responsibilities under the Constitution' via the cabinet minute of 18 March.<sup>32</sup> There was no discussion of the modalities of executing cabinet's decision other than that a draft resolution would be proposed in the House of Representatives and the decision would be conveyed to Bush.

As well as having a powerful NSC, Howard operated with a different kind of public service than the Commonwealth Public Service which operated during the <sup>1</sup>haid on days of J.B. Chifley and R.G. Menzies in the era of the 'seven dwarfs'.<sup>33</sup> Howard built on reforms to the public service in the years of the Hawke Labor Government (1983–91) that made for closer supervision of departments by ministers and provided for renewable fixed-term appointments for departmental secretaries.<sup>34</sup> In 1999 was added the *Public Service Act* 1999 under which departmental secretaries would be appointed, and could be terminated, by the prime minister rather than the governor-general. With these changes came a more expansive conception of the role of the prime minister and his or her prerogatives.

For former senior public servant, the late Paul Barratt: 'Cabinet [under John Howard] was not the place where big decisions were made; the decisions to invade Afghanistan and Iraq, and not to ratify the Kyoto Protocol, were made by Howard, without consulting Cabinet and without the benefit of public service advice'.<sup>35</sup> Barratt's assessment in relation to matters of defence and national security is corroborated by Ric Smith, Secretary of the Department of Defence (2002–06), who told journalist Paul Kelly:

The message from ministers by ... [November 2002] was that they did not want strategic advice from the Defence Department. This reflected a conviction that ministers knew the issues and would take the decisions for or against war.<sup>36</sup>

Ashton Calvert, Secretary of DFAT (1998–2005), concurred. Calvert recalled that he did not regard it as his duty to question the Howard Government's Iraq decision.<sup>37</sup> Permanent heads of departments from earlier times, such as Sir Arthur Tange and Sir Frederick Shedden, had the advantage of security of tenure in providing advice to government in ways that might have been unwelcome.<sup>38</sup>

That the Iraq commitment was made without weighing pros and cons of a submission or submissions but by reaching a decision without a submission raises issues worthy of comment. One relates to the perception that, up to the moment of the Iraq War, the Australian Government had not made up its mind about whether to go to war. In Howard's statement to the House of Representatives in February 2003, he repeated that the Government had not made a final decision to commit to military conflict.<sup>39</sup>

The reality, argued Graeme Dobell, was that '...the commitment had long since been made; the Australian military was deeply involved in US planning for the war and Australia was in'.<sup>40</sup> Professor Hugh White concurred, arguing in 2004 that:

In the weeks after George Bush put the invasion on the agenda with his 'axis of evil speech' in January 2002, Australia clearly indicated it would be willing to join. Of course, no formal commitments were made until the eve of battle—they never are. But the key political decision had already been taken.<sup>41</sup>

Confining the Iraq decisions to a key group of ministers and senior public servants had its advantages. One was in managing legal and constitutional questions. Until World War II, the war



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power was a prerogative of the Crown exercisable on the advice of the British ministers but also committing the self-governing dominions and colonies of the empire.<sup>42</sup> John Curtin's wartime Labor Government insisted that the war power for Australia must be exercisable on the advice of Australian ministers to the governor-general.<sup>43</sup> Legal scholars have recently discovered that Howard originally planned to take the matter to the governor-general 'for noting' but did not do so after the Governor-General, Peter Hollingworth, sought the views of the Attorney-General about relevant issues of international law.<sup>44</sup> According to Charles Sampford and Margaret Palmer, the governor-general's

scrutiny was the only independent scrutiny available because the legality of the decision to go to war was not a matter that could be determined by the High Court, and the federal Government had taken action in March 2002 that effectively prevented the matter coming before the International Court of Justice.<sup>45</sup>

Hollingworth's request for legal advice attracted a reply from Howard to the effect that Hollingworth's 'predecessors had not been involved in past decisions, that no involvement was necessary' and that the decision could be implemented without recourse to the governor-general under the *Defence Act* as amended in 1975.<sup>46</sup> In its minute of 18 March, cabinet noted only that the 'Prime Minister had discussed the possibility of the commitment of the ADF ... with the Governor-General'.<sup>47</sup> Brendan Nelson would subsequently assert that contemporary practice, as distinct from the practice in Curtin's time, was that 'decisions to go to war are ultimately matters for the prime minister and cabinet, involving directly neither the Governor-General nor Federal Executive Council'.<sup>48</sup> Sampford and Palmer dispute this, arguing that:

A powerful argument could be made that the relevant sections of the *Defence Act* were not intended to be used for the decision to go to war and that such instructions are for peacetime or *in bello* decisions. If so, the power to make war remains within the Prerogative to be exercised on advice.<sup>49</sup>

In 2003 Hollingworth became involved in controversy over his handling of matters of sex abuse allegations in the Anglican diocese of Brisbane that saw him resign as Governor-General in May 2003.<sup>50</sup> Before he did so, he accepted Howard's advice on the handling of the Iraq matter.<sup>51</sup> That other governors-general might have handled the matter differently is possible. This is demonstrated by an episode in 1977 when Sir John Kerr insisted on advice from the attorney-general before accepting a recommendation from the Fraser Government on its establishment of the Department of the Special Trade Negotiator.<sup>52</sup> Had the governor-general in 2003 not been a clergyman but a lawyer as versed in constitutional law and practice Kerr or Sir Ninian Stephen or Sir William Deane were, he or she may well have insisted on advice from the attorney-general.<sup>53</sup>

There were cogent political reasons for the Government to bypass the executive council and the governor-general. Howard was relying for his advice on the legality of Australia's entry into the Iraq War on a 'Memorandum of Advice' from two officers at the level of first assistant secretary in the Department of Foreign Affairs and Trade and the Attorney-General's Department.<sup>54</sup> The cabinet decision of 18 March noted this Memorandum of Advice, 'which concluded that the use of force to disarm Iraq of weapons of mass destruction ... would be consistent with Australia's obligations under international law' and observed that the Attorney-General, Daryl Williams, 'fully concurred with the advice'.<sup>55</sup>

Former Solicitor-General Gavan Griffith queried why the Government relied on the authors of the Memorandum of Advice and not more senior experts such as Henry Burmester QC, Chief General Counsel of the Attorney-General's Department, or renowned international lawyer Professor

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James Crawford SC, who commonly advised the government in international law matters. On the question of the Iraq War, moreover, the opinion of the independent Solicitor-General, David Bennett QC, was not sought.<sup>56</sup>

Griffith was Australia's second law officer for 14 years from 1984, pleaded 250 cases before the entire bench of the High Court and was Agent and Counsel at several other cases at the International Court of Justice. He proceeded to argue that the published legal advice from the Government in 2003 (the Memorandum of Advice) had 'insufficient substance to bear the weight of the Prime Minister's reliance to justify the invasion of Iraq by Australian defence forces'.<sup>57</sup> The Australian advice and British advice arguing along similar lines, Griffith continued:

are entirely untenable. They are arrant nonsense. They furnish no threads for military clothes. It is difficult to comprehend that the fanciful assertions (they are not arguments) of the two advices have been invoked by Australia and the United Kingdom to support the invasion of another state. It does not appear from his published remarks that President Bush made any such attempt to clothe American action with the authority of the Security Council. This has the advantage of making the unilateral basis of his country's actions plain.

Once the troops were committed, however, the Howard Government's decision attracted stronger popular support as well as full endorsement from large sections of the media.<sup>58</sup>

#### **National Security, Defence and Foreign and Trade Policies**

Many of the cabinet submissions, memoranda and decisions are concerned with issues of national security, defence policy, foreign policy and trade policy beyond the Iraq War. The Minister for Foreign Affairs, Alexander Downer, and Minister for Trade, Mark Vaile, made a joint submission to cabinet on the launch of the 2003 foreign and trade policy white paper, *Advancing the National Interest*.<sup>59</sup> The white paper was prepared by a task force within the Department of Foreign Affairs and Trade (DFAT) in consultation with departments and agencies represented on the NSC.

It explained the Howard Government's focus on global security threats and its commitment to the war against terrorism. It also set out Australia's contribution to international efforts to halt proliferation of WMD. On the overseas trade front, the paper asserted that the Government had 'developed the most ambitious and wide-ranging trade policy agenda of any government in Australia's history'.<sup>60</sup>

A submission tells us that the NSC agreed to introduce legislation to ensure that the terrorist wing of Hizballah was listed as a terrorist organisation.<sup>61</sup> At the same time, the committee amended the text of *Australia's National Security: A Defence Update* to clarify that: 'The Australian Government is aware that the majority of Muslims hold moderate views and that they are no less victims than other religious, ethnic or national groups'.<sup>62</sup> The NSC also agreed to implement International Maritime Organization (IMO) measures to enhance maritime security.<sup>63</sup>

In the region, Australia had played a prominent role from 1997 to 2000 in the peace process in Bougainville, deploying more than 2500 ADF personnel and 300 civilians in the Peace Monitoring Group (PMG). In March 2003 the NSC decided to plan for the withdrawal of the PMG from 30 June 2003 and on 28 May agreed that a small unarmed civilian force replace the PMG.<sup>64</sup> s 47C(1)

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An extraordinary occurrence in 2003 was the Australian Parliament being addressed on consecutive days by the President of the United States, George Bush, and the president of a country that was soon to become Australia's largest trading partner, China's Hu Jintao.<sup>67</sup> Before 2003, only two foreign heads of state had addressed a joint meeting of the Australian Parliament: George H. W. Bush in January 1992 and US President, Bill Clinton in 1996.

Around the time of Hu Jintao's visit, inter-governmental negotiations took place on 9 and 10 October on the Australia China Trade and Economic Framework (TEF)— a framework agreed in May 2002 by Howard and the then Chinese Premier Zhu Rongji—for a possible joint scoping study on a bilateral free trade agreement between Australia and China.<sup>68</sup> China would not agree to such a study unless Australia agreed to recognise China as a market economy, but such recognition was a major step for Australia and one that would have attracted considerable international attention. In canvassing options, Vaile recommended and cabinet accepted that Australia not fully accede to China's demands in a way that would have impinged on domestic anti-dumping and safeguard actions against Chinese imports. As a concession, cabinet accepted a willingness in due course to recognise China as a market economy.<sup>69</sup>

Negotiation of a free trade agreement with the United States was one of the rewards for Australian participation in the war in Iraq. On 3 March 2003, cabinet agreed to a joint submission from Vaile and Downer for Australia to pursue a genuinely comprehensive free trade agreement with the United States. While striving to achieve reduced barriers to trade and enhanced market access, Australian ministers expected that US requests would cover sensitive areas such as single desk marketing, pharmaceutical benefits, foreign investment screening, parallel importation and copyright legislation.<sup>70</sup>

Formal rounds of negotiations commenced in March 2003 with subsequent rounds in May, July, October and December ahead of the end-of-2003 target for concluding the negotiations. The third round of the negotiations in July was crucial. Before this took place, cabinet canvassed options including eliminating all goods from the United States but preferred to offer to reduce tariffs to zero except for those on passenger motor vehicles and textiles, clothing and footwear.<sup>71</sup> On 9 October 2003, before the next round of negotiations, cabinet agreed to Vaile's request to modify the existing mandate for the negotiations following a US offer on agricultural trade that was deemed adequate.<sup>72</sup> The agreement with the United States was signed on 18 May 2004 and would come into effect on 1 January 2005.

Writing in 2015, Shiro Armstrong observed that the free trade deal was negotiated and signed within a year because of Howard's determination to consummate a trade deal with the United States in the context of the second Iraq War. The deal, Armstrong considered, damaged Australia's trade by diverting trade away from low-cost sources.<sup>73</sup> Cabinet also considered submissions on other trade agreements, including signing the agreement with Singapore after Vaile had reached agreement with his counterpart, making progress on a free trade agreement with Thailand and strengthening trade and economic linkages with Japan.<sup>74</sup>

By 2003, progress in the Doha Round of multilateral trade negotiations had been mixed with some areas, such as services, moving at a reasonable place, while others, like agriculture, progressed more slowly.<sup>75</sup> Vaile obtained cabinet approval for an Australian negotiating approach that sought substantial gains in market access in agriculture, industrial products and services while preventing

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gains being eroded in areas such as anti-dumping subsidies and countervailing measures.<sup>76</sup> Cabinet agreed to Australia's participation in the World Exposition in Aichi, Japan, in 2005.<sup>77</sup> It also agreed to the signing of an agreement with New Zealand jointly to regulate therapeutic products.<sup>78</sup>

Another cabinet submission relates to the sale of Australian wheat by AWB Ltd to Iraq. Under the United Nations Oil-for-Food Program, which expired on 21 November 2003, the Australian monopoly wheat trader AWB had become the dominant supplier of wheat to the Iraqi market. Iraq was Australia's largest wheat market in 1999–2000 and 2001 and Australia secured an average 65 per cent of the Iraqi wheat market over the period from 1996 to 2003. In 2001–02 Australia exported 2.2 million tonnes of wheat worth \$800 million representing 82 per cent of Iraqi imports and 13.5 per cent of Australian wheat exports.<sup>79</sup>

The extraordinary success of the Australian wheat trade in Iraq was partly explained by the subsequent discovery in the mid-2000s that AWB had been paying kickbacks to the regime of Saddam Hussein through a middleman.<sup>80</sup> The discovery led to a major scandal and a royal commission presided over by Justice Terence Cole. To cover for the period following expiry of the Oil-for-Food Program in November 2003, cabinet agreed on 22 October 2003 to establish a trade finance facility by means of the Export Finance and Insurance Corporation (EFIC) providing re-insurance for Australian wheat exporters on the National Interest Account (NIA). The NIA facility covered a maximum of \$350 million of exports to Iraq for exports shipped before December 2004.<sup>81</sup>

In matters of international law, cabinet approved a recommendation from Downer, Philip Ruddock as Attorney-General, David Kemp, Minister for the Environment and Heritage, and Ian Macfarlane, Minister for Industry, Tourism and Resources, to submit information to the UN Commission on the Limits of the Continental Shelf. The information would propose outer limits of Australia's continental shelf extending beyond 200 nautical miles from the territorial sea baseline, including areas adjacent to the Australian Antarctic Territory (AAT). In doing so, the ministers sought to take advantage of the opportunity to define an internationally accepted outer limit that would protect Australia's exclusive sovereign rights and interests in possible future exploration and exploitation of the non-living and sedentary living resources of the seabed and subsoil in the area beyond 200 nm' as well as bestowing rights to regulate marine scientific research and the marine environment.<sup>82</sup>

Approval of the submission permitted Australia to submit the data in 2004 within the 10-year deadline set by the 1982 Convention on the Law of the Sea (UNCLOS) and to become the third country after Russia and Brazil to do so. This in turn enabled Australia, via the *Seas and Submerged Lands (Limits of the Continental Shelf Proclamation 2012* to define the 11 million square kilometres of seabed over which it could exercise exclusive rights to seabed resources. Two areas of Australia's augmented continental shelf extended south into the Antarctic Treaty area.<sup>83</sup>

On other international legal matters cabinet authorised relevant ministers, including Attorney-General Daryl Williams, to prepare a negotiating mandate for the development of a thematic convention on the rights of persons with disabilities.<sup>84</sup> Cabinet also agreed to a submission from Downer that Australia should ratify a convention on procedure for handling hazardous chemicals and pesticides in international trade.<sup>85</sup>

In September 2002, Howard wrote to the Minister for Defence, Robert Hill, expressing his concern about continuing performance problems with major defence acquisitions.<sup>86</sup> To address this long-term problem, Howard appointed a Secretaries Task Force and an External Defence Procurement Team, the latter consisting of Malcolm Kinnaird AO (Chairman), Len Early PSM and Bill



Schofield AM. The team recommended reforming the Defence Materiel Organisation (DMO), which had been established in the latter part of 2000 by drawing together the Defence Acquisition Organisation and Support Command Australia to produce an integrated organisation with responsibility for 'whole-of-life' acquisition and through-life support of capabilities.<sup>87</sup> Cabinet agreed in 2003 to several recommendations, including establishing the DMO as an executive agency within the defence portfolio and as a prescribed agency under the *Financial Management and Accountability Act 1997*. These reforms were designed to transform the culture of the DMO to make it more business-like and performance focused.<sup>88</sup>

Cabinet approved another of Hill's submissions to meet key priorities over the four years from 2003–04 to 2006–07 with a fiscal impact of \$2,802.3 million. This decision stemmed from the 2000 Defence White Paper and the associated Defence Capability Plan, which was described as the most 'specific long-term Defence funding commitment given by any Government in 25 years'.<sup>89</sup> Defence spending increased by \$500 million in 2001–02, \$1 billion in 2002–03 and thereafter by three per cent annually in real terms. Hill and the Department of Defence continued to work on reforming Defence's budgeting processes by focusing on whole-of-life capability management in acquisitions and logistics and by concentrating responsibility for asset management in the DMO and the Corporate Services and Infrastructure Group.<sup>90</sup> In another defence submission, Hill sought cabinet approval for the Department of Defence to amend its budgeting and reporting obligations, which were hitherto based on one outcome: 'the Defence of Australia and its National Interests'. In substitution, Hill proposed a reporting structure with seven outcomes, supported by 29 Outputs and 34 Programs.<sup>91</sup>

In July 2003 Hill received approval to acquire command and control systems and communications infrastructure to upgrade Australia's air defence systems.<sup>92</sup> A decision to sell and lease back the Department of Defence's Russell Offices had been taken in 2000 and confirmed in April 2002. Following that decision, the Department of Finance and Administration and the Department of Defence submitted a memorandum to the NSC in 2003 on necessary steps to address national security considerations before the sale.<sup>93</sup>

Australia's Collins Class Submarines were constructed in Adelaide between 1990 and 2003 by the Australian Submarine Corporation (ASC) to Swedish design. In October 2003, the NSC agreed to a recommendation from Hill for the Commonwealth to sign a contract with the ASC for through-life support of the submarines. The initial period of the agreement was 15 years, with options to extend to 25 years.<sup>94</sup> Hill also received approval to increase the total funding for Australia's military satellite communications, providing continuous UHR-band low data rate coverage across the region from Sri Lanka in the west to Hawaii in the east and from Antarctica to the Arctic Circle in the north.<sup>95</sup>

For defence co-operation with regional neighbours, on 28 May 2003, cabinet approved a recommendation from Hill that Australia release a second and final tranche of financial assistance worth \$20 million towards the Papua New Guinea Government's (PNG) efforts to reform the PNG Defence Force. The assistance, which had commenced in 2001, was predicated on a firm PNG agreement to a downsized force of around 2000 (a reduction of more than 1000).<sup>96</sup>

#### **Economic, Social Welfare, Health, Education and Immigration Policies**

Many of the submissions relate to the Howard Government's policies in the areas of the economy, social welfare, health, education and immigration. The Australian economy performed well in 2003. Despite drought, war and rising oil prices, Australia enjoyed a Gross Domestic Product (GDP) growth rate of 2.7 per cent at the beginning of the year, a 6.1 rate of unemployment in the middle of the

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year and an increase in the Consumer Price Index (CPI) at an annual rate of 2.7 per cent.<sup>97</sup> A budget surplus of \$2.2 billion and forecasted economic growth of 3.25 per cent permitted modest 'sandwich and milkshake' income tax cuts for those earning between \$30,000 and \$50,000 and larger cuts for low- and high-income earners.<sup>98</sup> The state of the economy emboldened cabinet to agree not to oppose a moderate increase of up to \$12 per week in the Federal Minimum Wage in the Australian Industrial Relations Commission.<sup>99</sup>

In September 2003 Treasurer Peter Costello announced a budget surplus of \$7.5 billion raising the prospect of more tax cuts before the 2004 election. In a joint budget submission for the 2004 pre-election budget, Costello and the Minister for Finance and Administration, Nick Minchin, proposed a staged process beginning with an examination of the state of the budget in December 2003 by senior ministers and a final stage of early preparation of the budget in April and May 2004. Cabinet also approved amendments to the budget process that clarified the definition of new policy proposals and improved the processes for identifying financial implications and risks.<sup>100</sup>

Under the National Competition Policy (NCP) framework, Costello introduced a submission for a measure to allow for the Australian Government to make competition payments to states and territories assessed by the National Competition Council (NCC). The role of the NCC was to assess the progress of all jurisdictions in respect of implementing agreed NCP and related reforms (water, gas, electricity, and road transport.) Cabinet accepted Costello's recommendations for competition payments to states and territories that in some cases involved imposing penalties.<sup>101</sup> Together, Costello and Tony Abbott, Minister for Employment and Workplace Relations, received cabinet approval of a report on using employee share ownership schemes to drive productivity.<sup>102</sup>

Minchin brought to cabinet his own submission aimed at curbing the increasing costs of the Public Sector Superannuation (PSS) Scheme, whose unfunded liabilities in 2003 were around \$9 billion after 12 years of operation. Legislation to close the scheme had been defeated in the Senate in 2001 and closure continued to attract opposition from the non-government parties in the upper house. Cabinet agreed in 2003 to convert the PSS to a fully funded accumulation scheme to all new employees and office holders who became PSS members from 1 July 2005.<sup>103</sup>

Senator Helen Coonan, Minister for Revenue and Assistant Treasurer, received cabinet approval for a strategy to address low levels of consumer and financial literacy in Australia.<sup>104</sup> Another subject for cabinet on the economy was dealing with the collapse of HIH Insurance group of companies, which went through a corporate collapse in March 2001. In May of that year, cabinet agreed to implement an assistance scheme to alleviate genuine hardship cases for policyholders affected by the failure of those companies. In 2003 Coonan sought approval to close the HIH Claims Support Scheme and establish a limited gateway for special circumstances claims.<sup>105</sup> In another submission, Coonan received approval to introduce a civil penalty regime to deter promotion of tax avoidance and tax evasion schemes.<sup>106</sup>

The system of Medicare, established by the Hawke Government in 1984, assisted Australians in meeting health care costs. While hospital care was free and the Pharmaceutical Benefits Scheme (PBS) limited patient contributions to fixed co-payments with a safety-net arrangement, there were no such guarantees around patient contributions for medical services funded under the Medical Benefits Schedule (MBS). By late 2002 opinion polls were registering a degree of public concern about the Medicare system.<sup>107</sup> The affordability problem was being manifested in three ways: where the upfront cost of a visit to the doctor was a barrier; where the gap cost of a single visit was the barrier; or where cumulative gap costs were the barriers.<sup>108</sup> The level of bulk-billing, which had fallen

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for 11 quarters before May 2003, became the litmus test of the Howard Government's commitment to universal access to health care.<sup>109</sup>

In 2003 Howard showed that he continued to have no desire to expend political capital in fighting the popular Medicare scheme. To that end, Kay Patterson, Minister for Health and Ageing, launched 'A Fairer Medicare' described as 'the most far-reaching reform of Medicare since its introduction in 1984', and creating new incentives to bulk-bill in rural areas and for pensioners and other card holders.<sup>110</sup> But instead of calming hostility, Patterson's reforms:

heightened concerns that Medicare was being undermined by stealth, moving towards a two-tiered system with means-tested bulk billing. Patterson took the brunt of this attack, and was replaced by Tony Abbott as minister ... with a brief to end the growing political discontent over bulk-billing.<sup>111</sup>

On 5 November 2003, cabinet agreed to enhance the Fairer Medicare package, including by extending the government-funded MBS safety net arrangement for concessional patients. This covered 80 per cent of out-of-pockets costs above s 47C(1)

s 47C(1)<sup>12</sup> While the version of the plan announced by Abbott was a more generous one than the earlier version, it retained a fundamental assumption in Patterson's scheme. This was that both schemes aimed to 'recast Medicare as a safety net, rather than as the system of universal cover it was conceived to be'.<sup>113</sup>

A related problem for the Howard Government was the rising cost of private health insurance premiums. All 43 health funds applied for premium increases in 2003, and the previous year had seen growth in benefits exceed growth in contribution income by a wide margin. This problem saw Patterson make a submission in February 2003 to secure cabinet's agreement to a package of measures to reduce pressure on premium increases. Patterson's submission focused on the issues of prostheses benefits, reinsurance arrangements—a method of risk equalisation to support community rating, which required that funds not discriminate based on age, sex, health status or claims history when paying benefits or settling premiums—and default and ancillary benefits.<sup>114</sup>

Other initiatives in the health portfolio included cabinet's agreement to a recommendation from Patterson for Australia to sign the World Health Organization's (WHO) Framework Convention for Tobacco Control. Australia had been a prominent member of the intergovernmental negotiating body that developed the text. By 2003 Australia's public health policies on tobacco were among the most advanced in the world owing to measures such as bans on advertising, health warnings on tobacco products and restrictions on smoking in public places.<sup>115</sup>

Related initiatives in the health portfolio included cabinet's agreement to the Government's response to reviews in 2002 of the National HIV/AIDS and Hepatitis C and Indigenous sexual health strategies, including establishing a new ministerial advisory committee.<sup>116</sup> Another was cabinet's approval of a National Illicit Drug Strategy (NIDS) that took the Government's total spending commitment to 'Tough on Drugs' to over \$1.2 billion.<sup>117</sup>

By 2003, the Health Insurance Commission (HIC), an agency with a board of directors reporting to the Minister for Health and Ageing, was in financial trouble. The HIC's ten-member board included the managing director and the Secretary of Health in an *ex officio* position. It received 95 per cent of its revenue from the Department of Health with the remainder from the Department of Veterans Affairs (DVA) four per cent and the Department of Family and Community Services (FACS) one per cent.

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Under an agreement signed with Health in 1998, the HIC was responsible for managing legislated functions, processing claims, and paying benefits under Medicare and the Pharmaceutical Benefits Scheme (PBS) and delivering services connected with several other health programs. The HIC's revenue was in the order of \$442 million in 2002–03 and was collected under purchaser-provider arrangements with Health, DVA and FACS. The Output Pricing Arrangement with Health, however, had not delivered sufficient funds to ensure the HIC's solvency. This prompted Patterson to ask for additional funding for HIC of \$34.3 million in 2003–04.<sup>118</sup>

In July 2002, the Government agreed that work and family should be a strategic priority for the Government's third term. Accordingly, in September of that year, Howard commissioned an Inter-departmental Task Force on Work and Family to develop policy options. One of the fruits of this taskforce, which provided its initial report to cabinet in 2002, was a submission from Larry Anthony, Minister for Children and Youth Affairs, to expand access to childcare. Although Anthony proposed the uncapping of Outside School Hours (OSH) and Family Day Care (FCC), Treasury persuaded cabinet to proceed by expanding places by a set amount.<sup>119</sup>

Brendan Nelson, Minister for Education, Science and Training, introduced a major package for the reform of the higher education sector. In 2001 this sector employed 80,000 people and had total revenue of \$10.2 billion, contributing 1.5 per cent to GDP. Commonwealth funding, including the Higher Education Contribution Scheme (HECS)—at around \$6.2 billion in 2001—accounted for about 61 per cent of total sector funding. In the decade leading up to 2000 the higher education sector attracted a 30 per cent increase in the number of students and there was a greater emphasis during that time on seeking funding from non-Commonwealth sources. However, the last major reform of the higher education sector had taken place in 1988 when the Hawke Government introduced the Unified National System and HECS.

In 2003, Nelson's package included extending unsubsidised loans to fee-paying students in public institutions.<sup>120</sup> His reforms preserved and even tightened many elements of the centrally controlled system but also created new price signals and gave students enrolled at private higher education institutions access to a loans scheme. Under the 2003 package, student charges in government-subsidised places would be set by the university within limits imposed by the Commonwealth and these would go to the university.<sup>121</sup>

Nelson also received authority from cabinet to open a dialogue with private schools on funding arrangements for non-government schools in the 2005 to 2008 quadrennium. At that time, 30 per cent of private schools were funded based on need according to their socioeconomic status (SES). The Catholic school systems, however, (61 per cent of non-government schools) received funding on historical rates rather than SES scores. Nelson thought that bringing Catholic schools into the SES policy was good policy and likely to be cheaper than other options.<sup>122</sup> He also devised a new method for the Commonwealth's contribution to the national vocational education and training (VET) system. This approach incorporated new performance measures relating to Commonwealth priorities for addressing 'Australia's changing demographics, welfare reform, youth transitions, practical reconciliation for Indigenous Australians and workplace relations'.<sup>123</sup>

Philip Ruddock, Minister for Immigration and Multicultural and Indigenous Affairs, persuaded cabinet that the success of the Government's policies in relation to those attempting to come to Australia by boat meant that the Government had been able to restore the balance in its humanitarian immigration program. This had enabled his department 'to provide greater entitlements for those resettled from countries of first asylum and reduced entitlements for those resettled as secondary movers'.<sup>124</sup> Ruddock and Downer received cabinet approval to seek

extensions of offshore processing arrangements with Nauru and, possibly, Papua New Guinea.<sup>125</sup> This was deemed necessary because the processing facility on Christmas Island was not expected to be ready until 2006.<sup>126</sup>

Kay Patterson as Minister for Family and Community Services and Kevin Andrews, Abbott's successor as Minister for Employment and Workplace Relations, obtained guidance for cabinet on the Government's long-term plans to modernise the social support system to better support participation and self-reliance of working-age people. This was consistent with the McClure Reference Group's recommendation to the Government in 2000 to balance the goals of poverty alleviation and participation.<sup>127</sup>

Another subject on the social security front was negotiation of a social security agreement with Greece. Negotiations had been going on for ten years but had stalled over the issue of the level of pension paid to former Australian residents who moved back to Greece before they retired. Without an agreement, they could not claim an Australian pension when they reached pension age.<sup>128</sup> An agreement would eventually be concluded in 2007.<sup>129</sup>

Meanwhile, Ian Macfarlane and Joe Hockey, Minister for Small Business and Tourism, received cabinet endorsement of a white paper on tourism, which was an industry contributing 4.5 per cent to GDP and representing 11.2 per cent of export earnings.<sup>130</sup> Cabinet also endorsed recommendations from Industry, Tourism and Resources for a whole-of-government approach to implementing recommendations for an Aerospace Industry Action Agenda.<sup>131</sup> On housing matters, it approved a submission from Amanda Vanstone, Minister for Family and Community Services, for a multilateral Commonwealth State Housing Agreement, with Commonwealth funding of over \$900 million per year from 2003–04 to 2007–08.<sup>132</sup>

#### **Climate Change, Energy and the Environment**

Having decided in 2002 not to ratify the Kyoto Protocol, the Howard Government decided to respond to electoral pressure to take action to mitigate the long-term effects of climate change. One of the consequences was that in 2002, it adopted the Mandatory Renewable Energy Target (MRET). The MRET was introduced with an initial target of 9500 GWh of new electricity generation and was intended to run to 2010.<sup>133</sup> In 2003 the Government also moved ahead on a forward strategy on climate set out in a memorandum from Environment and Heritage, Industry, Tourism and Resources, the Australian Greenhouse Office and DFAT. This forward strategy wove together an international strategy, a domestic emissions abatement strategy and an adaptation strategy.<sup>134</sup> Treasury preferred introducing a 'non-prescriptive, broad-based market instrument' such as 'an emissions trading scheme' of the kind that Howard would later foreshadow before the Australian general election in 2007.<sup>135</sup>

In a submission on their preferred approach to emissions management, David Kemp, Minister for Environment and Heritage, Costello, Downer and Joe Hockey, as Acting Minister for Industry, Tourism and Resources, recommended a 'mandatory national emissions trading system', albeit one that would not be introduced before 2012 'unless it was in the national interest to do so'.<sup>136</sup> On 8 September 2003, however, cabinet decided not to support an emissions trading system after noting an oral report from Howard 'on his meeting with industry leaders who expressed opposition to any government announcement of a disposition toward emissions trading as the preferred policy instrument for managing future emissions'.<sup>137</sup>

Cabinet noted several items of business before the Sustainable Environment Committee of Cabinet in 2003, including property rights for water, the Living Murray Program established in 2002,



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land clearing in Queensland, national coastal policy, regional marine plans and priorities for the conservation of biodiversity.<sup>138</sup> The *Great Barrier Reef Marine Park Act 1975* required that zoning plans be developed for all areas declared to be part of the Great Barrier Reef Marine Park.

These were primary planning instruments for the conservation and management of the marine park. Cabinet gave Kemp authority to discuss key aspects of a revised zoning plan with stakeholders.<sup>139</sup> Cabinet also agreed that he should develop a Commonwealth position on a national Water Efficiency Labelling and Standards (WELS) scheme for consideration at the Environment Protection and Heritage Council held in Perth on 2 October.<sup>140</sup> Ministers supported the work of the Department of the Environment and Heritage to halt the decline in Australia's biodiversity through the Natural Heritage Trust, the National Action Plan for Salinity and Water Quality and efforts to reduce land clearing and promote environmental flows.<sup>141</sup> Cabinet also considered options for environmental measures associated with the reform of fuel excise.<sup>142</sup>

In energy policy, on 6 March 2003, cabinet's Energy Committee established an energy task force, a whole-of-government process involving officers from the Department of the Prime Minister and Cabinet (PM&C), the Department of the Treasury, the Department of the Environment and Heritage (DEH), the Department of Transport and Regional Services (DOTARS) and the Department of Industry, Tourism and Resources (DITR).<sup>143</sup> The task force was instructed to develop proposals for a more consistent and integrated framework for energy policy, to identify key decisions that the Government needed to take during the year, and establish a clear timetable for the taking of those decisions.

The approach and timetable proposed by the task force supported the development of a major public statement on energy policy. Key decisions on energy policy in 2003 included the Government's response to an Independent Review of Energy Market Directions chaired by former Liberal Senator Warwick Parer; development of the Climate Forward Strategy discussed above; consideration of a National Framework on Energy Efficiency being developed by the Ministerial Council on Energy (MCE); a response to Sasol Chevron's application for an investment incentive for its proposed Gas to Liquids project; a review of the balance of resource development initiatives; a review of the Gas Access Regime; and reform of the downstream petroleum market.<sup>144</sup>

In August 2003, cabinet accepted the position of the energy task force that Australia enjoyed a strong national security energy position and argued against the needs for pipelines to supply gas from Western Australia and northern Australia to southeastern Australia. The task force argued that:

While observing that declining reserves proximate to the south east markets may result in higher gas prices in the medium term, the Task Force does not consider this provides sufficient reason to intervene in the market.<sup>145</sup>

The Howard Government pursued negotiations with the states and territories to try to develop a national legislative framework for the national energy market; establish a single national regulator for electricity and gas located in the Australian Competition and Consumer Commission (ACCC); develop a national code for energy distribution and retailing to be brought within the national energy regulator by 2005; and establish an independent transmission planning panel by 2004. While federal ministers made some progress in negotiations in June 2003, the states and territories resisted the Commonwealth's objective of a single national energy regulator within the ACCC.<sup>146</sup>

As part of its 2001 election campaign, the Government announced a Biofuels for Cleaner Transport plan to promote the production, distribution and transport of biofuels. In 2003 Costello

and Kemp obtained cabinet agreement on measures to support greater market acceptance of ethanol–petrol blends in Australia by setting a 10 per cent upper limit for ethanol in petrol and by providing for fuel labelling under the *Fuel Quality Standards Act 2000*.<sup>147</sup> On a related matter, The Department of Industry, Tourism and Resources submitted a memorandum to cabinet on Australia's obligations to participate in emergency oil measures developed by the International Energy Agency (IEA) to meet future oil supply emergencies. This issue had heightened relevance following the loss of Iraqi oil supplies during the Iraq War.<sup>148</sup>

#### **Transport, Infrastructure, Communications and Legal Issues**

Several submissions relate to the Royal Commission into the Building and Construction Industry, an inquiry established by the Howard Government in 2001 to inquire into alleged misconduct in the building and construction industry in Australia.<sup>149</sup> The building and construction industry, which contributed an estimate 5.5 per cent to Gross Domestic Product (GDP) annually had a pivotal role in Australia's economy. This inquiry followed several unsuccessful attempts by the Howard Government to regulate the conduct of industrial relations more strongly within that industry. The royal commission commenced on 29 August 2001 and was overseen by a sole royal commissioner, Justice Terence Cole, who handed his final report to the Governor-General on 24 February 2003.

Although Cole found no evidence of organised criminal activity, he recommended sweeping changes to industrial relations laws applicable to that industry. On 1 April 2003, Cabinet agreed to a response to Cole's final report in two stages: a broad initial response followed by a detailed second-stage response. On 2 April 2003 Tony Abbott, Minister for Minister for Workplace and Employment Relations, announced industry-specific legislation to regulate workplace relations in the industry, including a new regulatory body, the Australian Building and Construction Commission (ABCC). A Treasury submission provided a response accepting 27 of 32 recommendations, either wholly or partially.<sup>150</sup>

The Government's efforts to implement its reform legislation for the industry stalled in the Senate in 2004 but were revived in 2005 after the Government secured control of the upper house. This enabled passage of the *Building and Construction Industry Improvement Act 2005* along with establishment of the Office of the Australian Building and Construction Commissioner (ABCC), an independent statutory authority responsible for monitoring and protecting workplace relations in the building and construction industry.

In November 2002, cabinet considered the report of the Regional Telecommunications Inquiry (RTI) chaired by Dick Estens. Cabinet accepted that the RTI report provided a sufficient basis for proceeding with the full privatisation of Telstra as long as two issues identified in the report were addressed. Accordingly, in June 2003, cabinet agreed to a submission from Minister for Communications, Information Technology and the Arts, Richard Alston, that legislation be introduced as soon as possible to enable full privatisation of Telstra Corporation (Telstra).

To ease the path, cabinet agreed to key recommendations of Estens. One was to impose a license condition on Telstra to provide dial-up internet access over its fixed telephone network at a minimum equivalent data rate of 19.2 kilobits per second. The other was to require the Australian Communications Authority (ACA) to identify the worst performing Exchange Service Areas (ESAs) in regional, rural and remote areas and require Telstra to provide a formal strategy for raising the performance of those ESAs.<sup>151</sup>

Alston had less success with a submission proposing new arrangements for costing and funding the historic telephony universal obligation (USO). The telecommunications USO was a

statutory measure aimed at providing Australian households with reasonable access to basic telephone services and payphones. In practice, Telstra was the sole USO provider in Australia 'reflecting its historical position as the incumbent, ubiquitous national service provider, with other major providers subsidising Telstra for this provision on the basis of a costing model'.<sup>152</sup>

Alston's submission was based on the RTI's finding that current USO obligations might be favouring Telstra and constraining regional competition. To address this problem, he framed a submission requiring Telstra to take on full responsibility for the telephony USO and making a clear break with the USO when encouraging access to important new services such as broadband. On 15 April 2003, however, cabinet decided not to proceed with the submission.<sup>153</sup>

In another communications submission Alston sought guidance from cabinet on a proposal for the merger of the Australian Broadcasting Authority (ABA)—responsible for broadcasting licensing, regulation of commercial and subscription broadcasting services, online content regulation and Broadcasting Services Bands s 47C(1)

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A memorandum from the Department of Transport and Regional Services, the Treasury and PM&C responded to a cabinet's request in December 2002 to examine options for more effective and efficient operation of the coastal trading permit system. Unlike many other countries, Australia did not reserve its coastal trade for Australian flagged or based vessels. The coastal trade was open to foreign shipowners under a licensing system whose main prerequisite was paying Australian wages to the crew. Cabinet decided to extend the interim immigration arrangements in respect of foreign crews on Australian ships—arrangements announced by Ruddock in December 2002—and to remove the need to provide six months' notice of cancellation of Continuing Voyage Coastal Trade permits (CVP).<sup>155</sup>

The sale of Sydney Airport was completed in 2002. In the same year, Minchin and John Anderson, Minister for Transport and Regional Services, were given approval for their proposed strategy for the sale of Bankstown Airport, Camden Airport and Hoxton Park Airport.<sup>156</sup> Meanwhile, Attorney-General Daryl Williams received cabinet approval for a strategy to combat rising levels of identity fraud. This did not embrace the national identity card idea that the Hawke Government had tried but failed to implement in the 1980s but sought to develop common supporting mechanisms for Commonwealth agencies to ensure accuracy in the verification of identity and a basis for cleansing existing data that had not been verified.<sup>157</sup>

In 2001 the Senate rejected legislation not to establish an Administrative Review Tribunal (ART) by amalgamating the Administrative Appeals Tribunal (AAT), the Social Security Appeal Tribunal (SSAT), the Merits Review Tribunal (MRT) and the Refugee Review Tribunal (RRT). That being so, Williams recommended discontinuing the plan to establish a single tribunal but instead to reform the AAT and pursue administrative efficiencies with respect to the federal merits tribunal.<sup>158</sup> Williams also made a submission to cabinet on reform of the family law system and Chris Ellison, Minister for Justice and Customs, received approval to amend the Criminal Code Act 1995 to introduce new telecommunications offences on Internet content.<sup>159</sup>

### Rural and Regional Issues

In rural and regional policy, cabinet had on its agenda the Sustainable Regions Program. This was one of the issues that spoke to an enduring issue in the Howard Government: maintaining the

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relationship between the Liberal and National parties. During the period of the Howard Government, the National Party, the junior coalition party, was losing numbers and had at the same time to combat Pauline Hanson's 'One Nation' insurgency.<sup>160</sup> In the 2000s there were none of the vigorous coalition battles that occurred in the early 1950s (the debate over revaluation), the late 1960s (what to do on sterling's devaluation) and 1971–72 (devaluation again).<sup>161</sup>

The National Party nonetheless fought its corner on aid to rural and regional Australia, which was one of the nine major issues identified by cabinet on 30 July 2002. One of its projects was the Sustainable Regions Programme (SRP), a project resulting from the *Stronger Regions, A Stronger Australia*, endorsed by cabinet on 20 August 2001. The SRP was designed to assist regions undergoing major economic, social, technological and environmental change and to support community leadership in the development of local solutions.

The eight regions were: the Atherton Tableland and Wide Bay Burnett in Queensland; Far North East New South Wales and Campbelltown–Camden; Gippsland in Victoria; North West and West Coast of Tasmania; Playford–Salisbury in South Australia and Kimberley in Western Australia. By August 2003, Anderson had approved 97 projects to the value of \$29.5 million (GST exclusive), and the projects attracted an additional \$84 million in funding from other partners.<sup>162</sup> Another facet of the *Stronger Regions, Stronger Australia* project in 2003 was cabinet's agreement to publish an independent report, *Regional Business—A Plan for Action*. The report was commissioned to identify impediments to the growth and effectiveness of Federal Government assistance to regional business.<sup>163</sup>

Following a disastrous fire season in the Australian Capital Territory in 2003 and drought from March 2002 to January 2003, cabinet agreed to set up a national inquiry into bushfire prevention and mitigation and continued to provide financial relief to farmers to manage drought conditions.<sup>164</sup>

### Indigenous Policy

A key cabinet submission from 2003 in the Indigenous area was concerned with health. A National Aboriginal and Torres Strait Islander Health Council had developed the National Strategic Framework for Aboriginal and Torres Strait Islander Health to provide an approach to Indigenous health. The development of the framework was driven by the Commonwealth and gained the support of state and territory governments, the Aboriginal and Torres Strait Islander Commission (ATSIC) and the Aboriginal community - controlled health sector. It aimed to achieve a whole-of-government commitment in each jurisdiction to address nine key result areas, recognised that action had to be in partnership with local communities and devoted attention to improving the responsiveness of the mainstream health system to Indigenous Australians.<sup>165</sup>

Amanda Vanstone, Ruddock's successor as Minister for Immigration and Multicultural and Indigenous Affairs, obtained cabinet's approval to modernise the Malcolm Fraser-era *Aboriginal Councils and Associations Act 1976* in a new *Indigenous Corporations Act* after a review agreed by cabinet in July 2002.<sup>166</sup> In November 2003 the final Report of the Review of the Aboriginal and Torres Strait Islander Commission, *In the Hands of the Region*, was released.<sup>167</sup> While the report did not advocate abolishing ATSIC, it pointed to the limitation of funding through mainstream agencies. Nonetheless, in 2004 legislation was enacted to finally abolish the body.<sup>168</sup>

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### Conclusion

Australia joined the war in Iraq in March 2003 while maintaining the fiction that it had not made up its mind until the last moment.<sup>169</sup> As Graeme Dobell put it in 2013:

The Howard Government claimed to be considering all options, but in reality it closed down consideration. Options weren't called for. Getting wrong answers to questions posed about Iraq would make it harder for the Prime Minister to take Australia to war.<sup>170</sup>

By contrast, Canada's Prime Minister, John Chrétien, made clear in 2002 that his country's participation in any war against Iraq would depend on having the support of the United Nations.<sup>171</sup> The policy still permitted Chrétien to participate in the invasion if China or Russia vetoed a resolution that was supported by the rest of the US Security Council. In 2003, when the Security Council did not support the war, neither did Canada. By contrast, Australia went ahead with its commitment to the United States in Iraq lacking a Security Council resolution but armed with internal advice that the use of force was authorised by earlier Security Council resolutions.<sup>172</sup>

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The October 2003 visit to Australia by the leaders of the United States and China offered the Australian Government hope that these two foreign countries would establish a *modus vivendi* and that Australia would be able to maintain a constructive relationship between its major ally and its soon-to-be major trading partner. At home, Australia was on the cusp of one of the greatest economic booms in its history, fueled by Chinese demand for exports of minerals and energy.<sup>175</sup> This boom gave the Howard Government the space to turn its attention to reforms illuminated by these cabinet papers. They include areas such as defence acquisitions, energy policy, the building and construction industry, the higher education and vocational training sectors, communications, coastal shipping, social welfare and the private and public health systems.

Two opportunities were missed in 2003. One was an emissions trading system, which Howard only sought to introduce at the end of his term and which one of his ministers, Tony Abbott, extinguished in 2013. The other was an Australian sovereign wealth fund larger than the Future Fund for unfunded liabilities of politicians and public servants that was established by Peter Costello in 2006. Such a sovereign wealth fund could ideally have been introduced in 2003 when the China



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resources boom was beginning with immense consequences for Australia's continuing prosperity once the boom had ended.<sup>176</sup>

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## Endnotes

<sup>1</sup> The title of this section is based on Graeme Dobell's perceptive series of articles on the Howard Government's Iraq War decision in *The Strategist* cited below.

<sup>22</sup> James Bluemel & Renad Mansour, *Once Upon a Time in Iraq: History of a Modern Tragedy*, BBC Books, London, 2020; Benjamin Isakhan, 'Iraq war, 20 years on: how the world failed Iraq and created a less peaceful, democratic and prosperous state', *The Conversation*, 17 March 2023.

<sup>3</sup> Chapter VII of the United Nations Charter is the section of the Charter that deals with international action in response to threats to world peace. The measures that can be taken under Chapter VII range from partial to complete interruption of economic relations and means of communication and the severance of diplomatic relations to the direct use of armed force (Article 42).

<sup>4</sup> James Dao, 'Experts Warn of High Risk for American Invasion of Iraq', *New York Times*, 1 August 2002.

<sup>5</sup> President Bush Announces Major Combat Operations in Iraq Have Ended, 1 May 2003, [President Bush Announces Major Combat Operations in Iraq Have Ended \(archives.gov\)](https://www.archives.gov/newsroom/2003/05/01/bush-iraq)

<sup>6</sup> 'How the War Started', *The Week*, 24 March 2003.

<sup>7</sup> Robert Draper, *To Start a War: How the Bush Administration Took America into Iraq*, Penguin, New York, 2020, cover. See also Thomas E. Ricks, *Fiasco: The American Military Adventure in Iraq*, Penguin Books, New York, 2007.

<sup>8</sup> John Howard, 'Iraq 2003—A Retrospective', Speech, Lowy Institute, 9 April 2013. See also John Howard, *Lazarus Rising: A personal and Political Autobiography*, Revised Edition, HarperCollins, Sydney 2011, Chapter 34.

<sup>9</sup> Julian Borger, 'Colin Powell's UN speech: a decisive moment in undermining US credibility', *The Guardian*, 19 October 2021; Judith Betts and Mark Phythian, *The Iraq War and Democratic Governance: Britain and Australia Go to War*, Palgrave Macmillan, Basingstoke, 2020.

<sup>10</sup> Quoted in Paul Barratt, 'Howard's War—A continuation of Politics by Other Means', *Pearls and Irritations*, 10 March 2017.

<sup>11</sup> Albert Palazzo, 'Iraq and the Politics of Alliance Relationships' in Tom Frame (ed.), *Trials and Transformations, 2001–2004: The Howard Government. Volume III*, UNSW Press, Sydney, 2019, p. 238.

<sup>12</sup> Jean Edward Smith, *George Bush's War*, Henry Holt, New York, 1992.

<sup>13</sup> Ewen MacAskill and Julian Borger, 'Iraq War was illegal and breached UN Charter, says, Annan', *The Guardian*, 16 September 2004. See James Traub, *The Best Intentions: Kofi Annan and the UN in the Era of World Power*, Bloomsbury, London, 2006.

<sup>14</sup> 'Every word of Crean's defining counter to John Howard on Iraq' on 5 February 2003 and republished in the *Sydney Morning Herald*, 25 June 2003; Philip Coorey, 'Labor's journeyman leaves a legacy of principle and reform', *Australian Financial Review*, 26 June 2023.

<sup>15</sup> Cabinet Submission JH03/0236 – Implications of the Post-Conflict Situation in Iraq for Australia's Migration and Refugee Programs, Decision of the National Security Committee, JH03/0326/NS, 25 June 2003, NAA: JH03/0236/NS.

<sup>16</sup> Without Submission – Iraq—Military Operations, Cabinet Decision JH03/0157/CAB, 1 April 2003, NAA: A14370, JG03/0157.

<sup>17</sup> John Howard, 'Iraq 2003: a Retrospective', Speech, Lowy Institute, 9 April 2013.

<sup>18</sup> Paul Barratt in 'Here We go again', *Arena Magazine*, October 2014, criticised decisions made by a small group of ministers to go to war in the cases of Vietnam, Iraq and Afghanistan. He argued that: '...inhibitions based on concerns about the major ally's capacity to fight effectively and win within a period of a year or two (if perceived at all) can be easily swept aside by the desire ... to remain close to whoever is the US President at the time of deciding. Also in this system of decision-making, broader issues such as the morality of the

commitment, which was clearly a major public issue in the cases of Vietnam and Iraq, are relatively easy for the Government to ignore or set to one side. The small group setting also makes it easier to believe faulty intelligence reports, or even dismiss them when they are inconvenient for the government's preferred policy'.

<sup>19</sup> Without Submission – Iraq: Authority for Australian Defence Force Military Action, Cabinet Decision JH03/0124/CAB, NAA: A14370, JH03/0124. Margaret Swieringa argues that the Government's justification for war was not supported by any of its own agencies' intelligence. See Margaret Swieringa, 'Howard ignored advice and went to war in Iraq', *Sydney Morning Herald*, 12 April 2013.

<sup>20</sup> Without Submission – Iraq—Military Operations, Cabinet Decision JH03/0157/CAB, 1 April 2003, NAA: A14370, JG03/0157.

<sup>21</sup> Ibid.

<sup>22</sup> Gregory Pemberton, *All the Way: Australia's Road to Vietnam*, Allen & Unwin, Sydney, 1987; Peter Edwards with Gregory Pemberton, *Crises and Commitments. The Politics and Diplomacy of Australia's Involvement in South East Asian Conflicts*, Allen Unwin in association with the Australian War Memorial, Sydney, 1992; Gary Woodard, *Asian Alternatives: Australia's Vietnam Decision and Lessons on Going to War*, Melbourne University Publishing, Carlton, 2004; Gary Woodard, 'Two Australian wars, two prime ministers: Australia's virtual Vietnam and lessons for today', NAPS/net Policy Forum, 18 April 2013, [Two Australian wars, two prime ministers: Australia's virtual Vietnam, and lessons for today | Nautilus Institute for Security and Sustainability](#)

<sup>23</sup> Paul Barratt, 'The war crimes inquiry should make us question how we go to war and why', *The Guardian*, 20 November 2020.

<sup>24</sup> Graeme Dobell, 'Iraq lessons: the cabinet submission that never was', *The Strategist*, 23 November 2015 and 'Iraq lessons: the cabinet submission that never was', *The Strategist*, 30 November 2025.

<sup>25</sup> Robert Garran, *True Believer: John Howard, George Bush and the American Alliance*, Allen & Unwin, Sydney, 2004, p. 199.

<sup>26</sup> Weller, *Cabinet Government*, p. 182.

<sup>27</sup> Ibid., p. 183.

<sup>28</sup> Ibid., p. 187.

<sup>29</sup> Ibid., p. 183.

<sup>30</sup> Ibid.

<sup>31</sup> Brendan Nelson, 'The Role of Government and Parliament in the Decision to Go to War', n.d. Parliament of the Commonwealth, Powers, Practice and Procedure, [The Role of Government and Parliament in the Decision to Go to War – Parliament of Australia \(aph.gov.au\)](#)

<sup>32</sup> Without Submission – Iraq: Authority for Australian Defence Force Military Action, Cabinet Decision JH03/0124/CAB, NAA: A14370, JH03/0124.

<sup>33</sup> Samuel Furphy (ed.), *The Seven Dwarfs and the Age of the Mandarins: Australian Government Administration in the Post-War Reconstruction Era*, ANU Press, Canberra, 2015. For the operation of the cabinet system under Menzies see David Lee, 'Cabinet', in Scott Prasser, J.R. Nethercote and John Warhurst (eds), *The Menzies Era: A Reappraisal of Government, Politics and Policy*, Hale & Iremonger, Sydney, 1995, pp. 123-36.

<sup>34</sup> *The Prime Minister and Cabinet (Miscellaneous Provisions) Act 1994*. See Elaine Thompson, 'Democracy Undermined: Reforms to the Australian Public Service from Whitlam to Hawke', *The Australian Quarterly*, Vol. 63, No. 2, 1991, pp. 127-42.

<sup>35</sup> Paul Barratt, 'My, How Things Have Changed', *Meanjin*, Autumn, 2021.

<sup>36</sup> Quoted in Graeme Dobell, 'Iraq lessons: the impact of the Howard fib', *The Strategist*, 13 November 2015.

<sup>37</sup> Ibid. For a long-term perspective see James Curran, 'Iraq War casts a long Shadow Over Australia's Sovereignty', *Australian Financial Review*, 19 March 2023.

<sup>38</sup> Peter Edwards, *Arthur Tange: Last of the Mandarins*, Allen & Unwin, North Sydney, 2006 and David Horner, *Defence Supremo: Sir Frederick Shedden and the Making of Australian Defence Policy*, Allen & Unwin, St Leonards, 2000.

<sup>39</sup> Ministerial statement by the Prime Minister, 4 February 2003, [ParlInfo - MINISTERIAL STATEMENTS : Iraq \(aph.gov.au\)](#)

<sup>40</sup> Graeme Dobell, 'The Iraq war 10<sup>th</sup> anniversary: the Canberra Silence', *The Strategist*, 12 March 2013 and 'Cabinet papers reveal Australia was on path to war in 1998', *The Strategist*, 20 January 2020. See also Albert Palazzo, 'Australia in Iraq: A Summary of the Iraq Dossier', *The Cove*, 5 September 2017; David Wroe, 'The Secret Iraq Dossier: Inside Australia's Flawed War', *The Age*, 25 February 2017; and Albert Palazzo, *The Australian Army and the War in Iraq 2002–2010*, 15 March 2011.

<sup>41</sup> Hugh White, 'Why Howard took us to war', *The Age*, 26 February 2004. See also Paul Barratt, 'Faulty Intelligence, or a war pre-ordained?', *Pearls & Irritations*, 12 July 2016.

<sup>42</sup> A. Berriedale Keith, *The Dominions as Sovereign States*, Macmillan and Co, London, 1938, pp. 46-8 and pp. 605-7.

<sup>43</sup> Cablegram from John Curtin to S.M. Bruce, 3 December 1941, W.J. Hudson and H.J.W. Stokes (eds), *Documents on Australian Foreign Policy 1937-49. Volume V: July 1941-June 1942*, Australian Government Publishing Service, Canberra, 1982, pp. 266-8; David Lee, *John Curtin*, Connor Court, Redland Bay, 2022, p. 77; David Lee, 'States Rights and Australia's Adoption of the Statute of Westminster, 1931-1942', *History Australia*, Volume 13, Issue 2, 2016, pp. 258-74.

<sup>44</sup> Charles Sampford and Margaret Palmer, 'The Constitutional power to Make War: Domestic Legal Issues Raised by Australia's Action in Iraq', *Griffith Law Review*, 2009, p. 374. They report that Hollingworth recalled: 'I had previously read public statements made by some academics and international lawyers, and, on the advice of the Official Secretary, I sought clarification from the Attorney-General as to technical ramifications that could arise under international law'.

<sup>45</sup> *Ibid.*, p. 350. 'Declarations recognizing the jurisdiction of the Court as compulsory', Australia, 22 March 2002, <https://www.icj-cij.org/declarations/au>

<sup>46</sup> *Ibid.*, p. 374. Hollingworth may also have been reacting to claims from the Anglican Church that the Howard Government was beholden to the United States and unable to think for itself on Iraq. 'PM and churches clash over Iraq', *The Age*, 5 October 2002.

<sup>47</sup> Without Submission – Iraq: Authority for Australian Defence Force Military Action, Cabinet Decision JH03/0124/CAB, NAA: A14370, JH03/0124.

<sup>48</sup> Brendan Nelson, 'The Role of Government and Parliament in the Decision to Go to War', n.d. Parliament of the Commonwealth, Powers, Practice and Procedure, [The Role of Government and Parliament in the Decision to Go to War – Parliament of Australia \(aph.gov.au\)](http://www.aph.gov.au)

<sup>49</sup> Sampford and Palmer, 'The Constitutional Power', p. 350. Later, on p. 380, they argue: 'In 2003, it appeared that the Defence Minister used his legal powers under the *Defence Act* to implement decisions taken by Cabinet and/or its Security Sub-Committee to give instructions to service head(s) to take the actions which involved us in war. A powerful argument could be made that the relevant sections of the *Defence Act* were not intended to be used to go to war and that such instructions are in peacetime or *in bello* decisions ... [G]iven the gravity of the decision, it might seem surprising that the government did not choose the most obvious and unimpeachable legal means to go to war'. In similar vein, Former Secretary of Defence, Paul Barratt, argued in 'It's Too Easy to Take us to War', *Pearls and Irritations*, 22 November 2019 that '...successive Governments appear to have relied upon Section 8 of the *Defence Act 1903*, a provision which in its current form was introduced in 1975 to make clear that the Minister for Defence had 'general control and administration' of the Defence Force and that both the Secretary and the newly created position of Chief of the Defence Force were subject to the Minister's discretion. Section 8 was never intended to create a new power to make war'.

<sup>50</sup> Without Submission – Governor-General: Provision in Letters Patent for Standing Aside, Decision of Ministry JH03/0186/MIN, 12 May 2003, NAA: A14370, JH03/0186.

<sup>51</sup> Sampford and Palmer, 'The Constitutional Power', p. 374 record that the Attorney-General did not respond to Hollingworth but that Howard did 'from available legal advice'. Howard did not pursue an undertaking to bring the decision to the Executive Council 'for noting' and advised Hollingworth that 'his predecessors had not been involved in past decisions and that no involvement was necessary'.

<sup>52</sup> Tom McIlroy, 'Kerr-Fraser conflict a precedent for governor-general's intervention', *Australian Financial Review*, 21 August 2022.

<sup>53</sup> Among the questions raised by this episode is whether the Governor-General was entitled to ask for the advice of the Attorney-General as to the international legality of the war, whether he could seek independent legal advice if the Government were not permitted to give it and '[w]hat should the Governor-General do if he is uncertain of the international legality of the war after receiving advice from the government—especially if the advice is not from the Attorney-General whose advice he has requested?' The authors proceed to discuss the possibility of the Governor-General insisting on the opinion of the Attorney-General as first law officer, insisting on the publication of the advice or even considering the possibility of resignation. Sampford and Palmer, 'The Constitutional Power', pp. 374-77. See also Barratt, 'It's Too Easy to Take Us to War', *Pearls and Irritations*, 22 November 2019. Before he agreed to Malcolm Fraser's request for a double dissolution in 1983, Stephen asked for further advice. For Stephen see Philip Ayres, *A Fortunate Voyager: the Life of Ninian Stephen*, Melbourne University Publishing, Carlton, 2013.

<sup>54</sup> 'The government's legal advice on using force', *Sydney Morning Herald*, 19 March 2003.

<sup>55</sup> Without Submission – Iraq: Authority for Australian Defence Force Military Action, Cabinet Decision JH03/0124/CAB, NAA: A14370, JH03/0124.

<sup>56</sup> Gabrielle Appleby, 'The political imperative for a legal war', *Inside Story*, 13 July 2016.

- <sup>57</sup> 'This war is illegal: Howard's last top law man', *Sydney Morning Herald*, 21 March 2003.
- <sup>58</sup> Murray Goot, 'Polls Apart on Whether the Conflict is Worth Waging', *Sydney Morning Herald*, 1 April 2003; Murray Goot, 'Public Opinion and the Democratic Deficit: Australia and the War Against Iraq', *Australian Humanities Review*, No. 29, 2003; Robert Manne, 'Murdoch's War', *The Monthly*, July 2005.
- <sup>59</sup> Department of Foreign Affairs and Trade, *Advancing the National Interest*, Canberra, 2003.
- <sup>60</sup> Cabinet Submission JH03/0012 – Foreign and Trade Policy White Paper, 19 January 2003, p. 3.
- <sup>61</sup> Without Submission - Hizballah, Cabinet Decision JH03/0217/NS, 28 May 2003, NAA: A14370, JH03/0217/NS.
- <sup>62</sup> Without submission - Australia's National Security: a Defence Update, Cabinet Decision JH03/0034/NS, NAA: A14370, HH03/0034.
- <sup>63</sup> Cabinet Submission JH03/0041 – International Maritime Organization – Implementation of Measures to Enhance Maritime Security, Decision of National Security Committee JH03/0041/NS, 5 March 2003, NAA: A14370, JH03/0041/NS.
- <sup>64</sup> Cabinet Submission JH03/0202 – Bougainville: Successor to the Peace Monitoring Group, Decision of the National Security Committee, JH03/0202/NS, 28 May 2003, NAA: JH03/0202/NS.
- <sup>65</sup> Without submission – International Unitisation Agreement for the Sunrise & Troubadour Petroleum Fields & Implementation of the Timor Sea Treaty, Cabinet Decision JH03/0076/CAB, 3 March 2003, NAA: A14370, JH03/0076.
- <sup>66</sup> Cabinet Memorandum JH03/0425 – Protection of Timor Sea Oil and Gas Infrastructure, Decision of National Security Committee JH03/0425/NSC, 26 November 2003, NAA: a14370, JH03/0425.
- <sup>67</sup> Jane Perlez, 'A Visitor from China Eclipses Bush's Stop in Australia', *The New York Times*, 25 October 2003. Without submission – Visit to Canberra by the President of the United States George W. Bush: Aviation Security Arrangements, Decision of National Security Committee JH03/0391/NS, 15 October 2003, NAA: A14370, JH03/0391/NS.
- <sup>68</sup> Cabinet Minute – Without Submission – Australia-China Free Trade Agreement Scoping Study, Cabinet Decision JH03/0263/CAB, 22 July 2003, NAA: A14370, JH03/0263.
- <sup>69</sup> Cabinet Submission JH03/0377 – China: Trade and Economic Framework (TEF) – Cabinet Decision JH03/0377/CAB, 9 October 2003, NAA: A14370, JH03/0377; Without Submission – Australia-China Free Trade Agreement Scoping Study, Cabinet Decision JH03/0263/CAB, 22 July 2003, NAA: A14370, JH03/0263.
- <sup>70</sup> Cabinet Submission JH03/0051 – Australia-United States Free Trade Agreement, Cabinet Decision JH03/0051/CAB, 3 March 2003, NAA: A14370, JH03/0051.
- <sup>71</sup> Cabinet Submission JH03/0247 – Australia-United States Free Trade Agreement (AUSFTA) – Market Access, Cabinet Decision JH03/0247/CAB, 26 June 2003 and Cabinet Decision JH03/0247/CAB2, 26 August 2003, NAA: A14370, JH03/0247. See also Cabinet Submission JH03/0417 – Future Textile, Clothing and Footwear (TCF) Assistance Arrangements, Cabinet Decision JH03/0417/CAB, 24 November 2003, NAA: A14370, JH03/0417.
- <sup>72</sup> Cabinet Submission JH03/0375 Australia-United States Free Trade Agreement (AUSFTA) – Mandate Review, Cabinet Decision JH03/0375/CAB, 9 October 2003, NAA: A14370, JH03/0375.
- <sup>73</sup> Shiro Armstrong, 'The costs of Australia's "free trade" agreement with America', *Inside Story*, 28 April 2015. See also Linda Weiss, Elizabeth Thurbon and John Matthews, *How to Kill a Country: Australia's Devastating Trade Deal with the United States*, Allen & Unwin, Sydney, 2004 and Ann Capling, *All the Way with the USA: Australia, the US and Free Trade*, UNSW Press, Sydney, 2005.
- <sup>74</sup> Cabinet Submission JH03/0010 – Singapore-Australia Free Trade Agreement, Decision JH03/0010/CAB 3 February 2003, NAA: A14370, JH03/0010; Cabinet Minute – Without Submission – Australia – Thailand Free Trade Agreement, JH03/0093/CAB/2, NAA: A14370 JH03/0093; Cabinet Submission JH03/0376 – Australia-Thailand Free Trade Agreement, Cabinet Decision JH03/0376/CAB, 9 October 2003, NAA: 14370, JH03/0376; Cabinet Memorandum – Trade Implications of Australia's Quarantine Regime, Cabinet Decision JH03/0222/CAB, 10 June 2003 NAA: A14370, JH03/0222; Cabinet Submission JH03/0069 – Australia-Japan Trade and Economic Consultations, Cabinet Decision JH03/0069/CAB, 19 March 2003, NAA: A14370, JH03/0069.
- <sup>75</sup> Amrita Narlikar and Rorden Wilkinson, 'Collapse at the WTO: A Cancún post-mortem', *Third World Quarterly*, Vol. 25, Issue 3, 2004, pp. 447-60.
- <sup>76</sup> Submission JH03/0101 – World Trade Organization (WTO) Doha Negotiations: Australia's Approach, Cabinet Decision JH03/0101/CAB, 19 March 2003; Submission JH03/0325 – World Trade Organization (WTO), NAA: A14370, JH03/0102: Approach to the Fifth Ministerial Conference in Mexico in September 2003, Cabinet Decision JH03/0325/CAB, 26 August 2003, NAA: A14370, JH03/0325.
- <sup>77</sup> Without submission – Australia's Participation in the 2005 World Exposition in Aichi, Japan, Cabinet Decision JH03/0231/CAB, 23 June 2003, NAA: A14370, JH03/0231.

- <sup>78</sup> Cabinet Submission JH03/0416 – Regulating Therapeutic Products in Australia and New Zealand, Cabinet Decision JH03/0416/CAB, 1 December 2003, NAA: A14370, JH03/0416.
- <sup>79</sup> Submission JH03/0381 – Export Finance and Insurance Corporation (EFIC) – National Interest Account (NIA) Facility or Australian Exports to Iraq 15 October 2003, p. 5, NAA: A14370, JH03/0381.
- <sup>80</sup> Caroline Overington, *Kickback: Inside the Australian Wheat Board Scandal*, Allen & Unwin, North Sydney, 2007; Commonwealth of Australia, *Report of the Inquiry into Certain Australian Companies in Relation to the UN Oil-for-food Program*, Canberra, 2006; Richard Ackland, 'This inquiry is only half the job', *The Sydney Morning Herald*, 14 April 2006; and Rebecca Weisser, 'The systematic failure of the Australian Department of Foreign Affairs and Trade to prevent AWB's corrupt contracts', *The Australian*, 25 April 2006.
- <sup>81</sup> *Ibid.*, Cabinet Decision JH03/0381/CAB, 22 October 2003, NAA: A14370, JH03/0381; Cabinet Memorandum JH03/0092 – Export Finance and Insurance Corporation (EFIC): National Interest Account (NIA)—Exposure and Risk Management Report, Cabinet Decision JH03/0092/CAB, 24 March 2003, NAA: A14370, JH03/0092.
- <sup>82</sup> Cabinet Submission JH03/0415 – Delineation of the Outer Limit of Australia's Extended Continental Shelf, p. 1, Cabinet Decision JH03/0415/CAB, 1 December 2003, NAA: A14370, JH03/0415.
- <sup>83</sup> Tony Press, 'Explainer: Australia's extended continental shelf and Antarctica', *The Conversation*, 30 May 2012.
- <sup>84</sup> Cabinet Submission JH03/0194 – Ad Hoc Committee Meeting on a Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities, Cabinet Decision JH03/0194/CAB, 12 May 2003, NAA: A14370, JH03/0194.
- <sup>85</sup> Cabinet Submission JH03/0290 – Ratification of the Rotterdam Convention on the Prior Informed Consent (PIC) Procedure, Cabinet Decision JH03/0290/CAB, 18 August 2003, NAA: A14370, JH03/0290.
- <sup>86</sup> See Parliament of Australia, Foreign Affairs, Defence and Trade References Committee, *Report on the Inquiry into Materiel Acquisition and Management in Defence*, Canberra, 2003; Cabinet Submission JH03/0302 – Defence Science and Technology Organisation (DSTO) Rationalisation Project, Decision of National Security Committee, 21 August 2003, NAA: A14370, JH03/0302/NS.
- <sup>87</sup> Submission JH03/0320 Report into the Review of Defence Procurement, Decision of the National Security Committee JH03/0320/NS, 17 September 2003, NAA: A14370, JH03/0320.
- <sup>88</sup> *Ibid.*
- <sup>89</sup> Submission JH03/0085 – 2003-04 Budget – Defence Portfolio Budget Submission, p. 6, Cabinet Decision JH03/0084/CAB/3, 15 April 2003, NAA: A14370, JH03/0085.
- <sup>90</sup> Submission JH03/0150 – Reforms to Defence's Budgeting and Business Processes, Cabinet Decision JH03/0150/CAB/2, 15 April 2003, NAA: A14370, JH03/0150.
- <sup>91</sup> Cabinet Submission JH03/0099 – Proposed New Defence Outcome, Output and Program Structure, Expenditure Review Committee Decision JH03/0099/ER, 1 April 2003 and Cabinet Decision JH03/0099/CAB/2, 15 April 2003, NAA: A14370, JH03/0099.
- <sup>92</sup> Cabinet Submission JH03/0265 – Project Air 5333 (Vigilair) Replacement of Air Defence Systems, Decision of National Security Committee JH03/0265/NS, 29 July 2003, NAA: A14370, JH03/0265/NS.
- <sup>93</sup> Cabinet Memorandum – Sale of Defence Russell Offices, Decision of National Security Committee JH03/0023/NS, 5 March 2003, NAA: A14370, JH03/0023/NS.
- <sup>94</sup> Cabinet Submission JH03/0366 – Establishment of a Strategic Agreement for the Through Life Support of Collins Class Submarines, Decision of the National Security Committee JH03/0366/NS, 15 October 2003, NAA: A14370, JH03/0366/NS.
- <sup>95</sup> Cabinet Submission JH03/0271: Joint Project 2008 Phase 3E—Military Satellite Communications (MILSATCOM) Ground Infrastructure, Decision of National Security Committee JH03/0271/NS, 29 July 2003, NAA: A14370, JH03/0271/NS.
- <sup>96</sup> Cabinet Submission JH03/0204 – Papua New Guinea: Release of Further Financial Assistance to PNGDF Reform Program, Decision of the National Security Committee, JH03/0204/NS, 28 May 2003, JH03/0204/NS.
- <sup>97</sup> Aynsley Kellow, 'Economics and Environment' in Tom Frame (ed.), *Trials and Transformations*, p. 282.
- <sup>98</sup> The phrase was that of Senator Amanda Vanstone, Minister for Family and Community Services. See Toni O'Loughlin and Tom Dodd, 'Lucky to buy a Sandwich', *Australian Financial Review*, 15 May 2003.
- <sup>99</sup> Cabinet Submission JH03/0011 – Commonwealth's Position in the 2003 Review of Award Wages, Cabinet Decision JH03/0011/CAB, 3 February 2003, NAA: A14370, JH03/0011.
- <sup>100</sup> Submission JH03/0353 2004–05 Budget Process, Cabinet Decision JH03/0353/CAB, 23 September 2003, NAA: A14370, JH03/0353; Submission JH03/0131 – 2003–04 Treasury Portfolio Budget Submission, Cabinet Decision CABJH03/0131/CAB/3, 15 April 2003, JH03/0131; Cabinet Submission JH03/0090 – 2003–04 Budget—Foreign Affairs and Trade Portfolio Budget Submission, Cabinet Decision JH03/0090/CAB/4, 15 April 2003, NAA: A14370, JH03/0090; Cabinet Submission JH03/0075 – 2003–04 Budget—Environment and Heritage Portfolio Budget Submission, Cabinet Decision JH03/0075/CAB/5, 15 April 2003, NAA: A14370, JH03/0075; Cabinet

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<sup>101</sup> Cabinet Submission JH03/0420 – National Competition Policy—2003–04 Competition Payments to States and Territories, Cabinet Decision JH03/0420/CAB, 24 November 2003, NAA: A14370, JH03/0420.

<sup>102</sup> Cabinet Submission JH03/01119 – Employee Share Ownership, Cabinet Decision JH03/0119/CAB, 24 March 2003, NAA: A14370, JH03/0119.

<sup>103</sup> Cabinet Submission JH03/0351 – Proposed new superannuation arrangements for Commonwealth civilian employees, Cabinet Decision JH03/0351/CAB, 23 September 2003, NAA: A14370, JH03/0351.

<sup>104</sup> Cabinet Submission JH03/0422 – The National Consumer and Financial Literacy Strategy, Cabinet Decision JH03/0422/CAB, 15 December 2003, NAA: A14370, JH03/0422.

<sup>105</sup> Cabinet Submission JH03/0287 – Proposal to Restructure the HIH Claims Support Scheme, Cabinet Decision JH03/0287/CAB, 18 August 2003, NAA: A14370, JH03/0287. Also Cabinet Submission JH03/0255 – Government Response to Recommendations of HIH Royal Commission Report into the Failure of the HIH Insurance Group, Cabinet Decision JH03/0255/CAB, 15 July 2003, NAA: A14370, JH03/0255.

<sup>106</sup> Cabinet Submission JH03/0413 – New Civil Penalty Regime to Deter the Promotion of Tax Avoidance and Tax Evasion Schemes, Cabinet Decision JH03/0413/CAB, 1 December 2003, NAA: A14370, JH03/0413.

<sup>107</sup> James Gillespie, ‘The Politics of Health’ in Frame (ed), *Trials and Transformations*, p. 327

<sup>108</sup> Submission JH03/0036 – Affordability of Medical Services Under the Medicare Benefits Schedule – A New Policy Approach, Decision JH03/0036/CAB, 3 March 2003, Cabinet Decision JH03/0036/CAB/2, 6 March 2003 and Cabinet Decision JH03/0036/CAB/3, 15 April 2003, NAA: A14370, JH03/0036.

<sup>109</sup> Ibid.

<sup>110</sup> ‘A “fairer” Medicare? Truth is Howard would rather have put it down’, *Sydney Morning Herald*, 30 April 2003.

<sup>111</sup> James Gillespie, ‘The Politics of Health’ in Frame (ed.), *Trials and Transformations*, p. 327.

<sup>112</sup> Without submission – A Fairer Medicare – JH03/041/M, 5 November 2003, NAA: A14370, JH03/0411.

<sup>113</sup> ‘Not Much of a Plus for Medicare’, *The Age*, 19 November 2003.

<sup>114</sup> Cabinet Submission JH03/0330 – Options to Contain Future Private Health Insurance Premium Increases, Cabinet Decision JH03/0030/CAB, 18 February 2003, NAA: A14370, JH03/0030.

<sup>115</sup> Cabinet Submission JH03/0343 – Framework Convention on Tobacco Control and Future Agenda, Cabinet Decision JH03/0343/CAB, 23 September 2003, NAA: A14370, JH03/0343.

<sup>116</sup> Cabinet Submission JH03/0345 – Government Response to the 2002 Reviews of the National HIV/AIDS and Hepatitis C Strategies and Strategic Research, Cabinet Decision JH03/0345/CAB, 15 September 2003, NAA: A14370, JH03/0345.

<sup>117</sup> Cabinet Submission JH03/0100 – National Illicit Drug Strategy – ‘Tough on Drugs’ – Next Phase, Cabinet Decision JH03/0100/CAB4, 15 April 2003, NAA: A14370, JH03/0100.

<sup>118</sup> Cabinet Submission JH03/0151 – Financial Needs of the Health Insurance Commission for 2003004 and Beyond, Expenditure Review Committee Decision JH03/0151/ER, 1 April 2003 and Cabinet Decision JH03/0151/CAB/2, 15 April 2003, NAA: A14370, JH03/0151.

<sup>119</sup> Cabinet Submission JH03/0421 – Child Care Initiatives, Cabinet Decision, JH03/0421/CAB, 1 December 2003 with Treasury coordination comments at p. 12, NAA: A14370, JH03/0421.

<sup>120</sup> Cabinet submission JH03/0120 – Higher Education Reforms, Decision of Expenditure Review Committee, JH03/0120/ER, 24 March 2003, Decision of Expenditure Review Committee JH03/0120/ER/2, 25 March 2003, Decision of Expenditure Review Committee JH03/0120/ER/3, 1 April 2003, Decision JH03/0120/ER/4, 10 April 2003 and Cabinet Decision JH03/0120/CAB/5, 15 April 2003, NAA: A14370, JH03/0120.

<sup>121</sup> Andrew Norton, ‘Two Steps Forward, One Step Back: Mr Nelson Mixes Price Flexibility and Rigid Quotas’, *The Centre for Independent Studies*, 18 June 2003.

<sup>122</sup> Cabinet Submission JH03/0278 – Issues for Non-Government Schools Funding – 2005 to 2008, Cabinet Decision JH03/0278/CAB, 29 July 2003, NAA: A14370, JH03/0278.

<sup>123</sup> Cabinet Submission JH03/0109 – Commonwealth Support for Vocational Education and Training, p. 1, Cabinet Decision JH03/0209/CAB/3, 15 April 2003, NAA: A14370, JH03/0109/CAB/3.

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<sup>124</sup> Cabinet Submission JH03/0103 – 2003-4 Humanitarian Program, p. 3, Cabinet Decision JH03/0103/CAB, 24 March 2003, NAA: A14370, JH03/0103.

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<sup>126</sup> Cabinet Submission JH03/0031 – Christmas Island Permanent Immigration Reception and Processing Centre (IRPC)—Supplementary Decision, Cabinet Decision JH03/0331/CAB, 18 February 2003, NAA: A14370, JH03/0331.

<sup>127</sup> Cabinet Submission JH03/0453 – Working Age Payment Reform, Cabinet Decision JH03/0453/CAB, 15 December 2003, NAA: A14370, JH03/0453.

<sup>128</sup> Cabinet Submission JH03/0333 – Social Security Agreement between Australia and Greece—Further Submission, Cabinet Decision JH03/0333/CAB, 8 September 2003, NAA: A14370, JH03/0333.

<sup>129</sup> Agreement between Australia and the Hellenic Republic on Social Security (Canberra, 23 May 2007).

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<sup>131</sup> Cabinet Submission JH03/0295 – Aerospace Industry Action Agenda, Cabinet Decision JH03/0295/CAB, 26 August 2003, NAA: A14370, JH03/0295.

<sup>132</sup> Cabinet Submission JH03/0254 – 2003–08 Commonwealth State Housing Agreement — Endorsement of the Agreement, Cabinet Decision JH03/0254/CAB, 15 July 2003, NAA: A14370, JH03/0254.

<sup>133</sup> Kellow, 'Economics and the Environment' in Frame (ed.), *Trials and Transformations*, p. 288.

<sup>134</sup> Cabinet Memorandum – Development of a Forward Strategy on Climate Change – Progress Report, Cabinet Decision JH03/0039/CAB/2, 19 March 2003, NAA: A14370, JH03/0039.

<sup>135</sup> Ibid., Attachment A Co-ordination Comments, p. 11. Marc Hudson, 'The too hard basket: A short history of Australia's aborted climate policies', *The Conversation*, 20 August 2018; Liz Minchin, 'Howard blows hot and cold on emissions', *The Age*, 15 November 2016.

<sup>136</sup> Cabinet Submission JH03/0258 – Climate Change Forward Strategy: Preferred Strategic Approach to Emissions Management, 16 July 2003, p. 2, NAA: A14370, JH03/0258. Also Cabinet Submission JH03/0195 – Strategy for Managing Australia's Response to Climate Change Issues Over the Short and Long Term, Cabinet Decision JH03/0195/CAB/2, 10 June 2003, NAA: A14370, JH03/0195.

<sup>137</sup> Ibid., Cabinet Decision JH03/0258/CAB/4, 8 September 2003, NAA: A14370, JH03/0258.

<sup>138</sup> Cabinet Memorandum JH03/0070, 'Sustainable Environment Committee of Cabinet – Indicative Business for 2003, Decision JH03/0070/SE of the Sustainable Environment Committee of Cabinet, 4 March 2003 and Cabinet Decision JH03/0070/CAB/2, 19 March 2003, NAA: A14370, JH03/0070; without submission – Strategic Presentation: Sustainable Environment, 24 February 2003, Cabinet Decision JH03/0059/CAB, 24 February 2003, NAA: A14370, JH03/0059; Without Submission – Presentation: The Living Murray, Cabinet Decision JH03/0072/CAB/2, 19 March 2003, NAA: A14370, JH03/0072; Cabinet Submission JH03/0050 – Queensland Land Clearing – Commonwealth Negotiating Position, Cabinet Decision JH03/0050/CAB/2, 19 March 2003, NAA: A14370, JH03/0050; Cabinet Memorandum – Queensland Land Clearing Proposal, Cabinet Decision JH03/0398/CAB, 24 November 2003 and Cabinet Decision JH03/0398/CAB/2, 15 December 2003, NAA: A14370, JH03/0398; Cabinet Memorandum JH03/0260 – Progress with a National Water Initiative, Cabinet Decision JH03/0260/CAB/2, 29 July 2003, NAA: A14370, JH03/0260; Cabinet Submission JH03/0454 – Marine Protected Areas and Displaced Fishing, 9 December 2003, NAA: A14370, JH03/0454; Cabinet Memorandum JH03/0397 – Progress with the National Water Initiative and Funding to Address Water Overallocation in the Murray-Darling Basin, Cabinet Decision JH03/0397/CAB, 11 November 2003, NAA: A14370, JH03/0397; Cabinet Submission JH03/0159 – Energy Grants Credit Scheme—Environmental Component, Decision of Energy Committee JH03/0159/E, 10 April 2003, NAA: a14370, JH03/0159.

<sup>139</sup> Cabinet Submission JH03/0396 – Great Barrier Reef Marine Park—Representative Areas Programme, Cabinet Decision JH03/0936/CAB, 11 November 2003, NAA: JH03/0396.

<sup>140</sup> Cabinet Submission JH03/0344 – Implementation of a Mandatory National Water Efficiency Labelling and Standards Scheme, Cabinet Decision JH03/0344/CAB, 30 September 2003, NAA: A14370, JH03/0344.

<sup>141</sup> Cabinet Submission JH03/0196 – National Biodiversity Conservation Priorities, Cabinet Decision JH03/0196/CAB/2, 10 June 2003, NAA: A14370, JH03/0196.

<sup>142</sup> Cabinet Memorandum JH03/0404 – Fuel Excise Reform: Environmental Measures, 4 November 2003, NAA: A14370, JH03/0404; Cabinet Memorandum JH04/0294 – Fuel Excise Review: Overview, Cabinet Decision JH903/0294/CAB/4, 15 September 2003, NAA: A14370, JH03/0294.

<sup>143</sup> Without Submission, Decision of Energy Committee, JH03/0087/E, 6 March 2003 and Without Submission, Cabinet Decision JH03/0087/CAB/2 – Australian Energy Policy – An Overview, NAA: A14370, JH03/0087.



<sup>144</sup> Cabinet Memorandum JH03/0168 – Energy Task Force: Key Decisions, Workplan and Timetable, Decision JH03/0168/E, 10 April 2003 and Decision JH03/168/CAB/2, 15 April 2003, NAA: A14370, JH03/0168; Cabinet Memorandum JH03/0406 – Downstream Petroleum Overview, Cabinet Decision JH03/0406/CAB, 16 December 2003, NAA: A14370, 16 December 2003, NAA: A14370, JH03/0406.

<sup>145</sup> Cabinet Memorandum JH03/0291 – Australian Energy Security, p. 13 – Decision of Energy Committee JH03/0291/E, 12 August 2003 and Decision JH03/0291/CAB/2, 19 August 2003, NAA: A14370, JH03/0291.

<sup>146</sup> Submission JH03/0277 – Development of a National Energy Market, Decision JH03/0277/CAB, 29 July 2003, NAA: A14370, JH03/0277.

<sup>147</sup> Cabinet Submission JH03/0110 – Ethanol Labelling and Limits in Petrol, Cabinet Decision JH03/0110/CAB, 24 March 2003, NAA: A14370, JH03/0110.

<sup>148</sup> Cabinet Memorandum – International Energy Agency (IEA) Emergency Oil Measures and Australia's Obligations, Cabinet Decision JH03/0169/CAB, 12 May 2003, NAA: A14370, 12 May 2003, NAA: A14370, JH03/0169.

<sup>149</sup> Cabinet Submission JH03/0257 – Royal Commission into the Building and Construction Industry: Legislation and Related Matters, Cabinet Decision JH03/0257/CAB, 22 July 2003, NAA: A14370, JH03/0257; Cabinet Submission JH03/0259 – Royal Commission into the Building and Construction Industry: Changes to the National Building Code, Cabinet Decision JH03/0259/CAB, 22 July 2003, NAA: A14370, JH03/0259.

<sup>150</sup> Cabinet Submission JH03/0261 – Royal Commission into the Building and Construction Industry: Response to the Treasury Portfolio Related Recommendations, Cabinet Decision JH03/0261/CAB, 22 July 2003, NAA: A14370, JH03/0261.

<sup>151</sup> Cabinet Submission JH03/0007 – Regional Telecommunications Inquiry: Further Submission, Cabinet Decision JH03/0007/CAB, 3 February 2003, Cabinet Decision JH03/0007/CAB/2, 15 April 2003, and Cabinet Decision JH03/0007/CAB/3, 10 June 2003, NAA: A14370, JH03/0007.

<sup>152</sup> Cabinet Submission JH03/0008 – Telecommunications Universal Service Obligation, 28 January 2003, p. 5, NAA: A14370, JH03/0008.

<sup>153</sup> Cabinet Decision JH03/0008/CAB/2, NAA: A14370, JH03/0008.

<sup>154</sup> Cabinet Submission JH03/0209 – Institutional Arrangements for Regulation of Telecommunications and Broadcasting, Cabinet Decision JH03/0209/CAB, 10 June 2003, NAA: A14370, JH03/0209.

<sup>155</sup> Cabinet Memorandum JH03/0324 – Future Arrangements for Australian Shipping, Cabinet Decision JH03/0324/CAB, 26 August 2003, NAA: A14370, JH03/0324.

<sup>156</sup> Cabinet Submission JH03/0147, Strategy for the Sale of the Three Basin Airports, Cabinet Decision JH03/0147/CAB, 1 April 2003, NAA: A14307, JH03/0147.

<sup>157</sup> Cabinet submission JH03/0208 – Identity Fraud, Cabinet Decision JH03/0208/CAB, 16 June 2003, NAA: A14370, JH03/0208.

<sup>158</sup> Cabinet Submission JH03/0004 – Reform of the Federal Merits Review Tribunal System, Cabinet Decision JH03/0004/CAB, 3 February 2003, NAA: A14370, JH03/0004.

<sup>159</sup> Cabinet Submission JH03/0440 – Government Response to the Report of the Family Law Pathways Advisory Group—Out of the Maze, Cabinet Decision JH03/0440/CAB/3, 15 April 2003, NAA: A14370, JH03/0440; Cabinet Submission JH03/0880 – Telecommunications Offences, Cabinet Decision JH03/0880/CAB, 1 April 2003, NAA: A14370, JH03/0880.

<sup>160</sup> Weller, *Cabinet Government*, p. 180.

<sup>161</sup> *Ibid.*, Chapter 6.

<sup>162</sup> Cabinet Memorandum JH03/0332 - Sustainable Regions Programme Update, Cabinet Decision JH03/0332/CAB, 15 September 2003, NAA: A14370, JH03/0332.

<sup>163</sup> Cabinet Submission JH03/0276 – Regional Business—A Plan for Action, Cabinet Decision JH03/0276/CAB, 29 July 2003, NAA: A14370, JH03/0276.

<sup>164</sup> Without submission – National Inquiry into Bushfire Prevention and Mitigation, Cabinet Decision JH03/0068/CAB, 3 March 2003, NAA: A14370, JH03/0068; without submission – Drought Update, Cabinet Decision JH03/0032/CAB/3, 26 August 2003, NAA: A14370, JH03/0032; Ron McLeod, *Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, Department of Urban Services ACT Government, Canberra, 2003.

<sup>165</sup> Cabinet Submission JH03/0006 – National Strategic Framework for Aboriginal and Torres Strait Islander Health, Cabinet Decision JH03/0006/CAB, 3 February 2003, NAA: A14370, JH03/0006.

<sup>166</sup> Submission JH03/0286 – Reform of the Aboriginal Councils and Associations Act, Decision JH03/0286/CAB, 11 November 2003, NAA: A14370, JH03/0286.

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<sup>167</sup> John Hannaford, Hackie Huggins and Bob Collins, 'In the Hands of the Regions—A New ATSIC Report of the Review of the Aboriginal and Torres Strait Islander Commission', *Australian Indigenous Law Reporter*, Vol. 8, No. 3, 2003, pp. 105-12.

<sup>168</sup> Quoted in Alison Holland, 'Many Claim Australia's longest-running Indigenous Body Failed. Here's Why that's Wrong', *The Conversation*, 24 July 2023.

<sup>169</sup> According to former diplomat, Tony Kevin, Australian troops were engaged in hostilities on the evening of 18 March (Iraq time), 16 hours after Bush's 48-hour ultimatum to cede power. Tony Kevin, 'Our Questionable Tactics in Iraq', *The Age*, 17 January 2004.

<sup>170</sup> Graeme Dobell, 'Iraq lessons: the impact of the Howard fib', *The Strategist*, 13 November 2015.

<sup>171</sup> Timothy A. Sayle, "'But he has nothing on at all?' Canada and the Iraq War, 2003', *Canadian Military History*, Vol. 19, No 4, 2015, p. 6.

<sup>172</sup> Ewan MacAskill, 'Adviser quits Foreign Office over legality of war', *The Guardian*, 21 March 2003; Vikram Dodd, 'Iraq war illegal, says FO adviser who quit', *The Guardian*, 13 June 2004.

<sup>173</sup> Martin Chulov, 'A bloody delusion: how Iraq war led to catastrophic aftermath in Middle East', *The Guardian*, 17 March 2023.

<sup>174</sup> Marc Lynch, 'Obama and the Middle East: Rightsizing the U.S. Role', *Foreign Affairs*, 9 October 2015.

<sup>175</sup> David Lee, *The Second Rush: Mining and the Transformation of Australia*, Connor Court, Redland Bay, 2016, Chapter Nine.

<sup>176</sup> Rod Myer, 'Australia missed out on mining boom cash by rejecting larger sovereign wealth fund', *The New Daily*, 17 November 2019.

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**From:** David Lee <d.lee@adfa.edu.au>  
**Sent:** Monday, November 13, 2023 6:07 PM  
**To:** s 47F(1)  
**Cc:** David Lee  
**Subject:** [EXT] Re: Attachment [SEC=OFFICIAL]

Hi s 47F(1)

My thanks to you over the last several months for all your patience in transmitting the documents. The editor's work was also highly professional.  
I haven't heard from s 47F(1) yet.

Best regards

David

On 13 Nov 2023, at 6:03 pm, s 47F(1) <[s 47F\(1\)@naa.gov.au](mailto:s 47F(1)@naa.gov.au)> wrote:

OFFICIAL

Hi David. Received with thanks. s 47C(1)

Has s 47F(1) from our events team been in touch to discuss any necessary arrangements for the media event on 5/12?

Regards

s 47F(1)

OFFICIAL

-----Original Message-----

From: David Lee <[d.lee@adfa.edu.au](mailto:d.lee@adfa.edu.au)>  
Sent: Monday, November 13, 2023 6:01 PM  
To: s 47F(1) <[s 47F\(1\)@naa.gov.au](mailto:s 47F(1)@naa.gov.au)>  
Subject: [EXT] Attachment

Hi s 47F(1)

Could you confirm receipt.

Regards

David

Associate Professor David Lee  
School of Humanities and Social Sciences THE UNIVERSITY OF NEW SOUTH WALES,  
CANBERRA PO Box 7916, CANBERRA BC 2610, Australia  
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**From:** David Lee <d.lee@adfa.edu.au>  
**Sent:** Monday, November 13, 2023 1:00 PM  
**To:** s 47F(1)  
**Subject:** [EXT] Ready to Return Essay

Dear s 47F(1)

Thank you to s 47F(1) for his incredibly meticulous editing. I have been through all his changes today on return from Newcastle and am ready to send this back to you.

Associate Professor David Lee  
School of Humanities and Social Sciences  
THE UNIVERSITY OF NEW SOUTH WALES, CANBERRA  
PO Box 7196 CANBERA BC 2610, AUSTRALIA  
M:+61251145068  
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**From:** David Lee <d.lee@adfa.edu.au>  
**Sent:** Friday, November 10, 2023 10:21 AM  
**To:** s 47F(1) David Lee  
**Subject:** [EXT] RE: Editor's Feedback - 2003 Cabinet Essay [SEC=OFFICIAL]

Thanks s 47F(1) will do. Best regards

Sent from my Galaxy

----- Original message -----

**From:** s 47F(1) @naa.gov.au  
**Date:** 10/11/23 9:59 am (GMT+10:00)  
**To:** David Lee <d.lee@adfa.edu.au>  
**Subject:** RE: Editor's Feedback - 2003 Cabinet Essay [SEC=OFFICIAL]

s 22(1) please don't feel like you have to work on this over the weekend. We wont be sending the media pack to the media until later this month, and the only steps after receiving your feedback will be for the editor to give the document a final check and then approval from our Assistant Director-General, Louise Doyle. s 22(1)

Regards

s 47F(1)

---

**From:** David Lee <d.lee@adfa.edu.au>  
**Sent:** Friday, November 10, 2023 9:23 AM  
**To:** s 47F(1) @naa.gov.au  
**Subject:** [EXT] Re: Editor's Feedback - 2003 Cabinet Essay [SEC=OFFICIAL]

Dear s 47F(1)

Thanks. Yes I have downloaded this and might have a chance to start working on weekend. I should get this back to you early next week. I will email you before attempting to return. These are really valuable edits.

Best Regards

David

On 10 Nov 2023, at 8:42 am, s 47F(1) @naa.gov.au wrote:

**OFFICIAL**

Hi David. I'm not sure why the link didn't get through to you. Maybe it is in your junk folder? I cc'd myself (see below) from the SFT site. This has the link so hopefully you will be able to use this. If not please let me know and I'll SFT the doc to you again.

s 22(1)

Regards

s 47F(1)

**OFFICIAL**

**From:** s 47F(1) <[redacted]@naa.gov.au>

**Sent:** Thursday, November 9, 2023 8:02 PM

**To:** d.lee@adfa.edu.au

**Cc:** s 47F(1) <[redacted]@naa.gov.au>

**Subject:** Editor's Feedback - 2003 Cabinet Essay [SEC=OFFICIAL]

Dear David. s 22(1)

Please find attached a version with feedback from the editor. Please note his first comment which is highly complimentary about your work. The editor has made his suggestions via track changes, so that you can accept/discard any of them.

Would you mind letting me know once you have finalised your response to the editor's feedback. I will then send you a SFT link so that you can send the document back to me.

Regards

s 47F(1)

### Secure Message Info

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Message Expires	Saturday, 9 December

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## The 2003 Cabinet papers in context

Associate Professor David Lee

School of Humanities and Social Sciences  
University of New South Wales, Canberra

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Economic, social welfare, health and immigration policies

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### Introduction

The Howard government's decision to participate in the Iraq War dominated Australian politics in 2003. While Iraq was the dominant issue that year, the Cabinet papers on this subject are sparse, pointing to the primacy that the National Security Committee (NSC) of Cabinet had achieved in the domain of national security at that time. Nonetheless, because of its importance, the Iraq War is dealt with in its own section in this paper. But, beyond Australia's participation in that conflict, there are many more papers on diverse issues relating to Australia's national security, and to foreign affairs, trade and defence policies. All of these issues are covered in the first two sections below.

Most of the 2003 Cabinet papers deal with manifold aspects of domestic policy, which will be discussed in the remaining five sections: economic, social welfare, health and immigration policies; climate change, energy and the environment; transport, infrastructure, communications and legal issues; rural and regional issues; and Indigenous policy.

### Iraq: the Cabinet submission that never was<sup>1</sup>

The most important decision John Howard's Cabinet made in 2003 was the one to commit Australia to the US-led military intervention in Iraq, which was an extension of the 'war on terror' that had been waged since 2001.<sup>2</sup> The invasion of Iraq began on 19 March (air) and 20 March 2003 (ground). Hostilities lasted about a month and included 26 days of major combat operations. Forces from the United States and its close allies – the United Kingdom, Australia and Poland – participated. This was seen as a 'coalition of the willing' rather than the sort of broad-based group, acting under Chapter VII of the United Nations Charter, that expelled Iraq from Kuwait in 1991.<sup>3</sup>

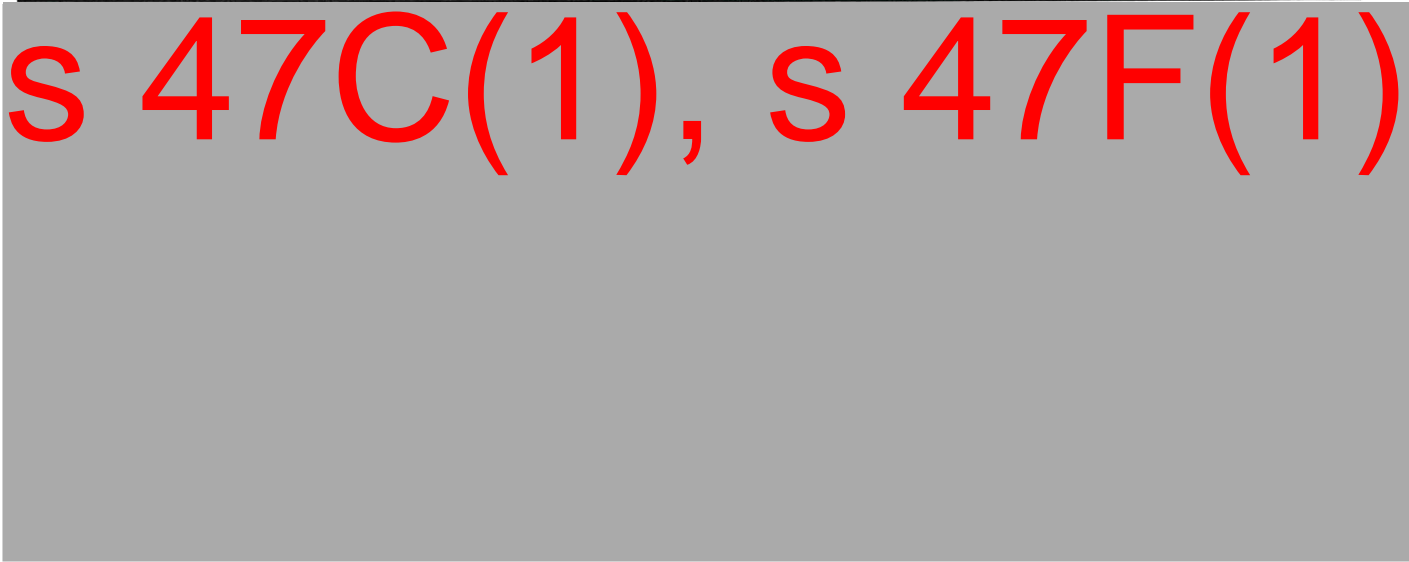
Summary of Comments on 48.1 Attachment.pdf

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Page: 1

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**S 47C(1), s 47F(1)**



The early stage of the war ended on 1 May 2003 when President George W Bush declared the end of major combat operations in his 'Mission Accomplished' speech.<sup>4</sup> Afterwards, the Coalition Provisional Authority (CPA) was established as the first of several transitional governments in Iraq. According to Bush and UK Prime Minister Tony Blair, the coalition aimed 'to disarm Iraq of Weapons of Mass Destruction [WMD], to end Saddam Hussein's support for terrorism, and to free the Iraqi people'.<sup>5</sup> In 2020 US historian Robert Draper painted a portrait of the Bush administration as driven by 'fear, imagination, ideology, and blind idealism rather than truth seeking – all to justify a decision that would result in hundreds of thousands of deaths and a flood tide of chaos in the Middle East that shows no signs of ending'.<sup>6</sup>

Writing in 2013, the Australian prime minister, John Howard, recalled that 'Australia's decision to join the Coalition in Iraq was a product both of our belief at the time that Iraq had WMDs, and the nature of our relationship and alliance with the United States'.<sup>7</sup> The US war aim quickly crystallised into that of 'regime change'. Britain and Australia, however, continued to emphasise the objectives of disarming Iraq of the WMD that US intelligence and US diplomats wrongly insisted that Iraq possessed.<sup>8</sup> As army historian Albert Palazzo observed: 'Once the war began, ADF [Australian Defence Force] forces ... did so under US operational command and by default in support of [the US] desire to overthrow Saddam, no matter the sophistry of the more limited Australian intent'.<sup>9</sup> For Palazzo, '[i]mproving the alliance was [Australia's] main goal: a logical if not proper goal, and one that was not explained to the Australian people'.<sup>10</sup>

The 2003 Iraq War differed from the first Gulf War, which was undertaken in response to Iraqi aggression against Kuwait and mandated by the UN Security Council.<sup>11</sup> The United Nations Charter of 1945 allowed only two exceptions to its general prohibition of the use of force: self-defence against an armed attack and a definite decision on the part of the UN Security Council. The Secretary-General of the United Nations, Kofi Annan, and other authorities regarded the 2003 Iraq War as illegal because of the absence of these criteria.<sup>12</sup> Consonant with this position, the Australian Labor Party (ALP) Opposition Leader, Simon Crean, addressed the parliament on 5 February 2003, arguing that Australian troops should not be sent to Iraq in advance of a UN mandate.<sup>13</sup>

What do the Cabinet documents tell us about Australia's decision on the Iraq War? One submission analyses the implications of the post-conflict situation in Iraq for Australia's migration and refugee programs.<sup>14</sup> There is also a short minute dated 1 April 2003 in which Cabinet 'noted an oral report by the Prime Minister on the progress of military operations in Iraq and the contribution made by the Australian Defence Force'.<sup>15</sup> There was no submission to Cabinet before the war on costs, benefits and implications of Australia's entry into the war. This was notwithstanding the fact that the Iraq decision was, in Howard's words, 'the most controversial foreign policy decision taken by my Government in the almost twelve years it held office'.<sup>16</sup> This indicates that Cabinet's National Security Committee (NSC) was the locus of decision-making on the war.<sup>17</sup>

There is a Cabinet minute, dated 18 March 2003, based on two oral reports from Howard. The prime minister recalled that the NSC had been meeting regularly on Iraq, but that he 'wanted full Cabinet endorsement of a final decision to commit the invasion'.<sup>18</sup> One of his oral reports to Cabinet outlined his extensive discussions with Bush, and the other was his notification to Cabinet of a request from the US President, received on the morning of 18 March 2003, which asked 'that Australia participate in military action by a coalition to disarm Iraq of its weapons of mass destruction and advice that it was the intention of the President to issue a final ultimatum to Iraq shortly'.<sup>19</sup> Cabinet noted that Australia's goal in 'participating in any military enforcement action would be disarmament of Iraq's weapons of mass destruction'.<sup>20</sup> Howard provides no details of the

Cabinet discussion but records that there was no surprise or dissent in a subsequent meeting of the two Coalition parties.<sup>21</sup>

The Australian forces committed to Iraq would consist of ADF elements pre-deployed to the Middle East to take part in military enforcement action against Iraq; ADF elements deployed to the Middle East as part of the Multinational Interdiction Force, and maritime surveillance forces deployed as part of Operation Slipper (the ADF contribution to the war in Afghanistan made in 2001); and ADF personnel deployed to the Middle East with the forces of other coalition countries.<sup>22</sup> Just as Australia joined the Vietnam War in 1965 based on a request from the US government, which arranged a request from the South Vietnamese government, so it participated in the second Iraq War after a request from the US president rather than as a result of a definite decision of the UN Security Council, which declined to pass the necessary resolution.<sup>23</sup>

While the United States was keen for Australia to provide a reconnaissance battle group of about 2,000 men to secure the western flank of the US 1st Marine Division driving towards Baghdad, Howard offered instead a niche capability of special forces troops. For some critics, such as Paul Barratt and Paul Brereton, who led the inquiry into Australian Special Forces in Afghanistan, the ADF should not have supported what was a political rather than military decision to rely on special forces in Iraq.<sup>24</sup>

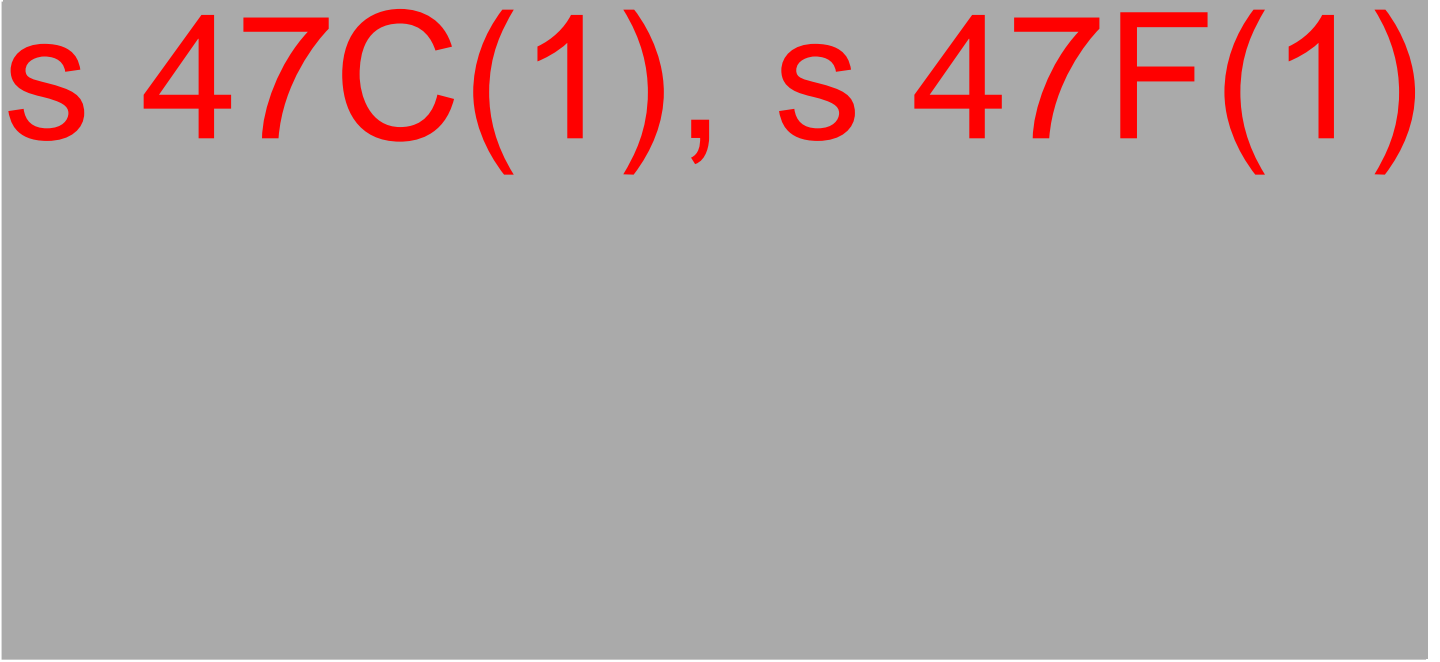
Several Australian journalists have already commented about the absence of a Cabinet submission on the Iraq War.<sup>25</sup> In 2004 Robert Garran wrote :

Howard acknowledges that there was no cabinet submission on the costs and benefits of going to war in Iraq. The Department of Foreign Affairs and Trade (DFAT) was not asked for, and did not offer, any advice on the pros and cons of supporting American intervention. This reinforces the view that Howard's decisions on Iraq were political, not based on a dispassionate appraisal of the threats it posed.<sup>26</sup>

At that time, Howard did not dispute Garran's account, but indicated that the issue was being handled by the NSC.<sup>27</sup> Professor Patrick Weller sees the NSC as the most powerful of three principal Cabinet committees. These were the National Security Committee (NSC), the Expenditure Review Committee (ERC) and the Parliamentary Business Committee.<sup>28</sup> The NSC consisted of senior ministers whose discussions ranged over defence, security, intelligence matters, and some foreign issues. Senior officials – the Chief of Defence Force, the Secretaries of Defence, Prime Minister and Cabinet, Foreign Affairs and Trade, and the heads of the Office of National Assessments (ONA) and the Australian Security Intelligence Organisation (ASIO) – attended all meetings, with ministers on one side of the table and officials on the other.<sup>29</sup> In 2002–03 there were 64 meetings of the NSC Secretaries Committee on National Security and 250 submissions; in 2003–04 there were 32 such meetings and 206 submissions. The large jump in the business of the NSC in 2003 coincided with the Iraq War.<sup>30</sup> Howard called his creation 'the most effective whole of government arrangement with which I've been associated as prime minister'.<sup>31</sup> Weller explains how the NSC worked:

Except on rare occasions where Howard may wish to have a full cabinet discussion of an issue before the NSC, the committee's decisions stand on their own as cabinet decisions, unlike those of the ERC, which are referred to a 'budget cabinet' meeting for final discussion and ratification.<sup>32</sup>

**S 47C(1), s 47F(1)**



The NSC's connection with the war-making power <sup>1</sup> is described to parliament by Brendan Nelson, Robert Hill's successor as Minister for Defence. Nelson explained the procedures for war-making in the 2000s in this way:

It is the NSC that considers, debates and resolves to commit Australian defence personnel to domestic or overseas deployments. The full cabinet then considers the advice and recommendation of the NSC. Once a position is adopted, the Opposition leader, members of the full government executive and its back bench are briefed.<sup>33</sup>

What discussions took place in the NSC on Iraq in 2003 must await publication of the relevant volumes of the official histories of Australian Operations in Iraq and Afghanistan and public requests for access to those Cabinet committee documents under the *Archives Act 1983*. Cabinet was content that it had 'reached its decisions in accordance with its Executive responsibilities under the Constitution' via the Cabinet minute of 18 March.<sup>34</sup> There was no discussion of the modalities of executing Cabinet's decision other than that a draft resolution would be proposed in the House of Representatives and the decision would be conveyed to Bush.

As well as having a powerful NSC, Howard worked with a different kind of public service than the Commonwealth Public Service which operated during the days of JB Chifley and RG Menzies in the era of the 'seven dwarfs'.<sup>35</sup> Howard built on reforms to the public service in the years of the Hawke Labor government (1983–91) that had made provision for closer supervision of departments by ministers and for renewable fixed-term appointments for departmental secretaries.<sup>36</sup> In 1999 was added the *Public Service Act 1999*, under which departmental secretaries would be appointed, and could be terminated, by the prime minister rather than the governor-general. With these changes came a more expansive conception of the role of the prime minister and his or her prerogatives.

For former senior public servant Paul Barratt, 'Cabinet [under John Howard] was not the place where big decisions were made; the decisions to invade Afghanistan and Iraq, and not to ratify the Kyoto Protocol, were made by Howard, without consulting Cabinet and without the benefit of public service advice'.<sup>37</sup> Barratt's assessment in relation to matters of defence and national security is corroborated by Ric Smith, Secretary of the Department of Defence (2002–06), who informed journalist Paul Kelly that:

The message from ministers by ... [November 2002] was that they did not want strategic advice from the Defence Department. This reflected a conviction that ministers knew the issues and would take the decisions for or against war.<sup>38</sup>

<sup>2</sup> Ashton Calvert, Secretary of DFAT (1998–2005), concurred. Calvert recalled that he did not regard it as his duty to question the Howard government's Iraq decision.<sup>39</sup> Permanent heads of departments from earlier times, such as Sir Arthur Tange and Sir Frederick Shedden, had the advantage of security of tenure in providing advice to government in ways that might have been unwelcome.<sup>40</sup>

That the Iraq commitment was made without weighing the pros and cons of one or more submissions, but rather by reaching a decision without a submission being made raises issues worthy of comment. One relates to the perception that, up to the moment of the Iraq War, the Australian Government had not made up its mind about whether to go to war. In Howard's statement to the House of Representatives in February 2003, he repeated that the government had not made a final decision to commit to military conflict.<sup>41</sup>

**S 47C(1)**



The reality, argued Graeme Dobell, was that 'the commitment had long since been made; the Australian military was deeply involved in US planning for the war and Australia was in'.<sup>42</sup> Professor Hugh White, a former Deputy Secretary in the Department of Defence, concurred, arguing in 2004 that:

In the weeks after George Bush put the invasion on the agenda with his 'axis of evil speech' in January 2002, Australia clearly indicated it would be willing to join. Of course, no formal commitments were made until the eve of battle – they never are. But the key political decision had already been taken.<sup>43</sup>

Confining Iraq decisions to a core group of ministers and senior public servants had its advantages. One was in managing legal and constitutional questions. Until the Second World War, the war power was a prerogative of the Crown, exercisable on the advice of the British ministers but also committing the empire's self-governing dominions and colonies.<sup>44</sup> This was until John Curtin's wartime Labor government insisted that the war power for Australia must be exercisable on the advice of Australian ministers to the governor-general.<sup>45</sup> Legal scholars have recently discovered that Howard originally planned to take the matter to the governor-general 'for noting', but did not do so after then Governor-General Peter Hollingworth sought the views of the attorney-general about relevant issues of international law.<sup>46</sup> According to Charles Sampford and Margaret Palmer,

the Governor-General's scrutiny was the only independent scrutiny available because the legality of the decision to go to war was not a matter that could be determined by the High Court, and the federal government had taken action in March 2002 that effectively prevented the matter coming before the International Court of Justice.<sup>47</sup>

Hollingworth's request for legal advice attracted a reply from Howard to the effect that Hollingworth's 'predecessors had not been involved in past decisions, that no involvement was necessary' and that the decision could be implemented without recourse to the Governor-General under the *Defence Act* as amended in 1975.<sup>48</sup> In its minute of 18 March Cabinet noted only that the 'Prime Minister had discussed the possibility of the commitment of the ADF ... with the Governor-General'.<sup>49</sup> Brendan Nelson would subsequently assert that contemporary practice, as distinct from the practice in Curtin's time, was that 'at decisions to go to war are ultimately matters for the prime minister and Cabinet, involving directly neither the Governor-General nor Federal Executive Council'.<sup>50</sup> Sampford and Palmer dispute this, arguing that:

A powerful argument could be made that the relevant sections of the *Defence Act* were not intended to be used for the decision to go to war and that such instructions are for peacetime or *in bello* decisions. If so, the power to make war remains within the prerogative to be exercised on advice.<sup>51</sup>

In 2003 Hollingworth became involved in controversy over his handling of matters of sex abuse allegations in the Anglican diocese of Brisbane that saw him resign as governor-general in May 2003.<sup>52</sup> Before he did so, he accepted Howard's advice on the handling of the Iraq matter.<sup>53</sup> That other governor-generals might have handled the matter differently is possible. This is demonstrated by an episode in 1977 when Sir John Kerr insisted on advice from the attorney-general before accepting a recommendation from the Fraser government on its establishment of the Department of the Special Trade Negotiator.<sup>54</sup> Had the governor-general in 2003 not been a clergyman but a lawyer as versed in constitutional law and practice, as Kerr or Sir Ninian Stephen or Sir William Deane all were, he or she may well have insisted on advice from the attorney-general.<sup>55</sup>

**s 47C(1), s 47F(1)**

There were cogent political reasons for the government to bypass the executive council and the governor-general. Howard was relying for his advice on the legality of Australia's entry into the Iraq War on a 'Memorandum of Advice' from two officers at the level of first assistant secretary in the Department of Foreign Affairs and Trade and the Attorney-General's Department.<sup>56</sup> The Cabinet decision of 18 March noted this Memorandum of Advice, 'which concluded that the use of force to disarm Iraq of weapons of mass destruction ... would be consistent with Australia's obligations under international law' and observed that Attorney-General Daryl Williams 'fully concurred with the advice'.<sup>57</sup>

Former Solicitor-General Gavan Griffith queried why the government had relied on the authors of the Memorandum of Advice and not more senior experts such as Henry Burmester QC, Chief General Counsel of the Attorney-General's Department, or renowned international lawyer Professor James Crawford SC, who commonly advised the government in international law matters. On the question of the Iraq War, moreover, the opinion of the independent solicitor-general, David Bennett QC, was not sought.<sup>58</sup>

Griffith was Australia's second law officer for 14 years from 1984; he pleaded 250 cases before the entire bench of the High Court and was Agent and Counsel at several other cases at the International Court of Justice. He proceeded to argue that the published legal advice from the Government in 2003 (the Memorandum of Advice) had 'insufficient substance to bear the weight of the Prime Minister's reliance to justify the invasion of Iraq by Australian defence forces'.<sup>59</sup> Griffith continued:

To this end the Australian and United Kingdom legal advices are entirely untenable. They are arrant nonsense. They furnish no threads for military clothes. It is difficult to comprehend that the fanciful assertions (they are not arguments) of the two advices have been invoked by Australia and the United Kingdom to support the invasion of another state. It does not appear from his published remarks that President Bush made any such attempt to clothe American action with the authority of the Security Council. This has the advantage of making the unilateral basis of his country's actions plain.

Once the troops were committed, however, the Howard government's decision attracted stronger popular support as well as full endorsement from large sections of the media.<sup>60</sup>

#### **National security, defence, foreign affairs and trade policies**

Many of the Cabinet submissions, memoranda and decisions are concerned with issues of national security, defence policy, foreign policy and trade policy beyond the Iraq War. The Minister for Foreign Affairs, Alexander Downer, and the Minister for Trade, Mark Vaile, made a joint submission to Cabinet on the launch of the 2003 foreign and trade policy white paper, *Advancing the national interest*.<sup>61</sup> The white paper was prepared by a task force within the Department of Foreign Affairs and Trade (DFAT) in consultation with departments and agencies represented on the NSC.

It explained the Howard government's focus on global security threats and its commitment to the war against terrorism. It also set out Australia's contribution to international efforts to halt proliferation of WMD. On the overseas trade front, the paper asserted that the government had 'developed the most ambitious and wide-ranging trade policy agenda of any government in Australia's history'.<sup>62</sup>

A submission tells us that the NSC agreed to introduce legislation to ensure that the terrorist wing of Hizballah was listed as a terrorist organisation.<sup>63</sup> At the same time, the committee amended

**s 47C(1), s 47F(1)**

the text of *Australia's national security: a defence update* to clarify that: 'The Australian Government is aware that the majority of Muslims hold moderate views and that they are no less victims than other religious, ethnic or national groups'.<sup>64</sup> The NSC also agreed to implement International Maritime Organization (IMO) measures to enhance maritime security.<sup>65</sup>

In the region, Australia had played a prominent role from 1997 to 2000 in the peace process in Bougainville, Papua New Guinea, deploying more than 2,500 ADF personnel and 300 civilians in the Peace Monitoring Group (PMG). In March 2003 the NSC decided to plan for the withdrawal of the PMG from 30 June 2003, and on 28 May it agreed that a small unarmed civilian force should replace the PMG.<sup>66</sup> On 22 July 2003 Cabinet noted an oral briefing from Downer and Robert Hill, Minister for Defence, on the Australian-led Regional Assistance Mission to Solomon Islands (RAMSI).<sup>67</sup> RAMSI was established in response to a request for international aid by the Governor-General of Solomon Islands in response to ethnic violence in the period between 1998 and 2003.<sup>68</sup>

In a short minute without submission, Cabinet noted advice from Downer on negotiation of a unitisation agreement with the East Timorese government relating the Sunrise and Troubadour petroleum fields and legislation to ratify the 2002 Timor Sea Treaty.<sup>69</sup> In addition, the NSC agreed in June 2003 that an inter-departmental committee should consider an appropriate legislative and administrative framework to protect offshore oil and gas infrastructure, particularly in the Timor Sea.<sup>70</sup>

An extraordinary occurrence in 2003 was the Australian Parliament being addressed on consecutive days by US President George W Bush, and the president of a country that was soon to become Australia's largest trading partner, China's Hu Jintao.<sup>71</sup> Before 2003 only two foreign heads of state had addressed a joint meeting of the Australian Parliament: former US President George HW Bush in January 1992 and then US President Bill Clinton in 1996.

Around the time of Hu Jintao's visit, inter-governmental negotiations took place on 9 and 10 October 2003 regarding the Australia–China Trade and Economic Framework (TEF) – a framework agreed in May 2002 by Howard and then Chinese Premier Zhu Rongji for a possible joint scoping study on a bilateral free trade agreement between Australia and China.<sup>72</sup> China would not agree to such a study unless Australia agreed to recognise China as a market economy, but such recognition was then a major step for Australia, and one that would have attracted considerable international attention. In canvassing options, Trade Minister Vaile recommended, and Cabinet accepted, that Australia not fully accede to China's demands in a way that would have impinged on domestic anti-dumping and safeguard actions against Chinese imports. As a concession, Cabinet accepted a willingness in due course to recognise China as a market economy.<sup>73</sup>

Negotiation of a free trade agreement with the United States was one of the rewards for Australian participation in the war in Iraq. On 3 March 2003 Cabinet agreed to a joint submission from Vaile and Downer for Australia to pursue a genuinely comprehensive free trade agreement between the two countries. While striving to achieve reduced barriers to trade and enhanced market access, Australian ministers expected that US requests would cover sensitive areas such as single desk marketing, pharmaceutical benefits, foreign investment screening, parallel importation and copyright legislation.<sup>74</sup>

Formal rounds of negotiations commenced in March 2003, with subsequent rounds in May, July, October and December ahead of the end-of-2003 target for concluding the negotiations. The third round of negotiations in July was crucial. Before this took place, Cabinet canvassed various options, including eliminating the importation of all goods from the United States, but preferred to

offer to reduce tariffs to zero, except for those on passenger motor vehicles and textiles, clothing and footwear.<sup>75</sup> On 9 October 2003, before the next round of negotiations, Cabinet agreed to Vaile's request to modify the existing mandate for the negotiations following a US offer on agricultural trade that was deemed adequate.<sup>76</sup> The agreement with the United States was signed on 18 May 2004 and would come into effect on 1 January 2005.

Writing in 2015, Shiro Armstrong observed that the free trade deal was negotiated and signed within a year because of Howard's determination to consummate a trade deal with the United States in the context of the second Iraq War. The deal, Armstrong considered, damaged Australia's trade by diverting it away from low-cost sources.<sup>77</sup> Cabinet also considered submissions on other trade agreements, including signing the agreement with Singapore after Vaile had reached agreement with his counterpart there, making progress on a free trade agreement with Thailand and strengthening trade and economic links with Japan.<sup>78</sup>

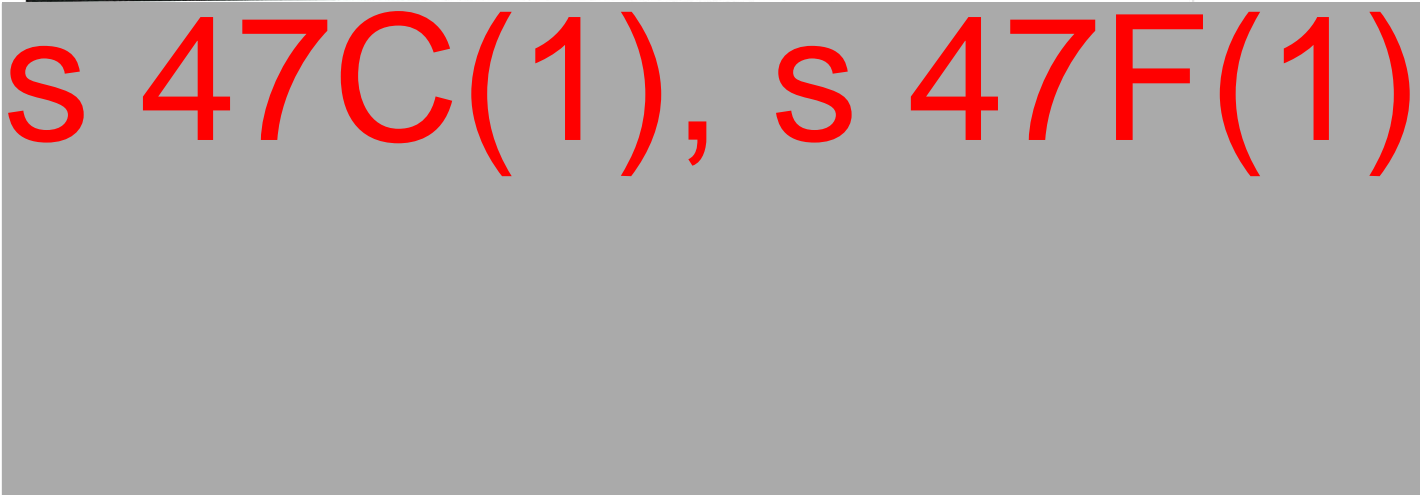
By 2003 progress in the so-called Doha Round of multilateral trade negotiations had been mixed with some areas, such as services, moving at a reasonable pace, while others, such as agriculture, progressed more slowly.<sup>79</sup> Vaile obtained Cabinet approval for an Australian negotiating approach that sought substantial gains in market access for agricultural and industrial products and services while preventing gains being eroded in areas such as anti-dumping subsidies and countervailing measures.<sup>80</sup> Cabinet agreed to Australia's participation in the World Exposition held in Aichi, Japan, in 2005.<sup>81</sup> It also approved the signing of an agreement with New Zealand jointly to regulate therapeutic products.<sup>82</sup>

Another Cabinet submission relates to the sale of Australian wheat to Iraq by AWB Limited (the Australian monopoly wheat trader formerly known as the Australian Wheat Board). Under the UN Oil-for-Food Programme (OIF), which expired on 21 November 2003, AWB had become the dominant supplier of wheat to the Iraqi market. Iraq was Australia's largest wheat market in 1999–2000 and 2001, and Australia secured an average 65 per cent of the Iraqi wheat market over the period from 1996 to 2003. In 2001–02 Australia exported 2.2 million tonnes of wheat worth \$800 million, representing 82 per cent of Iraqi imports and 13.5 per cent of Australian wheat exports.<sup>83</sup>

The extraordinary success of the Australian wheat trade in Iraq was partly explained by the subsequent discovery, in the mid-2000s, that AWB had been paying kickbacks to the regime of Saddam Hussein through a middleman.<sup>84</sup> The discovery led to a major scandal and a royal commission presided over by Justice Terence Cole. To cover for the period following the anticipated expiry of OIF in November 2003, Cabinet agreed on 22 October to establish a trade finance facility, by means of the Export Finance and Insurance Corporation (EFIC), that would provide re-insurance for Australian wheat exporters on the National Interest Account (NIA). The NIA facility covered a maximum of \$350 million of exports to Iraq for exports shipped before December 2004.<sup>85</sup>

In matters of international law, Cabinet approved a recommendation from Downer, Attorney-General Philip Ruddock, David Kemp, Minister for the Environment and Heritage, and Ian Macfarlane, Minister for Industry, Tourism and Resources, to make a submission to the UN Commission on the Limits of the Continental Shelf. This proposed the extension of the outer limits of Australia's continental shelf beyond 200 nautical miles from the territorial sea baseline, including in the areas adjacent to the Australian Antarctic Territory. In doing so, the ministers sought to take advantage of the opportunity to define an internationally accepted outer limit that would protect Australia's exclusive sovereign rights and interests in possible future exploration and exploitation of the non-living and sedentary living resources of the seabed and subsoil in the area beyond 200 nautical miles as well as bestowing rights to regulate marine scientific research and the marine environment.<sup>86</sup>

**s 47C(1), s 47F(1)**



Approval of the submission permitted Australia to submit the data in 2004 within the 10-year deadline set by the 1982 UN Convention on the Law of the Sea (UNCLOS) and to become the third country after Russia and Brazil to do so. This in turn enabled Australia, via the *Seas and Submerged Lands (Limits of the Continental Shelf) Proclamation 2012*, to define the 11 million square kilometres of seabed over which it could exercise exclusive rights to seabed resources. Two areas of Australia's augmented continental shelf extended south into the Antarctic Treaty area.<sup>87</sup>

On other international legal matters, Cabinet authorised relevant ministers, including Attorney-General Daryl Williams (who had taken over from Philip Ruddock on 7 October 2003), to prepare a negotiating mandate for the development of a thematic convention on the rights of persons with disabilities.<sup>88</sup> Cabinet also agreed to a submission from Downer that Australia should ratify a convention on procedures for handling hazardous chemicals and pesticides in international trade.<sup>89</sup>

In September 2002 Howard wrote to Defence Minister Robert Hill, expressing his concern about continuing performance problems with major defence acquisitions.<sup>90</sup> To address this long-term problem, Howard appointed a Secretaries Task Force and an External Defence Procurement Team, the latter consisting of Malcolm Kinnaird AO (Chairman), Len Early PSM and Bill Schofield AM. The team recommended reforming the Defence Materiel Organisation (DMO), which had been established in mid-2000 by drawing together the Defence Acquisition Organisation and Support Command Australia to produce an integrated organisation with responsibility for 'whole-of-life' acquisition and through-life support of capabilities.<sup>91</sup> In 2003 Cabinet agreed to several recommendations, including establishing the DMO as an executive agency within the Defence portfolio and as a prescribed agency under the *Financial Management and Accountability Act 1997*. These reforms were designed to transform the culture of the DMO to make it more business-like and performance-focused.<sup>92</sup>

Cabinet approved another of Hill's submissions to meet key priorities over the four years from 2003–04 to 2006–07, with a fiscal impact of \$2,802.3 million. This decision stemmed from the 2000 Defence White Paper and the associated Defence Capability Plan, which was described as the most 'specific long-term Defence funding commitment given by any Government in 25 years'.<sup>93</sup> Defence spending was set to increase by \$500 million in 2001–02, \$1 billion in 2002–03, and thereafter by 3 per cent annually in real terms. Hill and his department continued to work on reforming Defence's budgeting processes by focusing on whole-of-life capability management in acquisitions and logistics and by concentrating responsibility for asset management in both the DMO and the Corporate Services and Infrastructure Group.<sup>94</sup> In another defence submission, Hill sought Cabinet approval for Defence to amend its budgeting and reporting obligations, which were hitherto based on one outcome: 'the Defence of Australia and its National Interests'. Instead, Hill proposed a reporting structure with seven Outcomes, supported by 29 Outputs and 34 Programs.<sup>95</sup>

In July 2003 Hill received approval to acquire command and control systems and communications infrastructure to upgrade Australia's air defence systems.<sup>96</sup> A decision to sell and then lease back the Department of Defence's Russell Offices had been taken in 2000 and was confirmed in April 2002. Following that decision, the Department of Finance and Administration and the Department of Defence submitted a memorandum to the NSC in 2003 on necessary steps to address national security considerations before the sale.<sup>97</sup>

Australia's six *Collins* Class Submarines were constructed in Adelaide between 1990 and 2003 by the Australian Submarine Corporation (ASC) to a Swedish design. In October 2003 the NSC agreed to a recommendation from Hill for the Commonwealth to sign a contract with the ASC for through-



**S 47C(1), s 47F(1)**

life support of the submarines. The initial period of the agreement was 15 years, with options to extend to 25 years.<sup>98</sup> Hill also received approval to increase the total funding for Australia's military satellite communications, providing continuous UHR-band low data rate coverage across the region, from Sri Lanka in the west to Hawaii in the east, and from Antarctica to the Arctic Circle.<sup>99</sup>

To promote defence cooperation with our regional neighbours, on 28 May 2003, Cabinet approved a recommendation from Hill that Australia release a second and final tranche of financial assistance worth \$20 million towards the Papua New Guinea (PNG) government's efforts to reform the PNG Defence Force. The assistance, which had commenced in 2001, was predicated on a firm PNG agreement to a downsized force of around 2,000 (a reduction of more than 1,000).<sup>100</sup>

### **Economic, social welfare, health, education and immigration policies**

Many of the 2003 Cabinet submissions relate to the Howard government's policies in the areas of the economy, social welfare, health, education and immigration. The Australian economy performed well in 2003. Despite drought, war and rising oil prices, Australia enjoyed a Gross Domestic Product (GDP) growth rate of 2.7 per cent at the beginning of the year, a 6.1 unemployment rate in the middle of the year and an increase in the Consumer Price Index (CPI) at an annual rate of 2.7 per cent.<sup>101</sup> A budget surplus of \$2.2 billion and forecasted economic growth of 3.25 per cent permitted modest 'sandwich and milkshake' income tax cuts for those earning between \$30,000 and \$50,000 and larger cuts for low- and high-income earners.<sup>102</sup> The state of the economy emboldened Cabinet to agree to a moderate increase of up to \$12 per week in the Federal Minimum Wage in the Australian Industrial Relations Commission.<sup>103</sup>

In September 2003 Treasurer Peter Costello announced a federal Budget surplus of \$7.5 billion, raising the prospect of more tax cuts before the 2004 election. In a joint budget submission for the 2004 pre-election budget, Costello and the Nick Minchin, Minister for Finance and Administration, proposed a staged process beginning with an examination of the state of the Budget in December 2003 by senior ministers and a final stage of early preparation of the Budget in April and May 2004. Cabinet also approved amendments to the budget process that clarified the definition of new policy proposals and improved the processes for identifying financial implications and risks.<sup>104</sup>

Under the National Competition Policy (NCP) framework, Costello introduced a submission for a measure to allow the Australian Government to make competition payments to states and territories assessed by the National Competition Council (NCC). The role of the NCC was to assess the progress of all jurisdictions in respect of implementing agreed NCP and related reforms (water, gas, electricity and road transport.) Cabinet accepted Costello's recommendations for competition payments to states and territories that in some cases involved imposing penalties.<sup>105</sup> Together, Costello and Tony Abbott, Minister for Employment and Workplace Relations, received Cabinet approval of a report on using employee share ownership schemes to drive productivity.<sup>106</sup>

Minchin brought to Cabinet his own submission aimed at curbing the increasing costs of the Public Sector Superannuation Scheme (PSS), whose unfunded liabilities in 2003 were around \$9 billion after 12 years of operation. Legislation to close the scheme had been defeated in the Senate in 2001, and closure continued to attract opposition from the non-government parties in the upper house. Cabinet agreed in 2003 to convert the PSS to a fully funded accumulation scheme for all new employees and office-holders who became PSS members from 1 July 2005.<sup>107</sup>

Senator Helen Coonan, Minister for Revenue and Assistant Treasurer, received Cabinet approval for a strategy to address low levels of consumer and financial literacy in Australia.<sup>108</sup>

**s 47C(1), s 47F(1)**

Another subject for Cabinet on the economy was dealing with the collapse of HIH Insurance group of companies, which went through a corporate collapse in March 2001. In May of that year, Cabinet agreed to implement an assistance scheme to alleviate genuine hardship cases for policyholders affected by the failure of those companies. In 2003 Coonan sought Cabinet approval to close the HIH Claims Support Scheme and establish a limited gateway for special circumstances claims.<sup>109</sup> In another submission, Coonan received approval to introduce a civil penalty regime to deter promotion of tax avoidance and tax evasion schemes.<sup>110</sup>

The universal health care system Medicare, established by the Hawke government in 1984, assisted Australians in meeting health care costs. While hospital care was free and the Pharmaceutical Benefits Scheme (PBS) limited patient contributions to fixed co-payments with a safety net arrangement, there were no such guarantees around patient contributions for medical services funded under the Medical Benefits Schedule (MBS). By late 2002 opinion polls were registering a degree of public concern about the Medicare system.<sup>111</sup> The affordability problem was being manifested in three ways: where the upfront cost of a visit to the doctor was a barrier; where the gap cost of a single visit was the barrier; or where cumulative gap costs were the barriers.<sup>112</sup> The level of bulk-billing, which had fallen for 11 quarters before May 2003, became the litmus test of the Howard government's commitment to universal access to health care.<sup>113</sup>

In 2003 Howard showed that he continued to have no desire to expend political capital in fighting the popular Medicare scheme.<sup>114</sup> To that end, Kay Patterson, Minister for Health and Ageing, launched 'A Fairer Medicare', described as 'the most far-reaching reform of Medicare since its introduction in 1984', and created new incentives to bulk-bill in rural areas and for pensioners and other cardholders.<sup>115</sup> But instead of calming hostility, Patterson's reforms:

heightened concerns that Medicare was being undermined by stealth, moving towards a two-tiered system with means-tested bulk billing. Patterson took the brunt of this attack, and was replaced by Tony Abbott as minister ... with a brief to end the growing political discontent over bulk-billing.<sup>116</sup>

On 5 November 2003 Cabinet agreed to enhance the Fairer Medicare package, including by extending the government-funded MBS safety net arrangement for concessional patients. This covered 80 per cent of out-of-pockets costs above \$500 a year for low-income families and above \$1000 a year for other families in a calendar year.<sup>117</sup> While the version of the plan announced by Abbott was a more generous one than the earlier version, it retained a fundamental assumption in Patterson's scheme. This was that both schemes aimed to 'recast Medicare as a safety net, rather than as the system of universal cover it was conceived to be'.<sup>118</sup>

A related problem for the Howard government was the rising cost of private health insurance premiums. All 43 health funds applied for premium increases in 2003, and the previous year had seen growth in benefits exceed growth in contribution income by a wide margin. This problem saw Patterson make a submission in February 2003 to secure Cabinet's agreement to a package of measures to reduce pressure on premium increases. Patterson's submission focused on the issues of prostheses benefits, reinsurance arrangements – a method of risk equalisation to support community rating, which required that funds not discriminate based on age, sex, health status or claims history when paying benefits or settling premiums – and default and ancillary benefits.<sup>119</sup>

Other initiatives in the Health portfolio included Cabinet's agreement to a recommendation from Patterson for Australia to sign the World Health Organization's Framework Convention on Tobacco Control. Australia had been a prominent member of the intergovernmental negotiating body

**s 47C(1), s 47F(1)**

that developed the text. By 2003 Australia's public health policies on tobacco were among the most advanced in the world owing to measures such as bans on advertising, health warnings on tobacco products and restrictions on smoking in public places.<sup>120</sup>

Related initiatives in the health portfolio included Cabinet's agreement to the government's response to reviews in 2002 of the National HIV/AIDS, Hepatitis C and Indigenous sexual health strategies, including establishing a new ministerial advisory committee.<sup>121</sup> Another was Cabinet's approval of a National Illicit Drug Strategy (NIDS) that took the government's total spending commitment to 'Tough on Drugs' to over \$1.2 billion.<sup>122</sup>

By 2003 the Health Insurance Commission (HIC), an agency with a board of directors reporting to the Minister for Health and Ageing, was in financial trouble. The HIC's 10-member board included the managing director and the Secretary of Health in an *ex officio* position. It received 95 per cent of its revenue from the Department of Health, with the remainder coming from the Department of Veterans' Affairs (DVA) (4 per cent) and the Department of Family and Community Services (FACS) (1 per cent).

Under an agreement signed with Health in 1998, the HIC was responsible for managing legislated functions, processing claims, and paying benefits under Medicare and the Pharmaceutical Benefits Scheme (PBS) and delivering services connected with several other health programs. The HIC's revenue was in the order of \$442 million in 2002–03 and was collected under purchaser-provider arrangements with Health, DVA and FACS. The Output Pricing Arrangement with Health, however, had not delivered sufficient funds to ensure the HIC's solvency. This prompted Patterson to ask for additional funding for HIC of \$34.3 million in 2003–04.<sup>123</sup>

In July 2002 the government agreed that work and family should be a strategic priority for the government's third term. Accordingly, in September of that year, Howard commissioned an Interdepartmental Work and Family Taskforce on to develop policy options. One of the fruits of this taskforce, which provided its initial report to Cabinet in 2002, was a submission from Larry Anthony, Minister for Children and Youth Affairs, to expand access to childcare. Although Anthony proposed the uncapping of Outside School Hours (OSH) and Family Day Care (FCC), Treasury persuaded Cabinet to proceed by expanding places by a set amount.<sup>124</sup>

Brendan Nelson, Minister for Education, Science and Training, introduced a major package for the reform of the higher education sector. In 2001 this sector employed 80,000 people and had total revenue of \$10.2 billion, contributing 1.5 per cent to GDP. Commonwealth funding – including the Higher Education Contribution Scheme (HECS), at around \$6.2 billion in 2001 – accounted for about 61 per cent of total sector funding. In the decade leading up to 2000 the higher education sector attracted a 30 per cent increase in the number of students, and there was a greater emphasis during that time on seeking funding from non-Commonwealth sources. However, the last major reform of the higher education sector had taken place in 1988, when the Hawke government introduced the Unified National System and HECS.

In 2003 Nelson's package included extending unsubsidised loans to fee-paying students in public institutions.<sup>125</sup> His reforms preserved and even tightened many elements of the centrally controlled system, but they also created new price signals and gave students enrolled at private higher education institutions access to a loans scheme. Under the 2003 package, student charges in government-subsidised places would be set by the university, within limits imposed by the Commonwealth, and these would go to the university.<sup>126</sup>

**s 47C(1), s 47F(1)**

Nelson also received authority from Cabinet to open a dialogue with private schools on funding arrangements for non-government schools in the 2005–08 quadrennium. At that time, 30 per cent of private schools were funded based on need according to their socioeconomic status (SES). However, the Catholic school systems, which made up 61 per cent of non-government schools, received funding based on historical rates rather than on SES scores. Nelson thought that bringing Catholic schools into the SES policy was good policy and likely to be cheaper than other options.<sup>127</sup> He also devised a new method for the Commonwealth's contribution to the national vocational education and training (VET) system. This approach incorporated new performance measures relating to Commonwealth priorities for addressing 'Australia's changing demographics, welfare reform, youth transitions, practical reconciliation for Indigenous Australians and workplace relations'.<sup>128</sup>

Philip Ruddock, Minister for Immigration and Multicultural and Indigenous Affairs, persuaded Cabinet that the success of policies in relation to those attempting to come to Australia by boat meant that the Government had been able to restore the balance in its humanitarian immigration program. This had enabled his department 'to provide greater entitlements for those resettled from countries of first asylum and reduced entitlements for those resettled as secondary movers'.<sup>129</sup> Ruddock and Downer received Cabinet approval to seek extensions of offshore processing arrangements with Nauru and, possibly, Papua New Guinea.<sup>130</sup> This was deemed necessary because the processing facility on Christmas Island was not expected to be ready until 2006.<sup>131</sup>

Kay Patterson as Minister for Family and Community Services and Kevin Andrews, Abbott's successor as Minister for Employment and Workplace Relations, obtained guidance for Cabinet on the Government's long-term plans to modernise the social support system to better support participation and self-reliance of working-age people. This was consistent with the McClure Reference Group's recommendation to the Government in 2000 to balance the goals of poverty alleviation and participation.<sup>132</sup>

Another subject on the social security front was negotiation of a social security agreement with Greece. Negotiation<sup>2</sup> had been going on for ten years but had stalled over the issue of the level of pension paid to former Australian residents who moved back to Greece before they retired. Without an agreement, they could not claim an Australian pension when they reached pension age.<sup>133</sup> An agreement would eventually be concluded in 2007.<sup>134</sup>

Meanwhile, Ian Macfarlane and Joe Hockey, Minister for Small Business and Tourism, received Cabinet endorsement of a white paper on tourism, which was an industry contributing 4.5 per cent to GDP and representing 11.2 per cent of export earnings.<sup>135</sup> Cabinet also endorsed recommendations from Industry, Tourism and Resources for a whole-of-government approach to implementing recommendations for an Aerospace Industry Action Agenda.<sup>136</sup> On housing matters, it approved a submission from Amanda Vanstone, Minister for Family and Community Services, for a multilateral Commonwealth State Housing Agreement, with Commonwealth funding of over \$900 million per year from 2003–04 to 2007–08.<sup>137</sup>

### **Climate change, energy and the environment**

Having decided in 2002 not to ratify the Kyoto Protocol, the Howard government decided to respond to electoral pressure to take action to mitigate the long-term effects of climate change. One of the consequences was that in 2002, it adopted the Mandatory Renewable Energy Target (MRET). The MRET was introduced with an initial target of 9,500 gigawatt hours of new electricity generation and was intended to run to 2010.<sup>138</sup> In 2003 the government also pursued a forward strategy on climate,



**s 47C(1), s 47F(1)**

as set out in a memorandum from the Department of the Environment and Heritage, the Department of Industry, Tourism and Resources, the Australian Greenhouse Office and DFAT. The plan wove together an international strategy, a domestic emissions abatement strategy and an adaptation strategy.<sup>139</sup> Treasury preferred to introduce a 'non-prescriptive, broad-based market instrument', such as 'an emissions trading scheme' of the kind that Howard would later foreshadow before the Australian general election in 2007.<sup>140</sup>

In a submission on their preferred approach to emissions management, David Kemp, Minister for Environment and Heritage, Costello, Downer and Joe Hockey, as Acting Minister for Industry, Tourism and Resources, recommended a 'mandatory national emissions trading system', albeit one that would not be introduced before 2012 'unless it was in the national interest to do so'.<sup>141</sup> On 8 September 2003, however, Cabinet decided not to support an emissions trading system after noting an oral report from Howard 'on his meeting with industry leaders who expressed opposition to any government announcement of a disposition toward emissions trading as the preferred policy instrument for managing future emissions'.<sup>142</sup>

Cabinet noted several items of business before the Sustainable Environment Committee of Cabinet in 2003, including property rights for water, The Living Murray Program established in 2002, land-clearing in Queensland, national coastal policy, regional marine plans and priorities for the conservation of biodiversity.<sup>143</sup> The *Great Barrier Reef Marine Park Act 1975* required that zoning plans be developed for all areas declared to be part of the Great Barrier Reef Marine Park.

These were primary planning instruments for the conservation and management of the marine park. Cabinet gave Kemp authority to discuss key aspects of a revised zoning plan with stakeholders.<sup>144</sup> Cabinet also agreed that he should develop a Commonwealth position on a national Water Efficiency Labelling and Standards (WELS) scheme for consideration at the Environment Protection and Heritage Council meeting held in Perth on 2 October.<sup>145</sup> Ministers supported the work of the Department of the Environment and Heritage to halt the decline in Australia's biodiversity through the Natural Heritage Trust, the National Action Plan for Salinity and Water Quality and efforts to reduce land clearing and promote environmental flows.<sup>146</sup> Cabinet also considered options for environmental measures associated with the reform of fuel excise.<sup>147</sup>

In energy policy, on 6 March 2003, Cabinet's Energy Committee established<sup>1</sup> an energy task force, a whole-of-government process involving officers from the Department of the Prime Minister and Cabinet (PM&C), the Department of the Treasury, the Department of the Environment and Heritage (DEH), the Department of Transport and Regional Services (DOTARS) and the Department of Industry, Tourism and Resources (DITR).<sup>148</sup> The task force was instructed to develop proposals for a more consistent and integrated framework for energy policy, to identify key decisions that the Government needed to take during the year, and establish a clear timetable for the taking of those decisions.

The approach and timetable proposed by the task force supported the development of a major public statement on energy policy. Key decisions on energy policy in 2003 included the Government's response to an Independent Review of Energy Market Directions chaired by former Liberal Senator Warwick Parer; development of the Climate Forward Strategy discussed above; consideration of a National Framework on Energy Efficiency being developed by the Ministerial Council on Energy (MCE); a response to Sasol Chevron's application for an investment incentive for its proposed Gas to Liquids project; a review of the balance of resource development initiatives; a review of the Gas Access Regime; and reform of the downstream petroleum market.<sup>149</sup>

**s 47C(1), s 47F(1)**

In August 2003 Cabinet accepted the position of the energy task force that Australia enjoyed a strong energy position and argued against the needs for pipelines to supply gas from Western Australia and northern Australia to south-eastern Australia. The task force argued that:

While observing that declining reserves proximate to the south east markets may result in higher gas prices in the medium term, the Task Force does not consider this provides sufficient reason to intervene in the market.<sup>150</sup>

The Howard government pursued negotiations with the states and territories to try to develop a national legislative framework for the national energy market; establish a single national regulator for electricity and gas located in the Australian Competition and Consumer Commission (ACCC); develop a national code for energy distribution and retailing to be brought within the national energy regulator by 2005; and establish an independent transmission planning panel by 2004. While federal ministers made some progress in negotiations in June 2003, the states and territories resisted the Commonwealth's objective of a single national energy regulator within the ACCC.<sup>151</sup>

As part of its 2001 election campaign, the government announced a Biofuels for Cleaner Transport plan to promote the production, distribution and transport of biofuels. In 2003 Costello and Kemp obtained Cabinet agreement on measures to support greater market acceptance of ethanol-petrol blends in Australia by setting a 10 per cent upper limit for ethanol in petrol and by providing for fuel labelling under the *Fuel Quality Standards Act 2000*.<sup>152</sup> On a related matter, the Department of Industry, Tourism and Resources submitted a memorandum to Cabinet on Australia's obligations to participate in emergency oil measures developed by the International Energy Agency (IEA) to meet future oil supply emergencies. This issue had heightened relevance following the loss of Iraqi oil supplies during the Iraq War.<sup>153</sup>

#### **Transport, infrastructure, communications and legal issues**

Several submissions relate to the Royal Commission into the Building and Construction Industry, an inquiry established by the Howard government in 2001 to inquire into alleged misconduct in the building and construction industry in Australia.<sup>154</sup> The building and construction industry, which contributed an estimate 5.5 per cent to GDP annually had a pivotal role in Australia's economy. This inquiry followed several unsuccessful attempts by the Howard government to regulate the conduct of industrial relations more strongly within that industry. The royal commission commenced on 29 August 2001 and was overseen by a sole royal commissioner, Justice Terence Cole, who handed his final report to the governor-general on 24 February 2003.

Although Cole found no evidence of organised criminal activity, he recommended sweeping changes to industrial relations laws applicable to that industry. On 1 April 2003 Cabinet agreed to a response to Cole's final report in two stages: a broad initial response, to be followed by a detailed second-stage response. On 2 April 2003 Tony Abbott, Minister for Workplace and Employment Relations, announced industry-specific legislation to regulate workplace relations in the industry, including a new regulatory body, the Australian Building and Construction Commission (ABCC). A Treasury submission provided a response accepting 27 of 32 recommendations, either wholly or partially.<sup>155</sup>

The government's efforts to implement its reform legislation for the industry stalled in the Senate in 2004 but were revived in 2005 after the Government secured control of the upper house. This enabled passage of the *Building and Construction Industry Improvement Act 2005* along with establishment of the Office of the Australian Building and Construction Commissioner (ABCC), an

independent statutory authority responsible for monitoring and protecting workplace relations in the building and construction industry.

In November 2002 Cabinet considered the report of the Regional Telecommunications Inquiry (RTI) chaired by Dick Estens. Cabinet accepted that the RTI report provided a sufficient basis for proceeding with the full privatisation of Telstra as long as two issues identified in the report were addressed. Accordingly, in June 2003 Cabinet agreed to a submission from Richard Alston, Minister for Communications, Information Technology and the Arts, that legislation be introduced as soon as possible to enable full privatisation of Telstra Corporation (Telstra).

To ease the path, Cabinet agreed to key recommendations of Estens. One was to impose a license condition on Telstra to provide dial-up internet access over its fixed telephone network at a minimum equivalent data rate of 19.2 kilobits per second. The other was to require the Australian Communications Authority (ACA) to identify the worst-performing Exchange Service Areas (ESAs) in regional, rural and remote areas and require Telstra to provide a formal strategy for improving service in those ESAs.<sup>156</sup>

Alston had less success with a submission proposing new arrangements for costing and funding the s 47C(1) Universal Service Obligation (USO). s 47C(1)

s 47C(1)

s 47F(1)

In practice, Telstra was the sole USO provider in Australia 'reflecting its historical position as the incumbent, ubiquitous national service provider, with other major providers subsidising Telstra for this provision on the basis of a costing model'.<sup>157</sup>

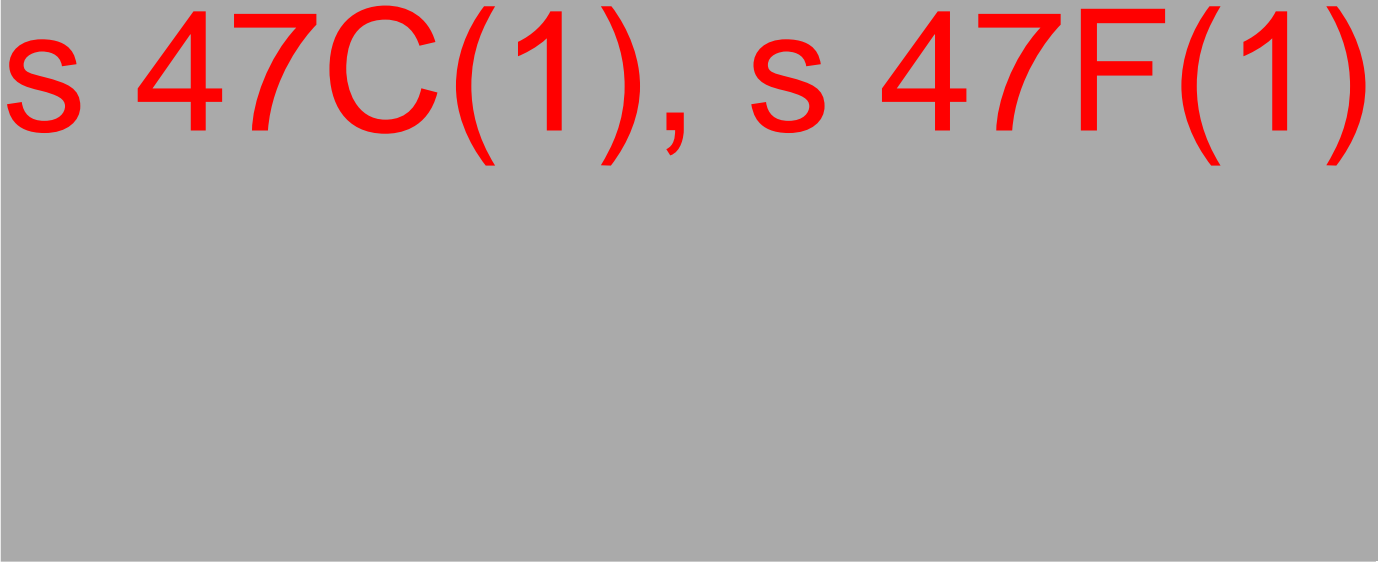
Alston's submission was based on the RTI's finding that current USO obligations might be favouring Telstra and constraining regional competition. To address this problem, he framed a submission requiring Telstra to take on full responsibility for the USO in regard to telephone services, but to make a clear break with the USO when encouraging access to important new services such as broadband. On 15 April 2003, however, Cabinet decided not to proceed with the submission.<sup>158</sup>

In another communications submission Alston sought guidance from Cabinet on a proposal for the merger of the Australian Broadcasting Authority (ABA) – the body responsible for broadcasting licensing, regulation of commercial and subscription broadcasting services, online content regulation and Broadcasting Services Bands – and the Australian Communications Authority – the agency responsible for the regulation of telecommunications licensing, most aspects of telecommunications-specific service regulation and the management of spectrum other than the 'broadcasting services bands' (that is, that part of the spectrum used for commercial, national and community television and radio).<sup>159</sup> Changes to cross-media ownership restrictions, including a two-out-of-three media sector limit for TV/newspaper/radio mergers and metropolitan and rural/regional voice limits, were noted by Cabinet, but it took until 2005 for these to come to fruition.<sup>160</sup>

A memorandum from the Department of Transport and Regional Services, the Treasury and PM&C responded to a Cabinet request in December 2002 to examine options for more effective and efficient operation of the coastal trading permit system. Unlike many other countries, Australia did not reserve its coastal trade for Australian flagged or based vessels. The coastal trade was open to foreign shipowners under a licensing system whose main prerequisite was that they pay Australian wages to their crews. Cabinet decided to extend the interim immigration arrangements in respect of foreign crews on Australian ships – arrangements announced by Ruddock in December 2002 – and to remove the need to provide six months' notice of cancellation of a Continuing Voyage Coastal Trade permit (CVP).<sup>161</sup>

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**s 47C(1), s 47F(1)**



The sale of Sydney (Kingsford Smith) Airport was completed in 2002. In the same year, Nick Minchin, Minister for Finance and Administration, and John Anderson, Minister for Transport and Regional Services, were given approval for their proposed strategy to sell the three remaining Sydney airports (Bankstown, Camden and Hoxton Park).<sup>162</sup> Meanwhile, Attorney-General Daryl Williams received cabinet approval for a strategy to combat rising levels of identity fraud. This did not embrace the national identity card idea that the Hawke government had tried but failed to implement in the 1980s, but rather sought to develop common supporting mechanisms for Commonwealth agencies to ensure accuracy in the verification of identity and a basis for cleansing existing data that had not been verified.<sup>163</sup>

In 2001 the Senate rejected legislation to establish an Administrative Review Tribunal (ART) by amalgamating the Administrative Appeals Tribunal (AAT), the Social Security Appeal Tribunal (SSAT), the Merits Review Tribunal (MRT) and the Refugee Review Tribunal (RRT). That being so, Williams recommended discontinuing the plan to establish a single tribunal, but instead to reform the AAT and pursue administrative efficiencies with respect to the federal merits tribunal.<sup>164</sup> Williams also made a submission to Cabinet on reform of the family law system and Chris Ellison, Minister for Justice and Customs, received approval to amend the *Criminal Code Act 1995* to introduce new telecommunications offences in relation to internet content.<sup>165</sup>

## Rural and regional issues

In rural and regional policy, Cabinet had on its agenda the Sustainable Regions Program. This was one of the issues that spoke to an enduring issue in the Howard government: maintaining the relationship between the Liberal and National parties. During the period of this government, the National Party, the junior Coalition party, was losing numbers and had, at the same time, to combat Pauline Hanson's 'One Nation' movement.<sup>166</sup> In the 2000s there were none of the vigorous Coalition battles that had occurred in the early 1950s (the debate over revaluation), the late 1960s (what to do about sterling's devaluation) and 1971–72 (devaluation again).<sup>167</sup>

The National Party nonetheless fought its corner on aid to rural and regional Australia, which was one of the nine major issues identified by Cabinet on 30 July 2002. One of its projects was the Sustainable Regions Program (SRP), a project resulting from the *Stronger regions, a stronger Australia*, endorsed by Cabinet on 20 August 2001. The SRP was designed to assist regions undergoing major economic, social, technological and environmental change and to support community leadership in the development of local solutions.

The eight regions were the Atherton Tablelands and Wide Bay Burnett (Qld); Far North East New South Wales and Campbelltown–Camden (NSW); Gippsland (Vic); North West and West Coast (Tas); Playford/Salisbury (SA); and Kimberley (WA). By August 2003 Anderson had approved 97 projects to the value of \$29.5 million (GST exclusive), and the projects had attracted an additional \$84 million in funding from other partners.<sup>168</sup> Another facet of the *Stronger regions, a stronger Australia* project in 2003 was cabinet's agreement to publish an independent report, *Regional business – a plan for action*. The report was commissioned to identify impediments to the growth and effectiveness of Federal Government assistance to regional business.<sup>169</sup>

Following a disastrous fire season in the Australian Capital Territory in 2003 and severe drought across much of the country from March 2002 to January 2003, Cabinet agreed to set up a national inquiry into bushfire prevention and mitigation and continued to provide financial relief to farmers to manage drought conditions.<sup>170</sup>

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## Indigenous policy

A key Cabinet submission from 2003 in the Indigenous area was concerned with health. A National Aboriginal and Torres Strait Islander Health Council had developed the *National strategic framework for Aboriginal and Torres Strait Islander health* to provide an approach to Indigenous health. The development of the framework was driven by the Commonwealth and gained the support of state and territory governments, the Aboriginal and Torres Strait Islander Commission (ATSIC) and the Aboriginal community-controlled health sector. It aimed to achieve a whole-of-government commitment in each jurisdiction to address nine key result areas, recognised that action had to be in partnership with local communities and devoted attention to improving the responsiveness of the mainstream health system to Indigenous Australians.<sup>171</sup>

Ruddock sought to shape a draft *UN Declaration on the Rights of Indigenous Peoples* so as to avoid the use of 'self-determination' in the operative articles of the declaration.<sup>172</sup> Later, Amanda Vanstone, Ruddock's successor as Minister for Immigration and Multicultural and Indigenous Affairs, obtained Cabinet's approval to modernise the Malcolm Fraser-era *Aboriginal Councils and Associations Act 1976* in a new *Indigenous Corporations Act* after a review agreed by Cabinet in July 2002.<sup>173</sup>

In November 2003 Vanstone received the final report of the review of the Aboriginal and Torres Strait Islander Commission, *In the hands of the region*.<sup>174</sup> Intended by the Hawke government in 1990 to be the body through which Indigenous people were formally involved in the processes of government affecting their lives, ATSIC had come in for criticism over succeeding years – perhaps unfairly, given that it had achieved a measure of success in promoting Indigenous self-determination. The decentralised structure of ATSIC, based on regional councils, gave elected representatives real power over funding, and in 2002 almost half of the Commonwealth's \$2.5 billion Indigenous-specific spending was controlled by ATSIC. Yet policy differences emerged between the minister and ATSIC, which, following the 2001 election, was subsumed within the larger Department of Immigration, Multiculturalism and Indigenous Affairs. In June 2002 the Howard government approved a recommendation from Ruddock to review the operations of the commission. While the report<sup>175</sup> that was eventually delivered to Vanstone did not advocate abolishing ATSIC, it did point out the limitations of providing funding through mainstream agencies. Nonetheless, in 2004 legislation was enacted to finally abolish the body.<sup>175</sup>

In August 2002 Cabinet had decided that the government should not issue an apology for past treatment of Indigenous people, not to pursue a treaty and not to have a referendum for a new preamble to the Constitution.<sup>176</sup> However, in 2007, Howard would reverse one aspect of these decisions by putting the issue of Constitutional recognition on the table – thus setting Australia on the path to the unsuccessful 2023 referendum on the Indigenous Voice to parliament.<sup>177</sup>

## Conclusion

Australia joined the war in Iraq in March 2003, even while maintaining that it had not made up its mind until the last moment.<sup>178</sup> As Graeme Dobell put it in 2013:

The Howard Government claimed to be considering all options, but in reality it closed down consideration. Options weren't called for. Getting wrong answers to questions posed about Iraq would make it harder for the Prime Minister to take Australia to war.<sup>179</sup>

By contrast, Canada's prime minister, John Chrétien, made it clear in 2002 that his country's participation in any war against Iraq would depend on having the support of the United Nations.<sup>180</sup>

**s 47C(1), s 47F(1)**

The policy still permitted Chrétien to participate in the invasion <sup>1</sup>ould China or Russia veto a resolution that was supported by the rest of the US Security Council. In 2003, when the Security Council did not support the war, neither did Canada. By contrast, Australia went ahead with its commitment to the United States in Iraq lacking a Security Council resolution but armed with internal advice that the use of force was authorised by earlier Security Council resolutions.<sup>181</sup>

The October 2003 visit to Australia by the leaders of <sup>2</sup>he United States and China offered the Australian Government hope that these two foreign countries would establish a *modus vivendi* and that Australia would be able to maintain a constructive relationship between its major ally and its soon-to-be major trading partner. At home, Australia was on the cusp of one of the greatest economic booms in its history, fueled by Chinese demand for exports of minerals and energy.<sup>182</sup> This boom gave the Howard government the space to turn its attention to reforms illuminated by these Cabinet papers. They include areas such as defence acquisitions, energy policy, the building and construction industry, the higher education and vocational training sectors, communications, coastal shipping, social welfare and the private and public health systems.

Two opportunities were missed in 2003. One was an emissions trading system, which Howard only sought to introduce at the end of his term and which one of his ministers, Tony Abbott, extinguished in 2013. The other was an Australian sovereign wealth fund, larger than the Future Fund, for unfunded liabilities of politicians and public servants that was established by Peter Costello in 2006. Such a sovereign wealth fund could ideally have been introduced in 2003, when the China resources boom was beginning, with immense consequences for Australia's continuing prosperity once the boom had ended.<sup>183</sup>

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#### Endnotes

<sup>1</sup> The title of this section is based on Graeme Dobell's perceptive series of articles on the Howard government's Iraq War decision in *The Strategist* cited below.

<sup>2</sup> James Bluemel and Renad Mansour, *Once upon a time in Iraq: history of a modern tragedy*, BBC Books, London, 2020; Benjamin Isakhan, 'Iraq war, 20 years on: how the world failed Iraq and created a less peaceful, democratic and prosperous state', *The Conversation*, 17 March 2023. s 47C(1)

<sup>3</sup> Chapter VII of the United Nations Charter is the section that deals with international action in response to threats to world peace. The measures that can be taken under Chapter VII range from partial to complete interruption of economic relations and means of communication and the severance of diplomatic relations to the direct use of armed force (Article 42).

<sup>4</sup> 'President Bush announces major combat operations in Iraq have ended', 1 May 2003, [President Bush Announces Major Combat Operations in Iraq Have Ended \(archives.gov\)](https://www.archives.gov)

<sup>5</sup> 'How the war started', *The Week*, 24 March 2003.

<sup>6</sup> Robert Draper, *To start a war: how the Bush Administration took America into Iraq*, Penguin Press, New York, 2020, cover. See also Thomas E Ricks, *Fiasco: the American military adventure in Iraq*, Penguin Press, New York, 2007.

<sup>7</sup> John Howard, 'Iraq 2003: a retrospective', Speech, Lowy Institute, 9 April 2013. See also John Howard, *Lazarus rising: a personal and political autobiography*, revised edition, HarperCollins, Sydney, 2011, Chapter 34.

<sup>8</sup> Julian Borger, 'Colin Powell's UN speech: a decisive moment in undermining US credibility', *The Guardian*, 19 October 2021; Judith Betts and Mark Phythian, *The Iraq War and democratic governance: Britain and Australia go to war*, Palgrave Macmillan, Basingstoke, 2020.

**s 47C(1), s 47F(1)**

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<sup>9</sup> Quoted in Paul Barratt, 'Howard's war – a continuation of politics by other means', *Pearls and Irritations*, 10 March 2017.

<sup>10</sup> Albert Palazzo, 'Iraq and the politics of alliance relationships', in Tom Frame (ed.), *Trials and transformations, 2001–2004: the Howard government*, vol. III, UNSW Press, Sydney, 2019, p. 238.

<sup>11</sup> Jean Edward Smith, *George Bush's war*, Henry Holt, New York, 1992.

<sup>12</sup> Ewen MacAskill and Julian Borger, 'Iraq War was illegal and breached UN Charter, says Annan', *The Guardian*, 16 September 2004. See James Traub, *The best intentions: Kofi Annan and the UN in the era of world power*, Bloomsbury, London, 2006.

<sup>13</sup> 'Every word of Crean's defining counter to John Howard on Iraq', 5 February 200, republished in *The Sydney Morning Herald*, 25 June 2003; Phillip Coorey, 'Labor's journeyman leaves a legacy of principle and reform', *Australian Financial Review*, 26 June 2023.

<sup>14</sup> Cabinet Submission JH03/0236 – Implications of the Post-Conflict Situation in Iraq for Australia's Migration and Refugee Programs, Decision of the National Security Committee, JH03/0326/NS, 25 June 2003, NAA: JH03/0236/NS.

<sup>15</sup> Without Submission – Iraq–Military Operations, Cabinet Decision JH03/0157/CAB, 1 April 2003, NAA: A14370, JH03/0157.

<sup>16</sup> John Howard, 'Iraq 2003: a retrospective', Speech, Lowy Institute, 9 April 2013.

<sup>17</sup> Paul Barratt, in 'Here we go again', *Arena Magazine*, October 2014, criticised decisions made by a small group of ministers to go to war in the cases of Vietnam, Iraq and Afghanistan. He argued that 'inhibitions based on concerns about the major ally's capacity to fight effectively and win within a period of a year or two (if perceived at all) can be easily swept aside by the desire ... to remain close to whoever is the US President at the time of deciding. Also in this system of decision-making, broader issues such as the morality of the commitment, which was clearly a major public issue in the cases of Vietnam and Iraq, are relatively easy for the Government to ignore or set to one side. The small group setting also makes it easier to believe faulty intelligence reports, or even dismiss them when they are inconvenient for the government's preferred policy'.

<sup>18</sup> John Howard, *Lazarus rising: a personal and political autobiography*, HarperCollins, Sydney, 2011, p. 445.

<sup>19</sup> Without Submission – Iraq: Authority for Australian Defence Force Military Action, Cabinet Decision JH03/0124/CAB, NAA: A14370, JH03/0124. Margaret Swieringa argues that the Government's justification for war was not supported by any of its own agencies' intelligence. See Margaret Swieringa, 'Howard ignored advice and went to war in Iraq', *The Sydney Morning Herald*, 12 April 2013.

<sup>20</sup> Without Submission – Iraq – Military Operations, Cabinet Decision JH03/0157/CAB, 1 April 2003, NAA: A14370, JG03/0157.

<sup>21</sup> Howard, *Lazarus rising*, p. 446.

<sup>22</sup> Howard, *Lazarus rising*, p. 446.

<sup>23</sup> Gregory Pemberton, *All the way: Australia's road to Vietnam*, Allen & Unwin, Sydney, 1987; Peter Edwards with Gregory Pemberton, *Crises and commitments: the politics and diplomacy of Australia's involvement in Southeast Asian conflicts 1948–1965*, Allen Unwin in association with the Australian War Memorial, Sydney, 1992; Gary Woodard, *Asian alternatives: Australia's Vietnam decision and lessons on going to war*, Melbourne University Publishing, Carlton, 2004; Gary Woodard, 'Two Australian wars, two prime ministers: Australia's virtual Vietnam, and lessons for today', NAPS/net Policy Forum, 18 April 2013, [Two Australian wars, two prime ministers: Australia's virtual Vietnam, and lessons for today | Nautilus Institute for Security and Sustainability](#)

<sup>24</sup> Paul Barratt, 'The war crimes inquiry should make us question how we go to war and why', *The Guardian*, 20 November 2020.

<sup>25</sup> Graeme Dobell, 'Iraq lessons: the Cabinet submission that never was', *The Strategist*, 23 November 2015, and 'Iraq lessons: the Cabinet submission that never was (part 2)', *The Strategist*, 30 November 2015. § 47C(1)

s 47C(1)

<sup>26</sup> Robert Garran, *True believer: John Howard, George Bush and the American alliance*, Allen & Unwin, Sydney, 2004, p. 199.

<sup>27</sup> In an interview with Garran on 12 March 2004, Garran recorded that ‘asked to comment on reports that there had been no overarching cabinet submission on Iraq, Howard did not dispute the point, and answered that the issue was dealt with by cabinet’s National Security Committee’. Garran, *True believer*, fn 15, p. 220. See also Patrick Weller, *Cabinet government in Australia, 1901–2006*, UNSW Press, Sydney, 2007, p. 182 s 47C(1) and Howard, *Lazarus rising*, p. 238.

<sup>28</sup> Weller, *Cabinet government in Australia*, p. 182.

<sup>29</sup> Weller, *Cabinet government in Australia*, p. 183. s 47C(1)

<sup>30</sup> Weller, *Cabinet government in Australia*, p. 187.

<sup>31</sup> Weller, *Cabinet government in Australia*, p. 183.

<sup>32</sup> Weller, *Cabinet government in Australia*, p. 183.

<sup>33</sup> Brendan Nelson, ‘The role of government and parliament in the decision to go to war’, n.d. s 47C(1)  
s 47C(1) [The Role of Government and Parliament in the Decision to Go to War – Parliament of Australia \(aph.gov.au\)](https://www.parliament.gov.au/parliament-of-australia)

<sup>34</sup> Without Submission – Iraq: Authority for Australian Defence Force Military Action, Cabinet Decision JH03/0124/CAB, NAA: A14370, JH03/0124.

<sup>35</sup> Samuel Furphy (ed.), *The seven dwarfs and the age of the mandarins: Australian Government administration in the post-war reconstruction era*, ANU Press, Canberra, 2015. For the operation of the Cabinet system under Menzies, see David Lee, ‘Cabinet’, in Scott Prasser, JR Nethercote and John Warhurst (eds), *The Menzies era: a reappraisal of government, politics and policy*, Hale & Iremonger, Sydney, 1995, pp. 123–36.

<sup>36</sup> *The Prime Minister and Cabinet (Miscellaneous Provisions) Act 1994*. See Elaine Thompson, ‘Democracy undermined: reforms to the Australian Public Service from Whitlam to Hawke’, *The Australian Quarterly*, vol. 63, no. 2, 1991, pp. 127–42.

<sup>37</sup> Paul Barratt, ‘My, how things have changed’, *Meanjin*, Autumn, 2021.

<sup>38</sup> Quoted in Dobell, ‘Iraq lessons: the impact of the Howard fib’, *The Strategist*, 13 November 2015.

<sup>39</sup> Dobell, ‘Iraq lessons: the impact of the Howard fib’. For a long-term perspective, see James Curran, ‘Iraq War casts a long shadow over Australia’s sovereignty’, *Australian Financial Review*, 19 March 2023.

<sup>40</sup> Peter Edwards, *Arthur Tange: last of the mandarins*, Allen & Unwin, Crows Nest s 47C(1), NSW, 2006, and David Horner, *Defence supremo: Sir Frederick Shedden and the making of Australian defence policy*, Allen & Unwin, St Leonards, NSW, 2000.

<sup>41</sup> Ministerial Statement by the Prime Minister, 4 February 2003, [ParlInfo - MINISTERIAL STATEMENTS : Iraq \(aph.gov.au\)](https://www.parliament.gov.au/parliament-of-australia)

<sup>42</sup> Graeme Dobell, ‘The Iraq war 10th anniversary: the Canberra silence’, *The Strategist*, 12 March 2013, and ‘Cabinet papers reveal Australia was on path to war in Iraq in 1998’ s 47C(1), *The Strategist*, 20 January 2020. See also Albert Palazzo, ‘Australia in Iraq: a summary of the Iraq dossier’, *The Cove*, 5 September 2017 s 47C(1); David Wroe, ‘The secret Iraq dossier: inside Australia’s flawed war’. *The Age*, 25 February 2017; and s 47C(1)  
s 47C(1)

<sup>43</sup> Hugh White, ‘Why Howard took us to war’, *The Age*, 26 February 2004. See also Paul Barratt, ‘Faulty intelligence, or a war pre-ordained?’, *Pearls and Irritations*, 12 July 2016.

<sup>44</sup> A Berriedale Keith, *The dominions as sovereign states: their constitutions and governments*, Macmillan and Co, London, 1938, pp. 46–48 and pp. 605–07.

<sup>45</sup> Cablegram from John Curtin to SM Bruce, 3 December 1941, WJ Hudson and HJW Stokes (eds), *Documents on Australian foreign policy, 1937–49. Volume V: July 1941–June 1942*, Australian Government Publishing

Service, Canberra, 1982, pp. 266–68; David Lee, *John Curtin*, Connor Court Publishing, Redland Bay, Qld, 2022, p. 77; David Lee, 'States rights and Australia's adoption of the Statute of Westminster, 1931–1942', *History Australia*, vol. 13, issue 2, 2016, pp. 258–74. See also, Commonwealth on Australia, *Inquiry into international armed conflict decision making*, Commonwealth of Australia, 2023, [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Joint/Foreign\\_Affairs\\_Defence\\_and\\_Trade/Armedconflict/Report](https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Foreign_Affairs_Defence_and_Trade/Armedconflict/Report)

<sup>46</sup> Charles Sampford and Margaret Palmer, 'The Constitutional power to make war: domestic legal issues raised by Australia's action in Iraq', *Griffith Law Review*, 2009, vol. 18, issue 2, s 47C(1) p. 374. They report that Hollingworth recalled: 'I had previously read public statements made by some academics and international lawyers, and, on the advice of the Official Secretary, I sought clarification from the Attorney-General as to technical ramifications that could arise under international law'.

<sup>47</sup> Sampford and Palmer, 'The Constitutional power', p. 350. 'Declarations recognizing the jurisdiction of the Court as compulsory', Australia, 22 March 2002, <https://www.icj-cij.org/declarations/au>

<sup>48</sup> Sampford and Palmer, 'The Constitutional power', s 47C(1) p. 374. Hollingworth may also have been reacting to claims from the Anglican Church that the Howard government was beholden to the United States and unable to think for itself on Iraq. See 'PM and churches clash over Iraq', *The Age*, 5 October 2002.

<sup>49</sup> Without Submission – Iraq: Authority for Australian Defence Force Military Action, Cabinet Decision JH03/0124/CAB, NAA: A14370, JH03/0124.

<sup>50</sup> Nelson, 'The role of government and parliament in the decision to go to war', s 47C(1)

<sup>51</sup> Sampford and Palmer, 'The Constitutional Power', p. 350. Later, on p. 380, they argue: 'In 2003, it appeared that the Defence Minister used his legal powers under the *Defence Act* to implement decisions taken by Cabinet and/or its Security Sub-Committee to give instructions to service head(s) to take the actions which involved us in war. A powerful argument could be made that the relevant sections of the *Defence Act* were not intended to be used to go to war and that such instructions are in peacetime or *in bello* decisions ... [G]iven the gravity of the decision, it might seem surprising that the government did not choose the most obvious and unimpeachable legal means to go to war'. In a similar vein, former Secretary of Defence Paul Barratt argued, in 'It's too easy to take us to war', *Pearls and Irritations*, 22 November 2019, that 'successive Governments appear to have relied upon Section 8 of the *Defence Act 1903*, a provision which in its current form was introduced in 1975 to make clear that the Minister for Defence had 'general control and administration' of the Defence Force and that both the Secretary and the newly created position of Chief of the Defence Force were subject to the Minister's discretion. Section 8 was never intended to create a new power to make war'.

<sup>52</sup> Without Submission – Governor-General: Provision in Letters Patent for Standing Aside, Decision of Ministry JH03/0186/MIN, 12 May 2003, NAA: A14370, JH03/0186.

<sup>53</sup> Sampford and Palmer, in 'The Constitutional power', p. 374, record that the attorney-general did not respond to Hollingworth, but that Howard did 'from available legal advice'. Howard did not pursue an undertaking to bring the decision to the Executive Council 'for noting' and advised Hollingworth that 'his predecessors had not been involved in past decisions and that no involvement was necessary'.

<sup>54</sup> Tom McIlroy, 'Kerr–Fraser conflict a precedent for governor-general's intervention', *Australian Financial Review*, 21 August 2022.

<sup>55</sup> Among the questions raised by this episode are whether the governor-general was entitled to ask for the advice of the attorney-general as to the international legality of the war, whether he could seek independent legal advice if the government were not permitted to give it, and '[w]hat should the Governor-General do if he is uncertain of the international legality of the war after receiving advice from the government – especially if the advice is not from the Attorney-General whose advice he has requested?' s 47C(1)

s 47C(1) The authors go on to discuss the possibility that the governor-general might insist on seeking the opinion of the attorney-general as first law officer, insist on the publication of the advice or even consider the possibility of resignation. Sampford and Palmer, 'The Constitutional power', pp. 374–77. See also Barratt, 'It's too easy to take us to war', s 47C(1) Before he agreed to Malcolm

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Fraser's request for a double dissolution in 1983, Stephen asked for further advice. For Stephen, see Philip Ayres, *Fortunate voyager: the worlds of Ninian Stephen*, Melbourne University Publishing, Carlton, Vic, 2013.

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- <sup>56</sup> 'The government's legal advice on using force', *Sydney Morning Herald*, 19 March 2003.
- <sup>57</sup> Without Submission – Iraq: Authority for Australian Defence Force Military Action, Cabinet Decision JH03/0124/CAB, NAA: A14370, JH03/0124.
- <sup>58</sup> Gabrielle Appleby, 'The political imperative for a legal war', *Inside Story*, 13 July 2016.
- <sup>59</sup> 'This war is illegal: Howard's last top law man', *The Sydney Morning Herald*, 21 March 2003.
- <sup>60</sup> Murray Goot, 'Polls apart on whether this is a conflict is worth waging' *The Sydney Morning Herald*, 1 April 2003; Murray Goot, 'Public opinion and the democratic deficit: Australia and the war against Iraq', *Australian Humanities Review*, no. 29, 2003; Robert Manne, 'Murdoch's war', *The Monthly*, July 2005.
- <sup>61</sup> Department of Foreign Affairs and Trade, *Advancing the national interest*, Canberra, 2003.
- <sup>62</sup> Cabinet Submission JH03/0012 – Foreign and Trade Policy White Paper, 19 January 2003, p. 3.
- <sup>63</sup> Without Submission – Hizballah, Cabinet Decision JH03/0217/NS, 28 May 2003, NAA: A14370, JH03/0217/NS.
- <sup>64</sup> Without Submission – Australia's National Security: a Defence Update, Cabinet Decision JH03/0034/NS, NAA: A14370, HH03/0034.
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<sup>164</sup> Cabinet Submission JH03/0004 – Reform of the Federal Merits Review Tribunal System, Cabinet Decision JH03/0004/CAB, 3 February 2003, NAA: A14370, JH03/0004.

<sup>165</sup> Cabinet Submission JH03/0440 – Government Response to the Report of the Family Law Pathways Advisory Group – Out of the Maze, Cabinet Decision JH03/0440/CAB/3, 15 April 2003, NAA: A14370, JH03/0440; Cabinet Submission JH03/0880 – Telecommunications Offences, Cabinet Decision JH03/0880/CAB, 1 April 2003, NAA: A14370, JH03/0880.

<sup>166</sup> Weller, *Cabinet government in Australia*, p. 180.

<sup>167</sup> Weller, *Cabinet government in Australia*, Chapter 6.

<sup>168</sup> Cabinet Memorandum JH03/0332 – Sustainable Regions Programme Update, Cabinet Decision JH03/0332/CAB, 15 September 2003, NAA: A14370, JH03/0332.

<sup>169</sup> Cabinet Submission JH03/0276 – Regional Business – A Plan for Action, Cabinet Decision JH03/0276/CAB, 29 July 2003, NAA: A14370, JH03/0276.

<sup>170</sup> Without Submission – National Inquiry into **s 47C(1)** Bushfire Prevention and Mitigation, Cabinet Decision JH03/0068/CAB, 3 March 2003, NAA: A14370, JH03/0068; Without Submission – Drought Update, Cabinet Decision JH03/0032/CAB/3, 26 August 2003, NAA: A14370, JH03/0032; Ron McLeod, *Inquiry into the operational response to the January 2003 bushfires in the ACT*, Department of Urban Services ACT Government, Canberra, 2003.

<sup>171</sup> Cabinet Submission JH03/0006 – National Strategic Framework for Aboriginal and Torres Strait Islander Health, Cabinet Decision JH03/0006/CAB, 3 February 2003, NAA: A14370, JH03/0006.

<sup>172</sup> Cabinet Submission JH03/0212 – Draft Declaration on the Rights of Indigenous Peoples, Cabinet Decision JH03/0212/CAB, 10 June 2003, NAA: A14370, JH03/0212.

<sup>173</sup> Submission JH03/0286 – Reform of the Aboriginal Councils and Associations Act, Decision JH03/0286/CAB, 11 November 2003, NAA: A14370, JH03/0286.

<sup>174</sup> John Hannaford, Jackie **s 47C(1)** Huggins and Bob Collins, 'In the hands of the regions – a new ATSI report of the review of the Aboriginal and Torres Strait Islander Commission', *Australian Indigenous Law Reporter*, vol. 8, no. 3, 2003, pp. 105–12.

<sup>175</sup> Quoted in Alison Holland, 'Many claim Australia's longest-running Indigenous body failed. Here's why that's wrong', *The Conversation*, 24 July 2023.

<sup>176</sup> Cabinet Submission JH02/0271 – Government Response to the Final Report of the Council for Aboriginal Reconciliation – Reconciliation: Australia's Challenge – Decision JH02/0271/CAB, 10 September 2002, NAA: A14370, JH2002/271.

<sup>177</sup> Gabrielle Appleby and Sean Brennan, 'The long road to recognition', *Inside Story*, 19 May 2017.

<sup>178</sup> According to former diplomat Tony Kevin, Australian troops were engaged in hostilities on the evening of 18 March (Iraq time), 16 hours after Bush's 48-hour ultimatum to cede power. Tony Kevin, 'Our questionable tactics in Iraq', *The Age*, 17 January 2004.

<sup>179</sup> Graeme Dobell, 'Iraq lessons: the impact of the Howard fib'. **s 47C(1)**

<sup>180</sup> Timothy A Sayle, "But he has nothing on at all!" Canada and the Iraq War, 2003', *Canadian Military History*, vol. 19, issue 4, 2015, p. 6. **s 47C(1)**

<sup>181</sup> Ewan MacAskill, 'Adviser quits Foreign Office over legality of war', *The Guardian*, 22 March 2003 **s 47C(1)**  
**s 47C(1)** Vikram Dodd,  
'Iraq war illegal, says FO adviser who quit', *The Guardian*, 14 June 2004 **s 47C(1)**  
**s 47C(1)**

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<sup>182</sup> David Lee, *The second rush: mining and the transformation of Australia*, Connor Court Publishing, Redland Bay, Qld, 2016, Chapter 9.

<sup>183</sup> Rod Myer, 'Australia missed out on mining boom cash by rejecting larger sovereign wealth fund', *The New Daily*, 17 November 2019.

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**From:** s 47F(1)  
**Sent:** Wednesday, November 8, 2023 9:11 AM  
**To:** David Lee  
**Subject:** RE: Bio [SEC=OFFICIAL]

Thanks for replying so quickly, David. s 22(1)

Regards

s 47F(1)

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**From:** David Lee <d.lee@adfa.edu.au>  
**Sent:** Wednesday, November 8, 2023 7:55 AM  
**To:** s 47F(1) @naa.gov.au  
**Cc:** David Lee <d.lee@adfa.edu.au>  
**Subject:** [EXT] Re: Bio [SEC=OFFICIAL]

Hi s 47F(1)

That is good to hear. The bio is fine.  
I will be inter-state this Friday (but with email access) and back on Monday.

Best Regards

David

On 7 Nov 2023, at 4:46 pm, s 47F(1) @naa.gov.au wrote:

**OFFICIAL**

Hi David. s 22(1) I believe that we have already received your draft back from the editor. He said it was great, he mainly just modified the format of the references. I haven't seen it yet but will send it to you as soon as I get it.

In the meantime we are preparing our information pack for the media. Currently we have inserted your bio from last year (see below). Would you mind confirming that you're still happy with it?

**Associate Professor Dr David Lee**

Associate Professor David Lee joined the University of New South Wales in 2019 and before that was based in the Department of Foreign Affairs and Trade for twenty-four years.

He has published widely on Australian history including Australia during the Cold War. His most recent books are Australia and the World: International Relations and Global Events since Federation (Melbourne: Circa, 2022) and John Curtin (Redland Bay: Connor Court, 2022).

He is also author of The Second Rush: Mining and the Transformation of Australia (Redland Bay: Connor Court, 2016) and Stanley Melbourne Bruce: Australian Internationalist (London and New York: Bloomsbury, 2010).



He teaches courses on World Economic History and the Cold War, is Chair of the Commonwealth Working Party of the Australian Dictionary of Biography and has been appointed National Archives of Australia, Cabinet historian, 2022-23.

Regards

s 47F(1)

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s 47F(1)

Assistant Director  
Preservation and Photographic Digitisation - CBR

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We acknowledge and pay our respects to the traditional custodians of this land and celebrate their ongoing culture and contribution to society.

**OFFICIAL**

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**From:** David Lee <d.lee@adfa.edu.au>  
**Sent:** Tuesday, October 24, 2023 9:48 AM  
**To:** s 47F(1)  
**Subject:** [EXT] Revised Draft: Cabinet Paper  
**Attachments:** 2003 Cabinet Papers in Context 29 September 2003 - Initial draft for review - Revised 23 October.docx

Dear s 47F(1)

Herewith the revised draft.

Best Regards

David

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## The 2003 Cabinet Papers in Context

Revised Draft 23 October 2023

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### Introduction

The Howard Government's decision to participate in the Iraq War dominated Australian politics in 2003. While Iraq was the dominant issue in 2003, the cabinet papers on this subject are sparse, pointing to the primacy that the National Security Committee (NSC) of cabinet had achieved in the domain of national security at that time. Nonetheless, because of its importance, the Iraq War is dealt with in its own section in this paper. There are many more papers on diverse issues relating to Australia's national security, and foreign and trade and defence policies beyond Australia's participation in the Iraq War. Most of the cabinet papers deal with manifold aspects of domestic policy discussed in five separate sections: economic, social welfare, health and immigration policies; climate change, energy and the environment; transport, infrastructure, communications and legal issues; rural and regional issues; and Indigenous policy. The sections are as follows:

**Iraq: the cabinet submission that never was**

**National Security, Defence, Foreign and Trade Policies**

**Economic, Social Welfare, Health and Immigration Policies**

**Climate Change, Energy and the Environment**

**Transport, Infrastructure, Communications and Legal Issues**

**Rural and Regional Issues**

**Indigenous Policy**

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**Iraq: the cabinet submission that never was<sup>1</sup>**

The most important decision of John Howard's cabinet in 2003 was to commit Australia to the US-led military intervention in Iraq, an extension of the 'war on terror' that had been waged since 2001.<sup>2</sup> The invasion of Iraq began on 19 March (air) and 20 March 2003 (ground). Hostilities lasted about a month and included 26 days of major combat operations. Forces from the United States and close allies—the United Kingdom, Australia and Poland—participated. This was a 'coalition of the willing' rather than the broad-based group, acting under Chapter VII of the United Nations Charter, that expelled Iraq from Kuwait in 1991.<sup>3</sup>

The early stage of the war ended on 1 May 2003 when President George W. Bush declared the end of major combat operations in his 'Mission Accomplished Speech'.<sup>4</sup> Afterwards, the Coalition Provisional Authority (CPA) was established as the first of several transitional governments in Iraq. According to Bush and UK Prime Minister Tony Blair, the coalition aimed 'to disarm Iraq of Weapons of Mass Destruction [WMD], to end Saddam Hussein's support for terrorism, and to free the Iraqi

people'.<sup>5</sup> In 2020 US historian Robert Draper painted a portrait of the Bush administration as driven by 'fear, imagination, ideology, and blind idealism rather than truth seeking—all to justify a decision that would result in hundreds of thousands of deaths and a flood tide of chaos in the Middle East that shows no signs of ending'.<sup>6</sup>

Writing in 2013, the Australian Prime Minister, John Howard, recalled that 'Australia's decision to join the Coalition in Iraq was a product both of our belief at the time that Iraq had WMDs, and the nature of our relationship and alliance with the United States'.<sup>7</sup> The US war aim quickly crystallised into that of 'regime change'. Britain and Australia, however, continued to emphasise the objectives of disarming Iraq of the WMD that US intelligence and US diplomats wrongly insisted that Iraq possessed.<sup>8</sup> As army historian Albert Palazzo observed: 'Once the war began, ADF [Australian Defence Force] forces ... did so under US operational command and by default in support of [the US] desire to overthrow Saddam, no matter the sophistry of the more limited Australian intent'.<sup>9</sup> For Palazzo, '[i]mproving the alliance was [Australia's] main goal: a logical if not proper goal, and one that was not explained to the Australian people'.<sup>10</sup>

The 2003 Iraq War differed from the first Gulf War which was in response to Iraqi aggression against Kuwait and mandated by the UN Security Council.<sup>11</sup> The United Nations Charter of 1945 allowed only two exceptions to its general prohibition of the use of force: self-defence against an armed attack and a definite decision on the part of the UN Security Council. Secretary-General of the United Nations, Kofi Annan, and other authorities regarded the 2003 Iraq War as illegal because of the absence of these criteria.<sup>12</sup> Consonant with this position, the Leader of the Australian Labor Party (ALP) Opposition, Simon Crean, addressed the parliament on 5 February 2003, arguing that Australian troops should not be sent to Iraq in advance of a UN mandate.<sup>13</sup>

What do the cabinet documents tell us about Australia's decision on the Iraq War? One submission analyses the implications of the post-conflict situation in Iraq for Australia's migration and refugee programs.<sup>14</sup> There is also a short minute dated 1 April 2003 in which cabinet 'noted an oral report by the Prime Minister on the progress of military operations in Iraq and the contribution made by the Australian Defence Force'.<sup>15</sup> There was no submission to cabinet before the war on costs, benefits and implications of Australia's entry into the war. This was notwithstanding that the Iraq decision was, in Howard's words, 'the most controversial foreign policy decision taken by my Government in the almost twelve years it held office'.<sup>16</sup> This indicates that cabinet's National Security Committee (NSC) was the locus of decision-making on the war.<sup>17</sup>

There is a cabinet minute dated 18 March 2003 based on two oral reports from Howard. Howard recalled that the NSC had been meeting regularly on Iraq but that Howard 'wanted full cabinet endorsement of a final decision to commit the invasion'.<sup>18</sup> One of his oral reports to cabinet was on his extensive discussions with Bush and the other was his notification to cabinet of a request received on the morning of 18 March 2003 from the President asking 'that Australia participate in military action by a coalition to disarm Iraq of its weapons of mass destruction and advice that it was the intention of the President to issue a final ultimatum to Iraq shortly'.<sup>19</sup> Cabinet noted that Australia's goal in 'participating in any military enforcement action would be disarmament of Iraq's weapons of mass destruction'.<sup>20</sup> Howard provides no details of the cabinet discussion but records that there was no surprise or dissent in a subsequent meeting of the two coalition parties.<sup>21</sup>

The Australian forces committed to Iraq would consist of ADF elements pre-deployed to the Middle East to take part in military enforcement action against Iraq; ADF elements deployed to the Middle East as part of the Multinational Interdiction Force and maritime surveillance forces deployed as part of Operation Slipper (the ADF contribution to the war in Afghanistan made in 2001); and ADF

personnel deployed to the Middle East with the forces of other coalition countries.<sup>22</sup> Just as Australia joined the Vietnam War in 1965 based on a request from the United States Government, which arranged a request from the South Vietnamese Government, so it participated in the second Iraq War after a request from the US President rather than through a definite decision of the UN Security Council, which declined to pass the necessary resolution.<sup>23</sup>

While the United States was keen for Australia to provide a reconnaissance battle group of about 2000 men to secure the western flank of the first marine division driving to Baghdad, Howard offered instead a niche capability of special forces troops. For some critics, like Paul Barratt and Paul Brereton, who led the inquiry into Australian Special Forces in Afghanistan, the ADF should not have supported what was a political rather than military decision to reply on special forces in Iraq.<sup>24</sup>

Several Australian journalists have already commented about the absence of a cabinet submission on the Iraq War.<sup>25</sup> Robert Garran wrote in 2004 that:

Howard acknowledges that there was no cabinet submission on the costs and benefits of going to war in Iraq. The Department of Foreign Affairs and Trade (DFAT) was not asked for, and did not offer, any advice on the pros and cons of supporting American intervention. This reinforces the view that Howard's decisions on Iraq were political, not based on a dispassionate appraisal of the threats it posed.<sup>26</sup>

Howard did not dispute Garran's account in 2004 but indicated that the issue was being handled by the NSC.<sup>27</sup> Professor Patrick Weller sees the NSC as the most powerful of three principal cabinet committees. These were the national security committee (NSC), the expenditure review committee (ERC) and the parliamentary business committee.<sup>28</sup> The NSC consisted of senior ministers whose discussions ranged over defence, security, intelligence matters, and some foreign issues. Senior officials—the Chief of Defence Force, the secretaries of Defence, Prime Minister and Cabinet, Foreign Affairs and Trade, and heads of the Office of National assessments (ONA) and the Australian Security Intelligence Organisation (ASIO)—attended all meetings with ministers on one side of the table and officials on the other.<sup>29</sup> In 2002–03 there were 64 meetings of the NSC/Secretaries Committee on National Security and 250 submissions; in 2003–04 there were 32 such meetings and 206 submissions. The large jump in the business of the NSC in 2003 coincided with the Iraq War.<sup>30</sup> Howard called his creation 'the most effective whole of government arrangement with which I've been associated as prime minister'.<sup>31</sup>

Weller explains how the NSC worked:

Except on rare occasions where Howard may wish to have a full cabinet discussion of an issue before the NSC, the committee's decisions stand on their own as cabinet decisions, unlike those of the ERC, which are referred to a 'budget cabinet' meeting for final discussion and ratification.<sup>32</sup>

The NSC's connection with the war-making power was described to parliament by Brendan Nelson, Robert Hill's successor as Minister for Defence. Nelson explained the procedures for war-making in the 2000s in this way:

It is the NSC that considers, debates and resolves to commit Australian defence personnel to domestic or overseas deployments. The full cabinet then considers the advice and recommendation of the NSC. Once a position is adopted, the Opposition leader, members of the full government executive and its back bench are briefed.<sup>33</sup>

What discussions took place in the NSC on Iraq in 2003 must await publication of the relevant volumes of the official histories of Australian Operations in Iraq and Afghanistan and public requests for access to those cabinet committee documents under the *Archives Act* 1983. Cabinet was content that it had 'reached its decisions in accordance with its Executive responsibilities under the Constitution' via the cabinet minute of 18 March.<sup>34</sup> There was no discussion of the modalities of executing cabinet's decision other than that a draft resolution would be proposed in the House of Representatives and the decision would be conveyed to Bush.

As well as having a powerful NSC, Howard worked with a different kind of public service than the Commonwealth Public Service which operated during the days of J.B. Chifley and R.G. Menzies in the era of the 'seven dwarfs'.<sup>35</sup> Howard built on reforms to the public service in the years of the Hawke Labor Government (1983–91) that made for closer supervision of departments by ministers and provided for renewable fixed-term appointments for departmental secretaries.<sup>36</sup> In 1999 was added the *Public Service Act* 1999 under which departmental secretaries would be appointed, and could be terminated, by the Prime Minister rather than the Governor-General. With these changes came a more expansive conception of the role of the prime minister and his or her prerogatives.

For former senior public servant, the late Paul Barratt: 'Cabinet [under John Howard] was not the place where big decisions were made; the decisions to invade Afghanistan and Iraq, and not to ratify the Kyoto Protocol, were made by Howard, without consulting Cabinet and without the benefit of public service advice'.<sup>37</sup> Barratt's assessment in relation to matters of defence and national security is corroborated by Ric Smith, Secretary of the Department of Defence (2002–06), who informed journalist Paul Kelly that:

The message from ministers by ... [November 2002] was that they did not want strategic advice from the Defence Department. This reflected a conviction that ministers knew the issues and would take the decisions for or against war.<sup>38</sup>

Ashton Calvert, Secretary of DFAT (1998–2005), concurred. Calvert recalled that he did not regard it as his duty to question the Howard Government's Iraq decision.<sup>39</sup> Permanent heads of departments from earlier times, such as Sir Arthur Tange and Sir Frederick Shedden, had the advantage of security of tenure in providing advice to government in ways that might have been unwelcome.<sup>40</sup>

That the Iraq commitment was made without weighing pros and cons of a submission or submissions but by reaching a decision without a submission raises issues worthy of comment. One relates to the perception that, up to the moment of the Iraq War, the Australian Government had not made up its mind about whether to go to war. In Howard's statement to the House of Representatives in February 2003, he repeated that the Government had not made a final decision to commit to military conflict.<sup>41</sup>

The reality, argued Graeme Dobell, was that '...the commitment had long since been made; the Australian military was deeply involved in US planning for the war and Australia was in'.<sup>42</sup> Professor Hugh White, a former Deputy Secretary in the Department of defence, concurred, arguing in 2004 that:

In the weeks after George Bush put the invasion on the agenda with his 'axis of evil speech' in January 2002, Australia clearly indicated it would be willing to join. Of course, no formal commitments were made until the eve of battle—they never are. But the key political decision had already been taken.<sup>43</sup>

Confining Iraq decisions to a core group of ministers and senior public servants had its advantages. One was in managing legal and constitutional questions. Until World War II, the war power was a prerogative of the Crown exercisable on the advice of the British ministers but also committing the self-governing dominions and colonies of the empire.<sup>44</sup> This was until John Curtin's wartime Labor Government insisted that the war power for Australia must be exercisable on the advice of Australian ministers to the governor-general.<sup>45</sup> Legal scholars have recently discovered that Howard originally planned to take the matter to the governor-general 'for noting' but did not do so after the Governor-General, Peter Hollingworth, sought the views of the Attorney-General about relevant issues of international law.<sup>46</sup> According to Charles Sampford and Margaret Palmer, the Governor-General's

scrutiny was the only independent scrutiny available because the legality of the decision to go to war was not a matter that could be determined by the High Court, and the federal Government had taken action in March 2002 that effectively prevented the matter coming before the International Court of Justice.<sup>47</sup>

Hollingworth's request for legal advice attracted a reply from Howard to the effect that Hollingworth's 'predecessors had not been involved in past decisions, that no involvement was necessary' and that the decision could be implemented without recourse to the Governor-General under the *Defence Act* as amended in 1975.<sup>48</sup> In its minute of 18 March, cabinet noted only that the 'Prime Minister had discussed the possibility of the commitment of the ADF ... with the Governor-General'.<sup>49</sup> Brendan Nelson would subsequently assert that contemporary practice, as distinct from the practice in Curtin's time, was that 'decisions to go to war are ultimately matters for the prime minister and cabinet, involving directly neither the Governor-General nor Federal Executive Council'.<sup>50</sup> Sampford and Palmer dispute this, arguing that:

A powerful argument could be made that the relevant sections of the *Defence Act* were not intended to be used for the decision to go to war and that such instructions are for peacetime or *in bello* decisions. If so, the power to make war remains within the Prerogative to be exercised on advice.<sup>51</sup>

In 2003 Hollingworth became involved in controversy over his handling of matters of sex abuse allegations in the Anglican diocese of Brisbane that saw him resign as Governor-General in May 2003.<sup>52</sup> Before he did so, he accepted Howard's advice on the handling of the Iraq matter.<sup>53</sup> That other governors-general might have handled the matter differently is possible. This is demonstrated by an episode in 1977 when Sir John Kerr insisted on advice from the Attorney-General before accepting a recommendation from the Fraser Government on its establishment of the Department of the Special Trade Negotiator.<sup>54</sup> Had the Governor-General in 2003 not been a clergyman but a lawyer as versed in constitutional law and practice Kerr or Sir Ninian Stephen or Sir William Deane were, he or she may well have insisted on advice from the Attorney-General.<sup>55</sup>

There were cogent political reasons for the Government to bypass the executive council and the Governor-General. Howard was relying for his advice on the legality of Australia's entry into the Iraq War on a 'Memorandum of Advice' from two officers at the level of first assistant secretary in the Department of Foreign Affairs and Trade and the Attorney-General's Department.<sup>56</sup> The cabinet decision of 18 March noted this Memorandum of Advice, 'which concluded that the use of force to disarm Iraq of weapons of mass destruction ... would be consistent with Australia's obligations under international law' and observed that the Attorney-General, Daryl Williams, 'fully concurred with the advice'.<sup>57</sup>

Former Solicitor-General Gavan Griffith queried why the Government relied on the authors of the Memorandum of Advice and not more senior experts such as Henry Burmester QC, Chief General Counsel of the Attorney-General's Department, or renowned international lawyer Professor James Crawford SC, who commonly advised the government in international law matters. On the question of the Iraq War, moreover, the opinion of the independent Solicitor-General, David Bennett QC, was not sought.<sup>58</sup>

Griffith was Australia's second law officer for 14 years from 1984, pleaded 250 cases before the entire bench of the High Court and was Agent and Counsel at several other cases at the International Court of Justice. He proceeded to argue that the published legal advice from the Government in 2003 (the Memorandum of Advice) had 'insufficient substance to bear the weight of the Prime Minister's reliance to justify the invasion of Iraq by Australian defence forces'.<sup>59</sup> The Australian advice and British advice arguing along similar lines, Griffith continued:

are entirely untenable. They are arrant nonsense. They furnish no threads for military clothes. It is difficult to comprehend that the fanciful assertions (they are not arguments) of the two advices have been invoked by Australia and the United Kingdom to support the invasion of another state. It does not appear from his published remarks that President Bush made any such attempt to clothe American action with the authority of the Security Council. This has the advantage of making the unilateral basis of his country's actions plain.

Once the troops were committed, however, the Howard Government's decision attracted stronger popular support as well as full endorsement from large sections of the media.<sup>60</sup>

### **National Security, Defence and Foreign and Trade Policies**

Many of the cabinet submissions, memoranda and decisions are concerned with issues of national security, defence policy, foreign policy and trade policy beyond the Iraq War. The Minister for Foreign Affairs, Alexander Downer, and Minister for Trade, Mark Vaile, made a joint submission to cabinet on the launch of the 2003 foreign and trade policy white paper, *Advancing the National Interest*.<sup>61</sup> The white paper was prepared by a task force within the Department of Foreign Affairs and Trade (DFAT) in consultation with departments and agencies represented on the NSC.

It explained the Howard Government's focus on global security threats and its commitment to the war against terrorism. It also set out Australia's contribution to international efforts to halt proliferation of WMD. On the overseas trade front, the paper asserted that the Government had 'developed the most ambitious and wide-ranging trade policy agenda of any government in Australia's history'.<sup>62</sup>

A submission tells us that the NSC agreed to introduce legislation to ensure that the terrorist wing of Hizballah was listed as a terrorist organisation.<sup>63</sup> At the same time, the committee amended the text of *Australia's National Security: A Defence Update* to clarify that: 'The Australian Government is aware that the majority of Muslims hold moderate views and that they are no less victims than other religious, ethnic or national groups'.<sup>64</sup> The NSC also agreed to implement International Maritime Organization (IMO) measures to enhance maritime security.<sup>65</sup>

In the region, Australia had played a prominent role from 1997 to 2000 in the peace process in Bougainville, deploying more than 2500 ADF personnel and 300 civilians in the Peace Monitoring Group (PMG). In March 2003 the NSC decided to plan for the withdrawal of the PMG from 30 June 2003 and on 28 May agreed that a small unarmed civilian force should replace the PMG.<sup>66</sup> On 22 July 2003 cabinet noted an oral briefing from Downer and the Minister for Defence, Robert Hill, on the



Australian-led Regional Assistance Mission to Solomon Islands (RAMSI).<sup>67</sup> RAMSI was established in response to a request for international aid by the Governor-General of Solomon Islands in response to ethnic violence in the period between 1998 and 2003.<sup>68</sup>

In a short minute without submission, cabinet noted advice from Downer on negotiation of a unitisation agreement with the East Timorese Government relating the Sunrise and Troubadour petroleum fields and legislation to ratify the 2002 Timor Sea Treaty.<sup>69</sup> In addition, the NSC agreed in June 2003 that an inter-departmental committee consider an appropriate legislative and administrative framework to protect offshore oil and gas infrastructure, particularly in the Timor Sea.<sup>70</sup>

An extraordinary occurrence in 2003 was the Australian Parliament being addressed on consecutive days by the President of the United States, George W. Bush, and the president of a country that was soon to become Australia's largest trading partner, China's Hu Jintao.<sup>71</sup> Before 2003, only two foreign heads of state had addressed a joint meeting of the Australian Parliament: George H. W. Bush in January 1992 and US President, Bill Clinton in 1996.

Around the time of Hu Jintao's visit, inter-governmental negotiations took place on 9 and 10 October 2003 on the Australia China Trade and Economic Framework (TEF)— a framework agreed in May 2002 by Howard and the then Chinese Premier Zhu Rongji—for a possible joint scoping study on a bilateral free trade agreement between Australia and China.<sup>72</sup> China would not agree to such a study unless Australia agreed to recognise China as a market economy, but such recognition was then a major step for Australia and one that would have attracted considerable international attention. In canvassing options, Vaile recommended, and cabinet accepted, that Australia not fully accede to China's demands in a way that would have impinged on domestic anti-dumping and safeguard actions against Chinese imports. As a concession, cabinet accepted a willingness in due course to recognise China as a market economy.<sup>73</sup>

Negotiation of a free trade agreement with the United States was one of the rewards for Australian participation in the war in Iraq. On 3 March 2003, cabinet agreed to a joint submission from Vaile and Downer for Australia to pursue a genuinely comprehensive free trade agreement with the United States. While striving to achieve reduced barriers to trade and enhanced market access, Australian ministers expected that US requests would cover sensitive areas such as single desk marketing, pharmaceutical benefits, foreign investment screening, parallel importation and copyright legislation.<sup>74</sup>

Formal rounds of negotiations commenced in March 2003 with subsequent rounds in May, July, October and December ahead of the end-of-2003 target for concluding the negotiations. The third round of the negotiations in July was crucial. Before this took place, cabinet canvassed options including eliminating all goods from the United States but preferred to offer to reduce tariffs to zero except for those on passenger motor vehicles and textiles, clothing and footwear.<sup>75</sup> On 9 October 2003, before the next round of negotiations, cabinet agreed to Vaile's request to modify the existing mandate for the negotiations following a US offer on agricultural trade that was deemed adequate.<sup>76</sup> The agreement with the United States was signed on 18 May 2004 and would come into effect on 1 January 2005.

Writing in 2015, Shiro Armstrong observed that the free trade deal was negotiated and signed within a year because of Howard's determination to consummate a trade deal with the United States in the context of the second Iraq War. The deal, Armstrong considered, damaged Australia's trade by diverting trade away from low-cost sources.<sup>77</sup> Cabinet also considered submissions on other

trade agreements, including signing the agreement with Singapore after Vaile had reached agreement with his counterpart, making progress on a free trade agreement with Thailand and strengthening trade and economic linkages with Japan.<sup>78</sup>

By 2003, progress in the Doha Round of multilateral trade negotiations had been mixed with some areas, such as services, moving at a reasonable pace, while others, like agriculture, progressed more slowly.<sup>79</sup> Vaile obtained cabinet approval for an Australian negotiating approach that sought substantial gains in market access in agriculture, industrial products and services while preventing gains being eroded in areas such as anti-dumping subsidies and countervailing measures.<sup>80</sup> Cabinet agreed to Australia's participation in the World Exposition in Aichi, Japan, in 2005.<sup>81</sup> It also approved the signing of an agreement with New Zealand jointly to regulate therapeutic products.<sup>82</sup>

Another cabinet submission relates to the sale of Australian wheat by AWB Ltd to Iraq. Under the United Nations Oil-for-Food Program, which expired on 21 November 2003, the Australian monopoly wheat trader AWB had become the dominant supplier of wheat to the Iraqi market. Iraq was Australia's largest wheat market in 1999–2000 and 2001 and Australia secured an average 65 per cent of the Iraqi wheat market over the period from 1996 to 2003. In 2001–02 Australia exported 2.2 million tonnes of wheat worth \$800 million representing 82 per cent of Iraqi imports and 13.5 per cent of Australian wheat exports.<sup>83</sup>

The extraordinary success of the Australian wheat trade in Iraq was partly explained by the subsequent discovery in the mid-2000s that AWB had been paying kickbacks to the regime of Saddam Hussein through a middleman.<sup>84</sup> The discovery led to a major scandal and a royal commission presided over by Justice Terence Cole. To cover for the period following expiry of the Oil-for-Food Program in November 2003, cabinet agreed on 22 October 2003 to establish a trade finance facility by means of the Export Finance and Insurance Corporation (EFIC) providing re-insurance for Australian wheat exporters on the National Interest Account (NIA). The NIA facility covered a maximum of \$350 million of exports to Iraq for exports shipped before December 2004.<sup>85</sup>

In matters of international law, cabinet approved a recommendation from Downer, Philip Ruddock as Attorney-General, David Kemp, Minister for the Environment and Heritage, and Ian Macfarlane, Minister for Industry, Tourism and Resources, to submit information to the UN Commission on the Limits of the Continental Shelf. The information would propose outer limits of Australia's continental shelf extending beyond 200 nautical miles from the territorial sea baseline, including areas adjacent to the Australian Antarctic Territory (AAT). In doing so, the ministers sought to take advantage of the opportunity to define an internationally accepted outer limit that would protect Australia's exclusive sovereign rights and interests in possible future exploration and exploitation of the non-living and sedentary living resources of the seabed and subsoil in the area beyond 200 nm' as well as bestowing rights to regulate marine scientific research and the marine environment.<sup>86</sup>

Approval of the submission permitted Australia to submit the data in 2004 within the 10-year deadline set by the 1982 Convention on the Law of the Sea (UNCLOS) and to become the third country after Russia and Brazil to do so. This in turn enabled Australia, via the *Seas and Submerged Lands (Limits of the Continental Shelf Proclamation) 2012*, to define the 11 million square kilometres of seabed over which it could exercise exclusive rights to seabed resources. Two areas of Australia's augmented continental shelf extended south into the Antarctic Treaty area.<sup>87</sup>

On other international legal matters, cabinet authorised relevant ministers, including Attorney-General Daryl Williams, to prepare a negotiating mandate for the development of a

thematic convention on the rights of persons with disabilities.<sup>88</sup> Cabinet also agreed to a submission from Downer that Australia should ratify a convention on procedures for handling hazardous chemicals and pesticides in international trade.<sup>89</sup>

In September 2002, Howard wrote to Robert Hill, expressing his concern about continuing performance problems with major defence acquisitions.<sup>90</sup> To address this long-term problem, Howard appointed a Secretaries Task Force and an External Defence Procurement Team, the latter consisting of Malcolm Kinnaird AO (Chairman), Len Early PSM and Bill Schofield AM. The team recommended reforming the Defence Materiel Organisation (DMO), which had been established in the latter part of 2000 by drawing together the Defence Acquisition Organisation and Support Command Australia to produce an integrated organisation with responsibility for 'whole-of-life' acquisition and through-life support of capabilities.<sup>91</sup> Cabinet agreed in 2003 to several recommendations, including establishing the DMO as an executive agency within the defence portfolio and as a prescribed agency under the *Financial Management and Accountability Act 1997*. These reforms were designed to transform the culture of the DMO to make it more business-like and performance focused.<sup>92</sup>

Cabinet approved another of Hill's submissions to meet key priorities over the four years from 2003–04 to 2006–07 with a fiscal impact of \$2,802.3 million. This decision stemmed from the 2000 Defence White Paper and the associated Defence Capability Plan, which was described as the most 'specific long-term Defence funding commitment given by any Government in 25 years'.<sup>93</sup> Defence spending was set to increase by \$500 million in 2001–02, \$1 billion in 2002–03 and thereafter by three per cent annually in real terms. Hill and the Department of Defence continued to work on reforming Defence's budgeting processes by focusing on whole-of-life capability management in acquisitions and logistics and by concentrating responsibility for asset management in the DMO and the Corporate Services and Infrastructure Group.<sup>94</sup> In another defence submission, Hill sought cabinet approval for the Department of Defence to amend its budgeting and reporting obligations, which were hitherto based on one outcome: 'the Defence of Australia and its National Interests'. In substitution, Hill proposed a reporting structure with seven outcomes, supported by 29 Outputs and 34 Programs.<sup>95</sup>

In July 2003 Hill received approval to acquire command and control systems and communications infrastructure to upgrade Australia's air defence systems.<sup>96</sup> A decision to sell and lease back the Department of Defence's Russell Offices had been taken in 2000 and was confirmed in April 2002. Following that decision, the Department of Finance and Administration and the Department of Defence submitted a memorandum to the NSC in 2003 on necessary steps to address national security considerations before the sale.<sup>97</sup>

Australia's Collins Class Submarines were constructed in Adelaide between 1990 and 2003 by the Australian Submarine Corporation (ASC) to Swedish design. In October 2003, the NSC agreed to a recommendation from Hill for the Commonwealth to sign a contract with the ASC for through-life support of the submarines. The initial period of the agreement was 15 years, with options to extend to 25 years.<sup>98</sup> Hill also received approval to increase the total funding for Australia's military satellite communications, providing continuous UHR-band low data rate coverage across the region from Sri Lanka in the west to Hawaii in the east and from Antarctica to the Arctic Circle in the north.<sup>99</sup>

For defence co-operation with regional neighbours, on 28 May 2003, cabinet approved a recommendation from Hill that Australia release a second and final tranche of financial assistance worth \$20 million towards the Papua New Guinea Government's (PNG) efforts to reform the PNG

Defence Force. The assistance, which had commenced in 2001, was predicated on a firm PNG agreement to a downsized force of around 2000 (a reduction of more than 1000).<sup>100</sup>

### **Economic, Social Welfare, Health, Education and Immigration Policies**

Many of the submissions relate to the Howard Government's policies in the areas of the economy, social welfare, health, education and immigration. The Australian economy performed well in 2003. Despite drought, war and rising oil prices, Australia enjoyed a Gross Domestic Product (GDP) growth rate of 2.7 per cent at the beginning of the year, a 6.1 rate of unemployment in the middle of the year and an increase in the Consumer Price Index (CPI) at an annual rate of 2.7 per cent.<sup>101</sup> A budget surplus of \$2.2 billion and forecasted economic growth of 3.25 per cent permitted modest 'sandwich and milkshake' income tax cuts for those earning between \$30,000 and \$50,000 and larger cuts for low-and high-income earners.<sup>102</sup> The state of the economy emboldened cabinet to agree to a moderate increase of up to \$12 per week in the Federal Minimum Wage in the Australian Industrial Relations Commission.<sup>103</sup>

In September 2003 Treasurer Peter Costello announced a budget surplus of \$7.5 billion raising the prospect of more tax cuts before the 2004 election. In a joint budget submission for the 2004 pre-election budget, Costello and the Minister for Finance and Administration, Nick Minchin, proposed a staged process beginning with an examination of the state of the budget in December 2003 by senior ministers and a final stage of early preparation of the budget in April and May 2004. Cabinet also approved amendments to the budget process that clarified the definition of new policy proposals and improved the processes for identifying financial implications and risks.<sup>104</sup>

Under the National Competition Policy (NCP) framework, Costello introduced a submission for a measure to allow for the Australian Government to make competition payments to states and territories assessed by the National Competition Council (NCC). The role of the NCC was to assess the progress of all jurisdictions in respect of implementing agreed NCP and related reforms (water, gas, electricity, and road transport.) Cabinet accepted Costello's recommendations for competition payments to states and territories that in some cases involved imposing penalties.<sup>105</sup> Together, Costello and Tony Abbott, Minister for Employment and Workplace Relations, received cabinet approval of a report on using employee share ownership schemes to drive productivity.<sup>106</sup>

Minchin brought to cabinet his own submission aimed at curbing the increasing costs of the Public Sector Superannuation (PSS) Scheme, whose unfunded liabilities in 2003 were around \$9 billion after 12 years of operation. Legislation to close the scheme had been defeated in the Senate in 2001 and closure continued to attract opposition from the non-government parties in the upper house. Cabinet agreed in 2003 to convert the PSS to a fully funded accumulation scheme to all new employees and office holders who became PSS members from 1 July 2005.<sup>107</sup>

Senator Helen Coonan, Minister for Revenue and Assistant Treasurer, received cabinet approval for a strategy to address low levels of consumer and financial literacy in Australia.<sup>108</sup> Another subject for cabinet on the economy was dealing with the collapse of HIH Insurance group of companies, which went through a corporate collapse in March 2001. In May of that year, cabinet agreed to implement an assistance scheme to alleviate genuine hardship cases for policyholders affected by the failure of those companies. In 2003 Coonan sought cabinet approval to close the HIH Claims Support Scheme and establish a limited gateway for special circumstances claims.<sup>109</sup> In another submission, Coonan received approval to introduce a civil penalty regime to deter promotion of tax avoidance and tax evasion schemes.<sup>110</sup>

The system of Medicare, established by the Hawke Government in 1984, assisted Australians in meeting health care costs. While hospital care was free and the Pharmaceutical Benefits Scheme (PBS) limited patient contributions to fixed co-payments with a safety-net arrangement, there were no such guarantees around patient contributions for medical services funded under the Medical Benefits Schedule (MBS). By late 2002 opinion polls were registering a degree of public concern about the Medicare system.<sup>111</sup> The affordability problem was being manifested in three ways: where the upfront cost of a visit to the doctor was a barrier; where the gap cost of a single visit was the barrier; or where cumulative gap costs were the barriers.<sup>112</sup> The level of bulk-billing, which had fallen for 11 quarters before May 2003, became the litmus test of the Howard Government's commitment to universal access to health care.<sup>113</sup>

In 2003 Howard showed that he continued to have no desire to expend political capital in fighting the popular Medicare scheme.<sup>114</sup> To that end, Kay Patterson, Minister for Health and Ageing, launched 'A Fairer Medicare' described as 'the most far-reaching reform of Medicare since its introduction in 1984', and creating new incentives to bulk-bill in rural areas and for pensioners and other card holders.<sup>115</sup> But instead of calming hostility, Patterson's reforms:

heightened concerns that Medicare was being undermined by stealth, moving towards a two-tiered system with means-tested bulk billing. Patterson took the brunt of this attack, and was replaced by Tony Abbott as minister ... with a brief to end the growing political discontent over bulk-billing.<sup>116</sup>

On 5 November 2003, cabinet agreed to enhance the Fairer Medicare package, including by extending the government-funded MBS safety net arrangement for concessional patients. This covered 80 per cent of out-of-pockets costs above \$500 a year for low-income families and above \$1000 a year for other families in a calendar year.<sup>117</sup> While the version of the plan announced by Abbott was a more generous one than the earlier version, it retained a fundamental assumption in Patterson's scheme. This was that both schemes aimed to 'recast Medicare as a safety net, rather than as the system of universal cover it was conceived to be'.<sup>118</sup>

A related problem for the Howard Government was the rising cost of private health insurance premiums. All 43 health funds applied for premium increases in 2003, and the previous year had seen growth in benefits exceed growth in contribution income by a wide margin. This problem saw Patterson make a submission in February 2003 to secure cabinet's agreement to a package of measures to reduce pressure on premium increases. Patterson's submission focused on the issues of prostheses benefits, reinsurance arrangements—a method of risk equalisation to support community rating, which required that funds not discriminate based on age, sex, health status or claims history when paying benefits or settling premiums—and default and ancillary benefits.<sup>119</sup>

Other initiatives in the health portfolio included cabinet's agreement to a recommendation from Patterson for Australia to sign the World Health Organization's (WHO) Framework Convention for Tobacco Control. Australia had been a prominent member of the intergovernmental negotiating body that developed the text. By 2003 Australia's public health policies on tobacco were among the most advanced in the world owing to measures such as bans on advertising, health warnings on tobacco products and restrictions on smoking in public places.<sup>120</sup>

Related initiatives in the health portfolio included cabinet's agreement to the Government's response to reviews in 2002 of the National HIV/AIDS and Hepatitis C and Indigenous sexual health strategies, including establishing a new ministerial advisory committee.<sup>121</sup> Another was cabinet's

approval of a National Illicit Drug Strategy (NIDS) that took the Government's total spending commitment to 'Tough on Drugs' to over \$1.2 billion.<sup>122</sup>

By 2003, the Health Insurance Commission (HIC), an agency with a board of directors reporting to the Minister for Health and Ageing, was in financial trouble. The HIC's ten-member board included the managing director and the Secretary of Health in an *ex officio* position. It received 95 per cent of its revenue from the Department of Health with the remainder from the Department of Veterans Affairs (DVA) four per cent and the Department of Family and Community Services (FACS) one per cent.

Under an agreement signed with Health in 1998, the HIC was responsible for managing legislated functions, processing claims, and paying benefits under Medicare and the Pharmaceutical Benefits Scheme (PBS) and delivering services connected with several other health programs. The HIC's revenue was in the order of \$442 million in 2002–03 and was collected under purchaser-provider arrangements with Health, DVA and FACS. The Output Pricing Arrangement with Health, however, had not delivered sufficient funds to ensure the HIC's solvency. This prompted Patterson to ask for additional funding for HIC of \$34.3 million in 2003–04.<sup>123</sup>

In July 2002, the Government agreed that work and family should be a strategic priority for the Government's third term. Accordingly, in September of that year, Howard commissioned an Inter-departmental Task Force on Work and Family to develop policy options. One of the fruits of this taskforce, which provided its initial report to cabinet in 2002, was a submission from Larry Anthony, Minister for Children and Youth Affairs, to expand access to childcare. Although Anthony proposed the uncapping of Outside School Hours (OSH) and Family Day Care (FCC), Treasury persuaded cabinet to proceed by expanding places by a set amount.<sup>124</sup>

Brendan Nelson, Minister for Education, Science and Training, introduced a major package for the reform of the higher education sector. In 2001 this sector employed 80,000 people and had total revenue of \$10.2 billion, contributing 1.5 per cent to GDP. Commonwealth funding, including the Higher Education Contribution Scheme (HECS)—at around \$6.2 billion in 2001—accounted for about 61 per cent of total sector funding. In the decade leading up to 2000 the higher education sector attracted a 30 per cent increase in the number of students and there was a greater emphasis during that time on seeking funding from non-Commonwealth sources. However, the last major reform of the higher education sector had taken place in 1988 when the Hawke Government introduced the Unified National System and HECS.

In 2003, Nelson's package included extending unsubsidised loans to fee-paying students in public institutions.<sup>125</sup> His reforms preserved and even tightened many elements of the centrally controlled system but also created new price signals and gave students enrolled at private higher education institutions access to a loans scheme. Under the 2003 package, student charges in government-subsidised places would be set by the university within limits imposed by the Commonwealth and these would go to the university.<sup>126</sup>

Nelson also received authority from cabinet to open a dialogue with private schools on funding arrangements for non-government schools in the 2005 to 2008 quadrennium. At that time, 30 per cent of private schools were funded based on need according to their socioeconomic status (SES). The Catholic school systems, however, (61 per cent of non-government schools) received funding on historical rates rather than SES scores. Nelson thought that bringing Catholic schools into the SES policy was good policy and likely to be cheaper than other options.<sup>127</sup> He also devised a new method for the Commonwealth's contribution to the national vocational education and training

(VET) system. This approach incorporated new performance measures relating to Commonwealth priorities for addressing 'Australia's changing demographics, welfare reform, youth transitions, practical reconciliation for Indigenous Australians and workplace relations'.<sup>128</sup>

Philip Ruddock, Minister for Immigration and Multicultural and Indigenous Affairs, persuaded cabinet that the success of policies in relation to those attempting to come to Australia by boat meant that the Government had been able to restore the balance in its humanitarian immigration program. This had enabled his department 'to provide greater entitlements for those resettled from countries of first asylum and reduced entitlements for those resettled as secondary movers'.<sup>129</sup> Ruddock and Downer received cabinet approval to seek extensions of offshore processing arrangements with Nauru and, possibly, Papua New Guinea.<sup>130</sup> This was deemed necessary because the processing facility on Christmas Island was not expected to be ready until 2006.<sup>131</sup>

Kay Patterson as Minister for Family and Community Services and Kevin Andrews, Abbott's successor as Minister for Employment and Workplace Relations, obtained guidance for cabinet on the Government's long-term plans to modernise the social support system to better support participation and self-reliance of working-age people. This was consistent with the McClure Reference Group's recommendation to the Government in 2000 to balance the goals of poverty alleviation and participation.<sup>132</sup>

Another subject on the social security front was negotiation of a social security agreement with Greece. Negotiations had been going on for ten years but had stalled over the issue of the level of pension paid to former Australian residents who moved back to Greece before they retired. Without an agreement, they could not claim an Australian pension when they reached pension age.<sup>133</sup> An agreement would eventually be concluded in 2007.<sup>134</sup>

Meanwhile, Ian Macfarlane and Joe Hockey, Minister for Small Business and Tourism, received cabinet endorsement of a white paper on tourism, which was an industry contributing 4.5 per cent to GDP and representing 11.2 per cent of export earnings.<sup>135</sup> Cabinet also endorsed recommendations from Industry, Tourism and Resources for a whole-of-government approach to implementing recommendations for an Aerospace Industry Action Agenda.<sup>136</sup> On housing matters, it approved a submission from Amanda Vanstone, Minister for Family and Community Services, for a multilateral Commonwealth State Housing Agreement, with Commonwealth funding of over \$900 million per year from 2003–04 to 2007–08.<sup>137</sup>

### **Climate Change, Energy and the Environment**

Having decided in 2002 not to ratify the Kyoto Protocol, the Howard Government decided to respond to electoral pressure to take action to mitigate the long-term effects of climate change. One of the consequences was that in 2002, it adopted the Mandatory Renewable Energy Target (MRET). The MRET was introduced with an initial target of 9500 GWh of new electricity generation and was intended to run to 2010.<sup>138</sup> In 2003 the Government also moved ahead on a forward strategy on climate set out in a memorandum from Environment and Heritage, Industry, Tourism and Resources, the Australian Greenhouse Office and DFAT. This forward strategy wove together an international strategy, a domestic emissions abatement strategy and an adaptation strategy.<sup>139</sup> Treasury preferred introducing a 'non-prescriptive, broad-based market instrument' such as 'an emissions trading scheme' of the kind that Howard would later foreshadow before the Australian general election in 2007.<sup>140</sup>

In a submission on their preferred approach to emissions management, David Kemp, Minister for Environment and Heritage, Costello, Downer and Joe Hockey, as Acting Minister for

Industry, Tourism and Resources, recommended a 'mandatory national emissions trading system', albeit one that would not be introduced before 2012 'unless it was in the national interest to do so'.<sup>141</sup> On 8 September 2003, however, cabinet decided not to support an emissions trading system after noting an oral report from Howard 'on his meeting with industry leaders who expressed opposition to any government announcement of a disposition toward emissions trading as the preferred policy instrument for managing future emissions'.<sup>142</sup>

Cabinet noted several items of business before the Sustainable Environment Committee of Cabinet in 2003, including property rights for water, the Living Murray Program established in 2002, land clearing in Queensland, national coastal policy, regional marine plans and priorities for the conservation of biodiversity.<sup>143</sup> The *Great Barrier Reef Marine Park Act 1975* required that zoning plans be developed for all areas declared to be part of the Great Barrier Reef Marine Park.

These were primary planning instruments for the conservation and management of the marine park. Cabinet gave Kemp authority to discuss key aspects of a revised zoning plan with stakeholders.<sup>144</sup> Cabinet also agreed that he should develop a Commonwealth position on a national Water Efficiency Labelling and Standards (WELS) scheme for consideration at the Environment Protection and Heritage Council held in Perth on 2 October.<sup>145</sup> Ministers supported the work of the Department of the Environment and Heritage to halt the decline in Australia's biodiversity through the Natural Heritage Trust, the National Action Plan for Salinity and Water Quality and efforts to reduce land clearing and promote environmental flows.<sup>146</sup> Cabinet also considered options for environmental measures associated with the reform of fuel excise.<sup>147</sup>

In energy policy, on 6 March 2003, cabinet's Energy Committee established an energy task force, a whole-of-government process involving officers from the Department of the Prime Minister and Cabinet (PM&C), the Department of the Treasury, the Department of the Environment and Heritage (DEH), the Department of Transport and Regional Services (DOTARS) and the Department of Industry, Tourism and Resources (DITR).<sup>148</sup> The task force was instructed to develop proposals for a more consistent and integrated framework for energy policy, to identify key decisions that the Government needed to take during the year, and establish a clear timetable for the taking of those decisions.

The approach and timetable proposed by the task force supported the development of a major public statement on energy policy. Key decisions on energy policy in 2003 included the Government's response to an Independent Review of Energy Market Directions chaired by former Liberal Senator Warwick Parer; development of the Climate Forward Strategy discussed above; consideration of a National Framework on Energy Efficiency being developed by the Ministerial Council on Energy (MCE); a response to Sasol Chevron's application for an investment incentive for its proposed Gas to Liquids project; a review of the balance of resource development initiatives; a review of the Gas Access Regime; and reform of the downstream petroleum market.<sup>149</sup>

In August 2003, cabinet accepted the position of the energy task force that Australia enjoyed a strong energy position and argued against the needs for pipelines to supply gas from Western Australia and northern Australia to southeastern Australia. The task force argued that:

While observing that declining reserves proximate to the south east markets may result in higher gas prices in the medium term, the Task Force does not consider this provides sufficient reason to intervene in the market.<sup>150</sup>

The Howard Government pursued negotiations with the states and territories to try to develop a national legislative framework for the national energy market; establish a single national



regulator for electricity and gas located in the Australian Competition and Consumer Commission (ACCC); develop a national code for energy distribution and retailing to be brought within the national energy regulator by 2005; and establish an independent transmission planning panel by 2004. While federal ministers made some progress in negotiations in June 2003, the states and territories resisted the Commonwealth's objective of a single national energy regulator within the ACCC.<sup>151</sup>

As part of its 2001 election campaign, the Government announced a Biofuels for Cleaner Transport plan to promote the production, distribution and transport of biofuels. In 2003 Costello and Kemp obtained cabinet agreement on measures to support greater market acceptance of ethanol–petrol blends in Australia by setting a 10 per cent upper limit for ethanol in petrol and by providing for fuel labelling under the *Fuel Quality Standards Act 2000*.<sup>152</sup> On a related matter, the Department of Industry, Tourism and Resources submitted a memorandum to cabinet on Australia's obligations to participate in emergency oil measures developed by the International Energy Agency (IEA) to meet future oil supply emergencies. This issue had heightened relevance following the loss of Iraqi oil supplies during the Iraq War.<sup>153</sup>

### **Transport, Infrastructure, Communications and Legal Issues**

Several submissions relate to the Royal Commission into the Building and Construction Industry, an inquiry established by the Howard Government in 2001 to inquire into alleged misconduct in the building and construction industry in Australia.<sup>154</sup> The building and construction industry, which contributed an estimate 5.5 per cent to Gross Domestic Product (GDP) annually had a pivotal role in Australia's economy. This inquiry followed several unsuccessful attempts by the Howard Government to regulate the conduct of industrial relations more strongly within that industry. The royal commission commenced on 29 August 2001 and was overseen by a sole royal commissioner, Justice Terence Cole, who handed his final report to the Governor-General on 24 February 2003.

Although Cole found no evidence of organised criminal activity, he recommended sweeping changes to industrial relations laws applicable to that industry. On 1 April 2003, Cabinet agreed to a response to Cole's final report in two stages: a broad initial response followed by a detailed second-stage response. On 2 April 2003 Tony Abbott, Minister for Minister for Workplace and Employment Relations, announced industry-specific legislation to regulate workplace relations in the industry, including a new regulatory body, the Australian Building and Construction Commission (ABCC). A Treasury submission provided a response accepting 27 of 32 recommendations, either wholly or partially.<sup>155</sup>

The Government's efforts to implement its reform legislation for the industry stalled in the Senate in 2004 but were revived in 2005 after the Government secured control of the upper house. This enabled passage of the *Building and Construction Industry Improvement Act 2005* along with establishment of the Office of the Australian Building and Construction Commissioner (ABCC), an independent statutory authority responsible for monitoring and protecting workplace relations in the building and construction industry.

In November 2002, cabinet considered the report of the Regional Telecommunications Inquiry (RTI) chaired by Dick Estens. Cabinet accepted that the RTI report provided a sufficient basis for proceeding with the full privatisation of Telstra as long as two issues identified in the report were addressed. Accordingly, in June 2003, cabinet agreed to a submission from Minister for Communications, Information Technology and the Arts, Richard Alston, that legislation be introduced as soon as possible to enable full privatisation of Telstra Corporation (Telstra).

To ease the path, cabinet agreed to key recommendations of Estens. One was to impose a license condition on Telstra to provide dial-up internet access over its fixed telephone network at a minimum equivalent data rate of 19.2 kilobits per second. The other was to require the Australian Communications Authority (ACA) to identify the worst performing Exchange Service Areas (ESAs) in regional, rural and remote areas and require Telstra to provide a formal strategy for raising the performance of those ESAs.<sup>156</sup>

Alston had less success with a submission proposing new arrangements for costing and funding the historic telephony universal obligation (USO). The telecommunications USO was a statutory measure aimed at providing Australian households with reasonable access to basic telephone services and payphones. In practice, Telstra was the sole USO provider in Australia 'reflecting its historical position as the incumbent, ubiquitous national service provider, with other major providers subsidising Telstra for this provision on the basis of a costing model'.<sup>157</sup>

Alston's submission was based on the RTI's finding that current USO obligations might be favouring Telstra and constraining regional competition. To address this problem, he framed a submission requiring Telstra to take on full responsibility for the telephony USO and making a clear break with the USO when encouraging access to important new services such as broadband. On 15 April 2003, however, cabinet decided not to proceed with the submission.<sup>158</sup>

In another communications submission Alston sought guidance from cabinet on a proposal for the merger of the Australian Broadcasting Authority (ABA)—responsible for broadcasting licensing, regulation of commercial and subscription broadcasting services, online content regulation and Broadcasting Services Bands—and the Australian Communications Authority—the latter responsible for regulation of telecommunications licensing, most aspects of telecommunications-specific service regulation and the management of spectrum other than the Broadcasting Services Bands (i.e. spectrum used for commercial, national and community television and radio).<sup>159</sup> Changes to cross media ownership restrictions, including a two out of three media sector limit for TV/newspaper/radio mergers and metropolitan and rural/regional voice limits, were noted by cabinet but took until 2005 to come to fruition.<sup>160</sup>

A memorandum from the Department of Transport and Regional Services, the Treasury and PM&C responded to a cabinet's request in December 2002 to examine options for more effective and efficient operation of the coastal trading permit system. Unlike many other countries, Australia did not reserve its coastal trade for Australian flagged or based vessels. The coastal trade was open to foreign shipowners under a licensing system whose main prerequisite was paying Australian wages to the crew. Cabinet decided to extend the interim immigration arrangements in respect of foreign crews on Australian ships—arrangements announced by Ruddock in December 2002—and to remove the need to provide six months' notice of cancellation of Continuing Voyage Coastal Trade permits (CVP).<sup>161</sup>

The sale of Sydney Airport was completed in 2002. In the same year, Minchin and John Anderson, Minister for Transport and Regional Services, were given approval for their proposed strategy for the sale of Bankstown Airport, Camden Airport and Hoxton Park Airport.<sup>162</sup> Meanwhile, Attorney-General Daryl Williams received cabinet approval for a strategy to combat rising levels of identity fraud. This did not embrace the national identity card idea that the Hawke Government had tried but failed to implement in the 1980s but sought to develop common supporting mechanisms for Commonwealth agencies to ensure accuracy in the verification of identity and a basis for cleansing existing data that had not been verified.<sup>163</sup>

In 2001 the Senate rejected legislation to establish an Administrative Review Tribunal (ART) by amalgamating the Administrative Appeals Tribunal (AAT), the Social Security Appeal Tribunal (SSAT), the Merits Review Tribunal (MRT) and the Refugee Review Tribunal (RRT). That being so, Williams recommended discontinuing the plan to establish a single tribunal but instead to reform the AAT and pursue administrative efficiencies with respect to the federal merits tribunal.<sup>164</sup> Williams also made a submission to cabinet on reform of the family law system and Chris Ellison, Minister for Justice and Customs, received approval to amend the Criminal Code Act 1995 to introduce new telecommunications offences on Internet content.<sup>165</sup>

### **Rural and Regional Issues**

In rural and regional policy, cabinet had on its agenda the Sustainable Regions Program. This was one of the issues that spoke to an enduring issue in the Howard Government: maintaining the relationship between the Liberal and National parties. During the period of the Howard Government, the National Party, the junior coalition party, was losing numbers and had at the same time to combat Pauline Hanson's 'One Nation' movement.<sup>166</sup> In the 2000s there were none of the vigorous coalition battles that occurred in the early 1950s (the debate over revaluation), the late 1960s (what to do on sterling's devaluation) and 1971–72 (devaluation again).<sup>167</sup>

The National Party nonetheless fought its corner on aid to rural and regional Australia, which was one of the nine major issues identified by cabinet on 30 July 2002. One of its projects was the Sustainable Regions Programme (SRP), a project resulting from the *Stronger Regions, A Stronger Australia*, endorsed by cabinet on 20 August 2001. The SRP was designed to assist regions undergoing major economic, social, technological and environmental change and to support community leadership in the development of local solutions.

The eight regions were: the Atherton Tableland and Wide Bay Burnett in Queensland; Far North East New South Wales and Campbelltown–Camden; Gippsland in Victoria; North West and West Coast of Tasmania; Playford–Salisbury in South Australia and Kimberley in Western Australia. By August 2003, Anderson had approved 97 projects to the value of \$29.5 million (GST exclusive), and the projects attracted an additional \$84 million in funding from other partners.<sup>168</sup> Another facet of the *Stronger Regions, Stronger Australia* project in 2003 was cabinet's agreement to publish an independent report, *Regional Business—A Plan for Action*. The report was commissioned to identify impediments to the growth and effectiveness of Federal Government assistance to regional business.<sup>169</sup>

Following a disastrous fire season in the Australian Capital Territory in 2003 and drought from March 2002 to January 2003, cabinet agreed to set up a national inquiry into bushfire prevention and mitigation and continued to provide financial relief to farmers to manage drought conditions.<sup>170</sup>

### **Indigenous Policy**

A key cabinet submission from 2003 in the Indigenous area was concerned with health. A National Aboriginal and Torres Strait Islander Health Council had developed the National Strategic Framework for Aboriginal and Torres Strait Islander Health to provide an approach to Indigenous health. The development of the framework was driven by the Commonwealth and gained the support of state and territory governments, the Aboriginal and Torres Strait Islander Commission (ATSIC) and the Aboriginal community - controlled health sector. It aimed to achieve a whole-of-government commitment in each jurisdiction to address nine key result areas, recognised that action had to be in

partnership with local communities and devoted attention to improving the responsiveness of the mainstream health system to Indigenous Australians.<sup>171</sup>

Ruddock sought to shape a United Nations draft declaration on the Rights of Indigenous Peoples so as to avoid the use of 'self-determination' in the operative articles of the declaration.<sup>172</sup> Later, Amanda Vanstone, Ruddock's successor as Minister for Immigration and Multicultural and Indigenous Affairs, obtained cabinet's approval to modernise the Malcolm Fraser-era *Aboriginal Councils and Associations Act 1976* in a new *Indigenous Corporations Act* after a review agreed by cabinet in July 2002.<sup>173</sup>

In November 2003 Vanstone received the final Report of the Review of the Aboriginal and Torres Strait Islander Commission, *In the Hands of the Region*.<sup>174</sup> Intended by the Hawke Government in 1990 to be the body through which Indigenous people were formally involved in the processes of government affecting their lives, ATSIC had come under criticism, perhaps unfairly, over succeeding years given that it had achieved a measure of success in promoting Indigenous self-determination. The decentralised structure of ATSIC, based on regional councils, gave elected representatives real power over funding and in 2002 almost half of the Commonwealth's \$2.5 billion indigenous-specific spending was controlled by ATSIC. Yet policy differences emerged between the minister and ATSIC which, following the 2001 election, was subsumed within the larger Department of Immigration, Multiculturalism and Indigenous Affairs. In June 2002, the Howard Government approved a recommendation from Ruddock to review the operations of the commission. While the report that was eventually delivered to Vanstone did not advocate abolishing ATSIC, it pointed to the limitation of funding through mainstream agencies. Nonetheless, in 2004 legislation was enacted to finally abolish the body.<sup>175</sup>

In August 2002, cabinet had decided that the Government should not issue an apology for past treatment of Indigenous people, not to pursue a treaty and not to have a referendum for a new preamble to the Constitution.<sup>176</sup> In 2007, Howard would reverse one aspect of these decisions by putting the issue of constitutional recognition on the table and thus setting Australia on the path to the unsuccessful 2023 referendum on the Voice.<sup>177</sup>

## Conclusion

Australia joined the war in Iraq in March 2003 while maintaining that it had not made up its mind until the last moment.<sup>178</sup> As Graeme Dobell put it in 2013:

The Howard Government claimed to be considering all options, but in reality it closed down consideration. Options weren't called for. Getting wrong answers to questions posed about Iraq would make it harder for the Prime Minister to take Australia to war.<sup>179</sup>

By contrast, Canada's Prime Minister, John Chrétien, made clear in 2002 that his country's participation in any war against Iraq would depend on having the support of the United Nations.<sup>180</sup> The policy still permitted Chrétien to participate in the invasion if China or Russia vetoed a resolution that was supported by the rest of the US Security Council. In 2003, when the Security Council did not support the war, neither did Canada. By contrast, Australia went ahead with its commitment to the United States in Iraq lacking a Security Council resolution but armed with internal advice that the use of force was authorised by earlier Security Council resolutions.<sup>181</sup>

The October 2003 visit to Australia by the leaders of the United States and China offered the Australian Government hope that these two foreign countries would establish a *modus vivendi* and that Australia would be able to maintain a constructive relationship between its major ally and its

soon-to-be major trading partner. At home, Australia was on the cusp of one of the greatest economic booms in its history, fueled by Chinese demand for exports of minerals and energy.<sup>182</sup> This boom gave the Howard Government the space to turn its attention to reforms illuminated by these cabinet papers. They include areas such as defence acquisitions, energy policy, the building and construction industry, the higher education and vocational training sectors, communications, coastal shipping, social welfare and the private and public health systems.

Two opportunities were missed in 2003. One was an emissions trading system, which Howard only sought to introduce at the end of his term and which one of his ministers, Tony Abbott, extinguished in 2013. The other was an Australian sovereign wealth fund larger than the Future Fund for unfunded liabilities of politicians and public servants that was established by Peter Costello in 2006. Such a sovereign wealth fund could ideally have been introduced in 2003 when the China resources boom was beginning with immense consequences for Australia's continuing prosperity once the boom had ended.<sup>183</sup>

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## Endnotes

<sup>1</sup> The title of this section is based on Graeme Dobell's perceptive series of articles on the Howard Government's Iraq War decision in *The Strategist* cited below.

<sup>22</sup> James Bluemel & Renad Mansour, *Once Upon a Time in Iraq: History of a Modern Tragedy*, BBC Books, London, 2020; Benjamin Isakhan, 'Iraq war, 20 years on: how the world failed Iraq and created a less peaceful, democratic and prosperous state', *The Conversation*, 17 March 2023.

<sup>3</sup> Chapter VII of the United Nations Charter is the section of the Charter that deals with international action in response to threats to world peace. The measures that can be taken under Chapter VII range from partial to complete interruption of economic relations and means of communication and the severance of diplomatic relations to the direct use of armed force (Article 42).

<sup>4</sup> President Bush Announces Major Combat Operations in Iraq Have Ended, 1 May 2003, [President Bush Announces Major Combat Operations in Iraq Have Ended \(archives.gov\)](https://www.archives.gov/newsroom/2003/05/01/bush-iraq)

<sup>5</sup> 'How the War Started', *The Week*, 24 March 2003.

<sup>6</sup> Robert Draper, *To Start a War: How the Bush Administration Took America into Iraq*, Penguin, New York, 2020, cover. See also Thomas E. Ricks, *Fiasco: The American Military Adventure in Iraq*, Penguin Books, New York, 2007.

<sup>7</sup> John Howard, 'Iraq 2003—A Retrospective', Speech, Lowy Institute, 9 April 2013. See also John Howard, *Lazarus Rising: A personal and Political Autobiography*, Revised Edition, HarperCollins, Sydney 2011, Chapter 34.

<sup>8</sup> Julian Borger, 'Colin Powell's UN speech: a decisive moment in undermining US credibility', *The Guardian*, 19 October 2021; Judith Betts and Mark Phythian, *The Iraq War and Democratic Governance: Britain and Australia Go to War*, Palgrave Macmillan, Basingstoke, 2020.

<sup>9</sup> Quoted in Paul Barratt, 'Howard's War—A continuation of Politics by Other Means', *Pearls and Irritations*, 10 March 2017.

<sup>10</sup> Albert Palazzo, 'Iraq and the Politics of Alliance Relationships' in Tom Frame (ed.), *Trials and Transformations, 2001–2004: The Howard Government. Volume III*, UNSW Press, Sydney, 2019, p. 238.

<sup>11</sup> Jean Edward Smith, *George Bush's War*, Henry Holt, New York, 1992.

<sup>12</sup> Ewen MacAskill and Julian Borger, 'Iraq War was Illegal and breached UN Charter, says, Annan', *The Guardian*, 16 September 2004. See James Traub, *The Best Intentions: Kofi Annan and the UN in the Era of World Power*, Bloomsbury, London, 2006.

<sup>13</sup> 'Every word of Crean's defining counter to John Howard on Iraq' on 5 February 2003 and republished in the *Sydney Morning Herald*, 25 June 2003; Philip Coorey, 'Labor's journeyman leaves a legacy of principle and reform', *Australian Financial Review*, 26 June 2023.

<sup>14</sup> Cabinet Submission JH03/0236 – Implications of the Post-Conflict Situation in Iraq for Australia's Migration and Refugee Programs, Decision of the National Security Committee, JH03/0326/NS, 25 June 2003, NAA: JH03/0236/NS.

<sup>15</sup> Without Submission – Iraq—Military Operations, Cabinet Decision JH03/0157/CAB, 1 April 2003, NAA: A14370, JH03/0157.

<sup>16</sup> John Howard, 'Iraq 2003: a Retrospective', Speech, Lowy Institute, 9 April 2013.

<sup>17</sup> Paul Barratt in 'Here We go again', *Arena Magazine*, October 2014, criticised decisions made by a small group of ministers to go to war in the cases of Vietnam, Iraq and Afghanistan. He argued that: '...inhibitions based on concerns about the major ally's capacity to fight effectively and win within a period of a year or two (if perceived at all) can be easily swept aside by the desire ... to remain close to whoever is the US President at the time of deciding. Also in this system of decision-making, broader issues such as the morality of the commitment, which was clearly a major public issue in the cases of Vietnam and Iraq, are relatively easy for the Government to ignore or set to one side. The small group setting also makes it easier to believe faulty intelligence reports, or even dismiss them when they are inconvenient for the government's preferred policy'.

<sup>18</sup> John Howard, *Lazarus Rising: A Personal and Political Autobiography*, HarperCollins, Sydney, 2011, p. 445.

<sup>19</sup> Without Submission – Iraq: Authority for Australian Defence Force Military Action, Cabinet Decision JH03/0124/CAB, NAA: A14370, JH03/0124. Margaret Swieringa argues that the Government's justification for war was not supported by any of its own agencies' intelligence. See Margaret Swieringa, 'Howard ignored advice and went to war in Iraq', *Sydney Morning Herald*, 12 April 2013.

<sup>20</sup> Without Submission – Iraq—Military Operations, Cabinet Decision JH03/0157/CAB, 1 April 2003, NAA: A14370, JG03/0157.

<sup>21</sup> Howard, *Lazarus Rising*, p. 446.

<sup>22</sup> Ibid.

<sup>23</sup> Gregory Pemberton, *All the Way: Australia's Road to Vietnam*, Allen & Unwin, Sydney, 1987; Peter Edwards with Gregory Pemberton, *Crises and Commitments. The Politics and Diplomacy of Australia's Involvement in South East Asian Conflicts*, Allen Unwin in association with the Australian War Memorial, Sydney, 1992; Gary Woodard, *Asian Alternatives: Australia's Vietnam Decision and Lessons on Going to War*, Melbourne University Publishing, Carlton, 2004; Gary Woodard, 'Two Australian wars, two prime ministers: Australia's virtual Vietnam and lessons for today', NAPS/net Policy Forum, 18 April 2013, [Two Australian wars, two prime ministers: Australia's virtual Vietnam, and lessons for today | Nautilus Institute for Security and Sustainability](#)

<sup>24</sup> Paul Barratt, 'The war crimes inquiry should make us question how we go to war and why', *The Guardian*, 20 November 2020.

<sup>25</sup> Graeme Dobell, 'Iraq lessons: the cabinet submission that never was', *The Strategist*, 23 November 2015 and 'Iraq lessons: the cabinet submission that never was', *The Strategist*, 30 November 2025.

<sup>26</sup> Robert Garran, *True Believer: John Howard, George Bush and the American Alliance*, Allen & Unwin, Sydney, 2004, p. 199.

<sup>27</sup> In an interview with Garran on 12 March 2004, Garran recorded that 'asked to comment on reports that there had been no overarching cabinet submission on Iraq, Howard did not dispute the point, and answered that the issue was dealt with by cabinet's National Security Committee'. Garran, *True Believer*, footnote 15, p. 220. See also Weller, *Cabinet Government*, p. 182 and Howard, *Lazarus Rising*, p. 238.

<sup>28</sup> Weller, *Cabinet Government*, p. 182.

<sup>29</sup> Ibid., p. 183.

<sup>30</sup> Ibid., p. 187.

<sup>31</sup> Ibid., p. 183.

<sup>32</sup> Ibid.

<sup>33</sup> Brendan Nelson, 'The Role of Government and Parliament in the Decision to Go to War', n.d. Parliament of the Commonwealth, Powers, Practice and Procedure, [The Role of Government and Parliament in the Decision to Go to War – Parliament of Australia \(aph.gov.au\)](#)

<sup>34</sup> Without Submission – Iraq: Authority for Australian Defence Force Military Action, Cabinet Decision JH03/0124/CAB, NAA: A14370, JH03/0124.

<sup>35</sup> Samuel Furphy (ed.), *The Seven Dwarfs and the Age of the Mandarins: Australian Government Administration in the Post-War Reconstruction Era*, ANU Press, Canberra, 2015. For the operation of the cabinet system under Menzies see David Lee, 'Cabinet', in Scott Prasser, J.R. Nethercote and John Warhurst (eds), *The Menzies Era: A Reappraisal of Government, Politics and Policy*, Hale & Iremonger, Sydney, 1995, pp. 123-36.

<sup>36</sup> *The Prime Minister and Cabinet (Miscellaneous Provisions) Act 1994*. See Elaine Thompson, 'Democracy Undermined: Reforms to the Australian Public Service from Whitlam to Hawke', *The Australian Quarterly*, Vol. 63, No. 2, 1991, pp. 127-42.

<sup>37</sup> Paul Barratt, 'My, How Things Have Changed', *Meanjin*, Autumn, 2021.

<sup>38</sup> Quoted in Graeme Dobell, 'Iraq lessons: the impact of the Howard fib', *The Strategist*, 13 November 2015.

<sup>39</sup> Ibid. For a long-term perspective see James Curran, 'Iraq War casts a long Shadow Over Australia's Sovereignty', *Australian Financial Review*, 19 March 2023.

<sup>40</sup> Peter Edwards, *Arthur Tange: Last of the Mandarins*, Allen & Unwin, North Sydney, 2006 and David Horner, *Defence Supremo: Sir Frederick Shedden and the Making of Australian Defence Policy*, Allen & Unwin, St Leonards, 2000.

<sup>41</sup> Ministerial statement by the Prime Minister, 4 February 2003, [ParlInfo - MINISTERIAL STATEMENTS : Iraq \(aph.gov.au\)](http://aph.gov.au)

<sup>42</sup> Graeme Dobell, 'The Iraq war 10<sup>th</sup> anniversary: the Canberra Silence', *The Strategist*, 12 March 2013 and 'Cabinet papers reveal Australia was on path to war in 1998', *The Strategist*, 20 January 2020. See also Albert Palazzo, 'Australia in Iraq: A Summary of the Iraq Dossier', *The Cove*, 5 September 2017; David Wroe, 'The Secret Iraq Dossier: Inside Australia's Flawed War', *The Age*, 25 February 2017; and Albert Palazzo, *The Australian Army and the War in Iraq 2002–2010*, 15 March 2011.

<sup>43</sup> Hugh White, 'Why Howard took us to war', *The Age*, 26 February 2004. See also Paul Barratt, 'Faulty Intelligence, or a war pre-ordained?', *Pearls & Irritations*, 12 July 2016.

<sup>44</sup> A. Berriedale Keith, *The Dominions as Sovereign States*, Macmillan and Co, London, 1938, pp. 46-8 and pp. 605-7.

<sup>45</sup> Cablegram from John Curtin to S.M. Bruce, 3 December 1941, W.J. Hudson and H.J.W. Stokes (eds), *Documents on Australian Foreign Policy 1937–49. Volume V: July 1941–June 1942*, Australian Government Publishing Service, Canberra, 1982, pp. 266-8; David Lee, *John Curtin*, Connor Court, Redland Bay, 2022, p. 77; David Lee, 'States Rights and Australia's Adoption of the Statute of Westminster, 1931–1942', *History Australia*, Volume 13, Issue 2, 2016, pp. 258-74. See also, Commonwealth on Australia, *Inquiry into International Armed Conflict Decision Making*, Commonwealth of Australia, 2023, [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Joint/Foreign\\_Affairs\\_Defence\\_and\\_Trade/Armedconflict/Report](https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Foreign_Affairs_Defence_and_Trade/Armedconflict/Report)

<sup>46</sup> Charles Sampford and Margaret Palmer, 'The Constitutional power to Make War: Domestic Legal Issues Raised by Australia's Action in Iraq', *Griffith Law Review*, 2009, p. 374. They report that Hollingworth recalled: 'I had previously read public statements made by some academics and international lawyers, and, on the advice of the Official Secretary, I sought clarification from the Attorney-General as to technical ramifications that could arise under international law'.

<sup>47</sup> Ibid., p. 350. 'Declarations recognizing the jurisdiction of the Court as compulsory', Australia, 22 March 2002, <https://www.icj-cij.org/declarations/au>

<sup>48</sup> Ibid., p. 374. Hollingworth may also have been reacting to claims from the Anglican Church that the Howard Government was beholden to the United States and unable to think for itself on Iraq. See 'PM and churches clash over Iraq', *The Age*, 5 October 2002.

<sup>49</sup> Without Submission – Iraq: Authority for Australian Defence Force Military Action, Cabinet Decision JH03/0124/CAB, NAA: A14370, JH03/0124.

<sup>50</sup> Brendan Nelson, 'The Role of Government and Parliament in the Decision to Go to War', n.d. Parliament of the Commonwealth, Powers, Practice and Procedure, [The Role of Government and Parliament in the Decision to Go to War – Parliament of Australia \(aph.gov.au\)](http://aph.gov.au)

<sup>51</sup> Sampford and Palmer, 'The Constitutional Power', p. 350. Later, on p. 380, they argue: 'In 2003, it appeared that the Defence Minister used his legal powers under the *Defence Act* to implement decisions taken by Cabinet and/or its Security Sub-Committee to give instructions to service head(s) to take the actions which involved us in war. A powerful argument could be made that the relevant sections of the *Defence Act* were not intended to be used to go to war and that such instructions are in peacetime or *in bello* decisions ... [G]iven the gravity of the decision, it might seem surprising that the government did not choose the most obvious and unimpeachable legal means to go to war'. In similar vein, Former Secretary of Defence, Paul Barratt, argued in 'It's Too Easy to Take us to War', *Pearls and Irritations*, 22 November 2019 that '...successive Governments appear to have relied upon Section 8 of the *Defence Act 1903*, a provision which in its current form was introduced in 1975 to make clear that the Minister for Defence had 'general control and administration' of the Defence Force and that both the Secretary and the newly created position of Chief of the Defence Force were subject to the Minister's discretion. Section 8 was never intended to create a new power to make war'.

<sup>52</sup> Without Submission – Governor-General: Provision in Letters Patent for Standing Aside, Decision of Ministry JH03/0186/MIN, 12 May 2003, NAA: A14370, JH03/0186.

<sup>53</sup> Sampford and Palmer, 'The Constitutional Power', p. 374 record that the Attorney-General did not respond to Hollingworth but that Howard did 'from available legal advice'. Howard did not pursue an undertaking to bring the decision to the Executive Council 'for noting' and advised Hollingworth that 'his predecessors had not been involved in past decisions and that no involvement was necessary'.

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- <sup>54</sup> Tom McIlroy, 'Kerr–Fraser conflict a precedent for governor-general's intervention', *Australian Financial Review*, 21 August 2022.
- <sup>55</sup> Among the questions raised by this episode is whether the Governor-General was entitled to ask for the advice of the Attorney-General as to the international legality of the war, whether he could seek independent legal advice if the Government were not permitted to give it and '[w]hat should the Governor-General do if he is uncertain of the international legality of the war after receiving advice from the government—especially if the advice is not from the Attorney-General whose advice he has requested?' The authors proceed to discuss the possibility of the Governor-General insisting on the opinion of the Attorney-General as first law officer, insisting on the publication of the advice or even considering the possibility of resignation. Sampford and Palmer, 'The Constitutional Power', pp. 374-77. See also Barratt, 'It's Too Easy to Take Us to War', *Pearls and Irritations*, 22 November 2019. Before he agreed to Malcolm Fraser's request for a double dissolution in 1983, Stephen asked for further advice. For Stephen see Philip Ayres, *A Fortunate Voyager: the Life of Ninian Stephen*, Melbourne University Publishing, Carlton, 2013.
- <sup>56</sup> 'The government's legal advice on using force', *Sydney Morning Herald*, 19 March 2003.
- <sup>57</sup> Without Submission – Iraq: Authority for Australian Defence Force Military Action, Cabinet Decision JH03/0124/CAB, NAA: A14370, JH03/0124.
- <sup>58</sup> Gabrielle Appleby, 'The political imperative for a legal war', *Inside Story*, 13 July 2016.
- <sup>59</sup> 'This war is illegal: Howard's last top law man', *Sydney Morning Herald*, 21 March 2003.
- <sup>60</sup> Murray Goot, 'Polls Apart on Whether the Conflict is Worth Waging', *Sydney Morning Herald*, 1 April 2003; Murray Goot, 'Public Opinion and the Democratic Deficit: Australia and the War Against Iraq', *Australian Humanities Review*, No. 29, 2003; Robert Manne, 'Murdoch's War', *The Monthly*, July 2005.
- <sup>61</sup> Department of Foreign Affairs and Trade, *Advancing the National Interest*, Canberra, 2003.
- <sup>62</sup> Cabinet Submission JH03/0012 – Foreign and Trade Policy White Paper, 19 January 2003, p. 3.
- <sup>63</sup> Without Submission - Hizballah, Cabinet Decision JH03/0217/NS, 28 May 2003, NAA: A14370, JH03/0217/NS.
- <sup>64</sup> Without submission - Australia's National Security: a Defence Update, Cabinet Decision JH03/0034/NS, NAA: A14370, HH03/0034.
- <sup>65</sup> Cabinet Submission JH03/0041 – International Maritime Organization – Implementation of Measures to Enhance Maritime Security, Decision of National Security Committee JH03/0041/NS, 5 March 2003, NAA: A14370, JH03/0041/NS.
- <sup>66</sup> Cabinet Submission JH03/0202 – Bougainville: Successor to the Peace Monitoring Group, Decision of the National Security Committee, JH03/0202/NS, 28 May 2003, NAA: JH03/0202/NS.
- <sup>67</sup> Without submission – Solomon Islands: Regional Assistance Mission, Cabinet Decision JH03/0280/CAB, 22 July 2003, NAA: A14370, JH03/0280.
- <sup>68</sup> See Bob Breen, *The Good Neighbour: Australian Peace Support Operations in the Pacific Islands, 1980–2006, The Official History of Australian Peacekeeping, Humanitarian and Post-Cold War Operations, Vol. V.*, Cambridge University Press, Port Melbourne, 2016.
- <sup>69</sup> Without submission – International Unitisation Agreement for the Sunrise & Troubadour Petroleum Fields & Implementation of the Timor Sea Treaty, Cabinet Decision JH03/0076/CAB, 3 March 2003, NAA: A14370, JH03/0076.
- <sup>70</sup> Cabinet Memorandum JH03/0425 – Protection of Timor Sea Oil and Gas Infrastructure, Decision of National Security Committee JH03/0425/NSC, 26 November 2003, NAA: A14370, JH03/0425.
- <sup>71</sup> Jane Perlez, 'A Visitor from China Eclipses Bush's Stop in Australia', *The New York Times*, 25 October 2003. Without submission – Visit to Canberra by the President of the United States George W. Bush: Aviation Security Arrangements, Decision of National Security Committee JH03/0391/NS, 15 October 2003, NAA: A14370, JH03/0391/NS.
- <sup>72</sup> Cabinet Minute – Without Submission – Australia-China Free Trade Agreement Scoping Study, Cabinet Decision JH03/0263/CAB, 22 July 2003, NAA: A14370, JH03/0263.
- <sup>73</sup> Cabinet Submission JH03/0377 – China: Trade and Economic Framework (TEF) – Cabinet Decision JH03/0377/CAB, 9 October 2003, NAA: A14370, JH03/0377; Without Submission – Australia–China Free Trade Agreement Scoping Study, Cabinet Decision JH03/0263/CAB, 22 July 2003, NAA: A14370, JH03/0263.
- <sup>74</sup> Cabinet Submission JH03/0051 – Australia–United States Free Trade Agreement, Cabinet Decision JH03/0051/CAB, 3 March 2003, NAA: A14370, JH03/0051.
- <sup>75</sup> Cabinet Submission JH03/0247 – Australia–United States Free Trade Agreement (AUSFTA) – Market Access, Cabinet Decision JH03/0247/CAB, 26 June 2003 and Cabinet Decision JH03/0247/CAB2, 26 August 2003, NAA: A14370, JH03/0247. See also Cabinet Submission JH03/0417 – Future Textile, Clothing and Footwear (TCF) Assistance Arrangements, Cabinet Decision JH03/0417/CAB, 24 November 2003, NAA: A14370, JH03/0417.



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- <sup>76</sup> Cabinet Submission JH03/0375 Australia–United States Free Trade Agreement (AUSFTA) – Mandate Review, Cabinet Decision JH03/0375/CAB, 9 October 2003, NAA: A14370, JH03/0375.
- <sup>77</sup> Shiro Armstrong, ‘The costs of Australia’s “free trade” agreement with America’, *Inside Story*, 28 April 2015. See also Linda Weiss, Elizabeth Thurbon and John Matthews, *How to Kill a Country: Australia’s Devastating Trade Deal with the United States*, Allen & Unwin, Sydney, 2004 and Ann Capling, *All the Way with the USA: Australia, the US and Free Trade*, UNSW Press, Sydney, 2005.
- <sup>78</sup> Cabinet Submission JH03/0010 – Singapore–Australia Free Trade Agreement, Decision JH03/0010/CAB, 3 February 2003, NAA: A14370, JH03/0010; Cabinet Minute – Without Submission – Australia – Thailand Free Trade Agreement, JH03/0093/CAB/2, NAA: A14370 JH03/0093; Cabinet Submission JH03/0376 – Australia–Thailand Free Trade Agreement, Cabinet Decision JH03/0376/CAB, 9 October 2003, NAA: 14370, JH03/0376; Cabinet Memorandum – Trade Implications of Australia’s Quarantine Regime, Cabinet Decision JH03/0222/CAB, 10 June 2003 NAA: A14370, JH03/0222; Cabinet Submission JH03/0069 – Australia–Japan Trade and Economic Consultations, Cabinet Decision JH03/0069/CAB, 19 March 2003, NAA: A14370, JH03/0069.
- <sup>79</sup> Amrita Narlikar and Rorden Wilkinson, ‘Collapse at the WTO: A Cancún post-mortem’, *Third World Quarterly*, Vol. 25, Issue 3, 2004, pp. 447-60.
- <sup>80</sup> Submission JH03/0101 – World Trade Organization (WTO) Doha Negotiations: Australia’s Approach, Cabinet Decision JH03/0101/CAB, 19 March 2003; Submission JH03/0325 – World Trade Organization (WTO), NAA: A14370, JH03/0102: Approach to the Fifth Ministerial Conference in Mexico in September 2003, Cabinet Decision JH03/0325/CAB, 26 August 2003, NAA: A14370, JH03/0325.
- <sup>81</sup> Without submission – Australia’s Participation in the 2005 World Exposition in Aichi, Japan, Cabinet Decision JH03/0231/CAB, 23 June 2003, NAA: A14370, JH03/0231.
- <sup>82</sup> Cabinet Submission JH03/0416 – Regulating Therapeutic Products in Australia and New Zealand, Cabinet Decision JH03/0416/CAB, 1 December 2003, NAA: A14370, JH03/0416.
- <sup>83</sup> Submission JH03/0381 – Export Finance and Insurance Corporation (EFIC) – National Interest Account (NIA) Facility or Australian Exports to Iraq 15 October 2003, p. 5, NAA: A14370, JH03/0381.
- <sup>84</sup> Caroline Overington, *Kickback: Inside the Australian Wheat Board Scandal*, Allen & Unwin, North Sydney, 2007; Commonwealth of Australia, *Report of the Inquiry into Certain Australian Companies in Relation to the UN Oil-for-food Program*, Canberra, 2006; Richard Ackland, ‘This inquiry is only half the job’, *The Sydney Morning Herald*, 14 April 2006; and Rebecca Weisser, ‘The systematic failure of the Australian Department of Foreign Affairs and Trade to prevent AWB’s corrupt contracts’, *The Australian*, 25 April 2006.
- <sup>85</sup> Cabinet Decision JH03/0381/CAB, 22 October 2003, NAA: A14370, JH03/0381; Cabinet Memorandum JH03/0092 – Export Finance and Insurance Corporation (EFIC): National Interest Account (NIA)—Exposure and Risk Management Report, Cabinet Decision JH03/0092/CAB, 24 March 2003, NAA: A14370, JH03/0092.
- <sup>86</sup> Cabinet Submission JH03/0415 – Delineation of the Outer Limit of Australia’s Extended Continental Shelf, p. 1, Cabinet Decision JH03/0415/CAB, 1 December 2003, NAA: A14370, JH03/0415.
- <sup>87</sup> Tony Press, ‘Explainer: Australia’s extended continental shelf and Antarctica’, *The Conversation*, 30 May 2012.
- <sup>88</sup> Cabinet Submission JH03/0194 – Ad Hoc Committee Meeting on a Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities, Cabinet Decision JH03/0194/CAB, 12 May 2003, NAA: A14370, JH03/0194.
- <sup>89</sup> Cabinet Submission JH03/0290 – Ratification of the Rotterdam Convention on the Prior Informed Consent (PIC) Procedure, Cabinet Decision JH03/0290/CAB, 18 August 2003, NAA: A14370, JH03/0290.
- <sup>90</sup> See Parliament of Australia, Foreign Affairs, Defence and Trade References Committee, *Report on the Inquiry into Materiel Acquisition and Management in Defence*, Canberra, 2003; Cabinet Submission JH03/0302 – Defence Science and Technology Organisation (DSTO) Rationalisation Project, Decision of National Security Committee, 21 August 2003, NAA: A14370, JH03/0302/NS.
- <sup>91</sup> Submission JH03/0320 Report into the Review of Defence Procurement, Decision of the National Security Committee JH03/0320/NS, 17 September 2003, NAA: A14370, JH03/0320.
- <sup>92</sup> Ibid.
- <sup>93</sup> Submission JH03/0085 – 2003-04 Budget – Defence Portfolio Budget Submission, p. 6, Cabinet Decision JH03/0084/CAB/3, 15 April 2003, NAA: A14370, JH03/0085.
- <sup>94</sup> Submission JH03/0150 – Reforms to Defence’s Budgeting and Business Processes, Cabinet Decision JH03/0150/CAB/2, 15 April 2003, NAA: A14370, JH03/0150.
- <sup>95</sup> Cabinet Submission JH03/0099 – Proposed New Defence Outcome, Output and Program Structure, Expenditure Review Committee Decision JH03/0099/ER, 1 April 2003 and Cabinet Decision JH03/0099/CAB/2, 15 April 2003, NAA: A14370, JH03/0099.

- <sup>96</sup> Cabinet Submission JH03/0265 – Project Air 5333 (Vigilair) Replacement of Air Defence Systems, Decision of National Security Committee JH03/0265/NS, 29 July 2003, NAA: A14370, JH03/0265/NS.
- <sup>97</sup> Cabinet Memorandum – Sale of Defence Russell Offices, Decision of National Security Committee JH03/0023/NS, 5 March 2003, NAA: A14370, JH03/0023/NS.
- <sup>98</sup> Cabinet Submission JH03/0366 – Establishment of a Strategic Agreement for the Through Life Support of Collins Class Submarines, Decision of the National Security Committee JH03/0366/NS, 15 October 2003, NAA: A14370, JH03/0366/NS.
- <sup>99</sup> Cabinet Submission JH03/0271: Joint Project 2008 Phase 3E—Military Satellite Communications (MILSATCOM) Ground Infrastructure, Decision of National Security Committee JH03/0271/NS, 29 July 2003, Naa: A14370, JH03/0271/NS.
- <sup>100</sup> Cabinet Submission JH03/0204 – Papua New Guinea: Release of Further Financial Assistance to PNGDF Reform Program, Decision of the National Security Committee, JH03/0204/NS, 28 May 2003, JH03/0204/NS.
- <sup>101</sup> Aynsley Kellow, 'Economics and Environment' in Tom Frame (ed.), *Trials and Transformations*, p. 282.
- <sup>102</sup> The phrase was that of Senator Amanda Vanstone, Minister for Family and Community Services. See Toni O'Loughlin and Tom Dodd, 'Lucky to buy a Sandwich', *Australian Financial Review*, 15 May 2003.
- <sup>103</sup> Cabinet Submission JH03/0011 – Commonwealth's Position in the 2003 Review of Award Wages, Cabinet Decision JH03/0011/CAB, 3 February 2003, NAA: A14370, JH03/0011.
- <sup>104</sup> Submission JH03/0353 2004–05 Budget Process, Cabinet Decision JH03/0353/CAB, 23 September 2003, NAA: A14370, JH03/0353; Submission JH03/0131 – 2003–04 Treasury Portfolio Budget Submission, Cabinet Decision CABJH03/0131/CAB/3, 15 April 2003, JH03/0131; Cabinet Submission JH03/0090 – 2003–04 Budget—Foreign Affairs and Trade Portfolio Budget Submission, Cabinet Decision JH03/0090/CAB/4, 15 April 2003, NAA: A14370, JH03/0090; Cabinet Submission JH03/0075 – 2003–04 Budget—Environment and Heritage Portfolio Budget Submission, Cabinet Decision JH03/0075/CAB/5, 15 April 2003, NAA: A14370, JH03/0075; Cabinet Submission JH03/0097 – 2003–04 Budget—Family and Community Services Portfolio Budget Submission, Cabinet Decision JH03/0097/CAB/6, 15 April 2003, NAA: A14370, JH03/0097; Without Submission – Senior Ministers' Review for 2004-5 Budget: Environment and Heritage Portfolio, Cabinet Decision JH03/0465/SM, 10 December 2003; Without Submission – Senior Ministers' Review for 2004–5 Budget Overview, Cabinet Decision JH03/0456/SM, NAA: A14370, JH03/0456; Without Submission – Senior Ministers' Review for 2005–05 Budget: Melbourne 2006 Commonwealth Games, Cabinet Decision JH03/0461/SM, 10 December 2003, NAA: A14370, JH03/0461; Cabinet Submission JH03/0102 – 2003-04 Budget—Transport and Regional Services Portfolio Budget Submission, Cabinet Decision JH03/0102/CAB/4, 15 April 2003, NAA: A14370, JH03/0102.
- <sup>105</sup> Cabinet Submission JH03/0420 – National Competition Policy—2003–04 Competition Payments to States and Territories, Cabinet Decision JH03/0420/CAB, 24 November 2003, NAA: A14370, JH03/0420.
- <sup>106</sup> Cabinet Submission JH03/01119 – Employee Share Ownership, Cabinet Decision JH03/0119/CAB, 24 March 2003, NAA: A14370, JH03/0119.
- <sup>107</sup> Cabinet Submission JH03/0351 – Proposed new superannuation arrangements for Commonwealth civilian employees, Cabinet Decision JH03/0351/CAB, 23 September 2003, NAA: A14370, JH03/0351.
- <sup>108</sup> Cabinet Submission JH03/0422 – The National Consumer and Financial Literacy Strategy, Cabinet Decision JH03/0422/CAB, 15 December 2003, NAA: A14370, JH03/0422.
- <sup>109</sup> Cabinet Submission JH03/0287 – Proposal to Restructure the HIH Claims Support Scheme, Cabinet Decision JH03/0287/CAB, 18 August 2003, NAA: A14370, JH03/0287. Also Cabinet Submission JH03/0255 – Government Response to Recommendations of HIH Royal Commission Report into the Failure of the HIH Insurance Group, Cabinet Decision JH03/0255/CAB, 15 July 2003, NAA: A14370, JH03/0255.
- <sup>110</sup> Cabinet Submission JH03/0413 – New Civil Penalty Regime to Deter the Promotion of Tax Avoidance and Tax Evasion Schemes, Cabinet Decision JH03/0413/CAB, 1 December 2003, NAA: A14370, JH03/0413.
- <sup>111</sup> James Gillespie, 'The Politics of Health' in Frame (ed.), *Trials and Transformations*, p. 327
- <sup>112</sup> Submission JH03/0036 – Affordability of Medical Services Under the Medicare Benefits Schedule – A New Policy Approach, Decision JH03/0036/CAB, 3 March 2003, Cabinet Decision JH03/0036/CAB/2, 6 March 2003 and Cabinet Decision JH03/0036/CAB/3, 15 April 2003, NAA: A14370, JH03/0036.
- <sup>113</sup> Ibid.
- <sup>114</sup> James Gillespie, 'The Politics of Health' in Frame (ed.), *Trials and Transformations*, p. 327.
- <sup>115</sup> 'A "fairer" Medicare? Truth is Howard would rather have put it down', *Sydney Morning Herald*, 30 April 2003.
- <sup>116</sup> James Gillespie, 'The Politics of Health' in Frame (ed.), *Trials and Transformations*, p. 327.
- <sup>117</sup> Without submission – A Fairer Medicare – JH03/0411/M, 5 November 2003, NAA: A14370, JH03/0411.
- <sup>118</sup> 'Not Much of a Plus for Medicare', *The Age*, 19 November 2023.

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- <sup>119</sup> Cabinet Submission JH03/0330 – Options to Contain Future Private Health Insurance Premium Increases, Cabinet Decision JH03/0030/CAB, 18 February 2003, NAA: A14370, JH03/0030.
- <sup>120</sup> Cabinet Submission JH03/0343 – Framework Convention on Tobacco Control and Future Agenda, Cabinet Decision JH03/0343/CAB, 23 September 2003, NAA: A14370, JH03/0343.
- <sup>121</sup> Cabinet Submission JH03/0345 – Government Response to the 2002 Reviews of the National HIV/AIDS and Hepatitis C Strategies and Strategic Research, Cabinet Decision JH03/0345/CAB, 15 September 2003, NAA: A14370, JH03/0345.
- <sup>122</sup> Cabinet Submission JH03/0100 – National Illicit Drug Strategy – ‘Tough on Drugs’ – Next Phase, Cabinet Decision JH03/0100/CAB4, 15 April 2003, NAA: A14370, JH03/0100.
- <sup>123</sup> Cabinet Submission JH03/0151 – Financial Needs of the Health Insurance Commission for 2003004 and Beyond, Expenditure Review Committee Decision JH03/0151/ER, 1 April 2003 and Cabinet Decision JH03/0151/CAB/2, 15 April 2003, NAA: A14370, JH03/0151.
- <sup>124</sup> Cabinet Submission JH03/0421 – Child Care Initiatives, Cabinet Decision, JH03/0421/CAB, 1 December 2003 with Treasury coordination comments at p. 12, NAA: A14370, JH03/0421.
- <sup>125</sup> Cabinet submission JH03/0120 – Higher Education Reforms, Decision of Expenditure Review Committee, JH03/0120/ER, 24 March 2003, Decision of Expenditure Review Committee JH03/0120/ER/2, 25 March 2003, Decision of Expenditure Review Committee JH03/0120/ER/3, 1 April 2003, Decision JH03/0120/ER/4, 10 April 2003 and Cabinet Decision JH03/0120/CAB/5, 15 April 2003, NAA: A14370, JH03/0120.
- <sup>126</sup> Andrew Norton, ‘Two Steps Forward, One Step Back: Mr Nelson Mixes Price Flexibility and Rigid Quotas’, The Centre for Independent Studies, 18 June 2003.
- <sup>127</sup> Cabinet Submission JH03/0278 – Issues for Non-Government Schools Funding – 2005 to 2008, Cabinet Decision JH03/0278/CAB, 29 July 2003, NAA: A14370, JH03/0278.
- <sup>128</sup> Cabinet Submission JH03/0109 – Commonwealth Support for Vocational Education and Training, p. 1, Cabinet Decision JH03/0209/CAB/3, 15 April 2003, NAA: A14370, JH03/0109/CAB/3.
- <sup>129</sup> Cabinet Submission JH03/0103 – 2003-4 Humanitarian Program, p. 3, Cabinet Decision JH03/0103/CAB, 24 March 2003, NAA: A14370, JH03/0103. See also Cabinet Submission JH03/0104 – 2003-04 Migration (Non-Humanitarian) Programme, Cabinet Decision JH03/0104/CAB, 24 March 2003, NAA: A14370, JH03/0104.
- <sup>130</sup> Cabinet Submission JH03/0224 – Offshore Processing Centres: Arrangements with Nauru and PNG, Cabinet Decision JH03/0224/CAB, 16 June 2003, NAA: A14370, JH03/0224.
- <sup>131</sup> Cabinet Submission JH03/0031 – Christmas Island Permanent Immigration Reception and Processing Centre (IRPC)—Supplementary Decision, Cabinet Decision JH03/0331/CAB, 18 February 2003, NAA: A14370, JH03/0331.
- <sup>132</sup> Cabinet Submission JH03/0453 – Working Age Payment Reform, Cabinet Decision JH03/0453/CAB, 15 December 2003, NAA: A14370, JH03/0453.
- <sup>133</sup> Cabinet Submission JH03/0333 – Social Security Agreement between Australia and Greece—Further Submission, Cabinet Decision JH03/0333/CAB, 8 September 2003, NAA: A14370, JH03/0333.
- <sup>134</sup> Agreement between Australia and the Hellenic Republic on Social Security (Canberra, 23 May 2007).
- <sup>135</sup> Cabinet Submission JH03/0380 – Tourism White Paper: A Medium to Long Term Strategy for Australia’s Tourism Industry, Cabinet Decision JH03/0380/CAB, 11 November 2003, NAA: A14370, JH03/0380.
- <sup>136</sup> Cabinet Submission JH03/0295 – Aerospace Industry Action Agenda, Cabinet Decision JH03/0295/CAB, 26 August 2003, NAA: A14370, JH03/0295.
- <sup>137</sup> Cabinet Submission JH03/0254 – 2003–08 Commonwealth State Housing Agreement — Endorsement of the Agreement, Cabinet Decision JH03/0254/CAB, 15 July 2003, NAA: A14370, JH03/0254.
- <sup>138</sup> Kellow, ‘Economics and the Environment’ in Frame (ed.), *Trials and Transformations*, p. 288.
- <sup>139</sup> Cabinet Memorandum – Development of a Forward Strategy on Climate Change – Progress Report, Cabinet Decision JH03/0039/CAB/2, 19 March 2003, NAA: A14370, JH03/0039.
- <sup>140</sup> *Ibid.*, Attachment A Co-ordination Comments, p. 11. Marc Hudson, ‘The too hard basket: A short history of Australia’s aborted climate policies’, *The Conversation*, 20 August 2018; Liz Minchin, ‘Howard blows hot and cold on emissions’, *The Age*, 15 November 2016.
- <sup>141</sup> Cabinet Submission JH03/0258 – Climate Change Forward Strategy: Preferred Strategic Approach to Emissions Management, 16 July 2003, p. 2, NAA: A14370, JH03/0258. See also Cabinet Submission JH03/0195 – Strategy for Managing Australia’s Response to Climate Change Issues Over the Short and Long Term, Cabinet Decision JH03/0195/CAB/2, 10 June 2003, NAA: A14370, JH03/0195.
- <sup>142</sup> *Ibid.*, Cabinet Decision JH03/0258/CAB/4, 8 September 2003, NAA: A14370, JH03/0258.
- <sup>143</sup> Cabinet Memorandum JH03/0070, Sustainable Environment Committee of Cabinet – Indicative Business for 2003, Decision JH03/0070/SE of the Sustainable Environment Committee of Cabinet, 4 March 2003 and Cabinet Decision JH03/0070/CAB/2, 19 March 2003, NAA: A14370, JH03/0070; without submission – Strategic

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Presentation: Sustainable Environment, 24 February 2003, Cabinet Decision JH03/0059/CAB, 24 February 2003, NAA: A14370, JH03/0059; Without Submission – Presentation: The Living Murray, Cabinet Decision JH03/0072/CAB/2, 19 March 2003, NAA: A14370, JH03/0072; Cabinet Submission JH03/0050 – Queensland Land Clearing – Commonwealth Negotiating Position, Cabinet Decision JH03/0050/CAB/2, 19 March 2003, NAA: A14370, JH03/0050; Cabinet Memorandum – Queensland Land Clearing Proposal, Cabinet Decision JH03/0398/CAB, 24 November 2003 and Cabinet Decision JH03/0398/CAB/2, 15 December 2003, NAA: A14370, JH03/0398; Cabinet Memorandum JH03/0260 – Progress with a National Water Initiative, Cabinet Decision JH03/0260/CAB/2, 29 July 2003, NAA: A14370, JH03/0260; Cabinet Submission JH03/0454 – Marine Protected Areas and Displaced Fishing, 9 December 2003, NAA: A14370, JH03/0454; Cabinet Memorandum JH03/0397 – Progress with the National Water Initiative and Funding to Address Water Overallocation in the Murray-Darling Basin, Cabinet Decision JH03/0397/CAB, 11 November 2003, NAA: A14370, JH03/0397; Cabinet Submission JH03/0159 – Energy Grants Credit Scheme—Environmental Component, Decision of Energy Committee JH03/0159/E, 10 April 2003, NAA: A14370, JH03/0159.

<sup>144</sup> Cabinet Submission JH03/0396 – Great Barrier Reef Marine Park—Representative Areas Programme, Cabinet Decision JH03/0936/CAB, 11 November 2003, NAA: JH03/0396.

<sup>145</sup> Cabinet Submission JH03/0344 – Implementation of a Mandatory National Water Efficiency Labelling and Standards Scheme, Cabinet Decision JH03/0344/CAB, 30 September 2003, NAA: A14370, JH03/0344.

<sup>146</sup> Cabinet Submission JH03/0196 – National Biodiversity Conservation Priorities, Cabinet Decision JH03/0196/CAB/2, 10 June 2003, NAA: A14370, JH03/0196.

<sup>147</sup> Cabinet Memorandum JH03/0404 – Fuel Excise Reform: Environmental Measures, 4 November 2003, NAA: A14370, JH03/0404; Cabinet Memorandum JH04/0294 – Fuel Excise Review: Overview, Cabinet Decision JH903/0294/CAB/4, 15 September 2003, NAA: A14370, JH03/0294.

<sup>148</sup> Without Submission, Decision of Energy Committee, JH03/0087/E, 6 March 2003 and Without Submission, Cabinet Decision JH03/0087/CAB/2 - Australian Energy Policy – An Overview, NAA: A14370, JH03/0087.

<sup>149</sup> Cabinet Memorandum JH03/0168 – Energy Task Force: Key Decisions, Workplan and Timetable, Decision JH03/0168/E, 10 April 2003 and Decision JH03/168/CAB/2, 15 April 2003, NAA: A14370, JH03/0168; Cabinet Memorandum JH03/0406 – Downstream Petroleum Overview, Cabinet Decision JH03/0406/CAB, 16 December 2003, NAA: A14370, 16 December 2003, NAA: A14370, JH03/0406.

<sup>150</sup> Cabinet Memorandum JH03/0291 – Australian Energy Security, p. 13 – Decision of Energy Committee JH03/0291/E, 12 August 2003 and Decision JH03/0291/CAB/2, 19 August 2003, NAA: A14370, JH03/0291.

<sup>151</sup> Submission JH03/0277 – Development of a National Energy Market, Decision JH03/0277/CAB, 29 July 2003, NAA: A14370, JH03/0277. See also Cabinet Submission JH03.0315– Council of Australian Governments Meeting – August 2003, Cabinet Decision JH03/0315/CAB, 11 August 2003, NAA: A14370, JH03/0315.

<sup>152</sup> Cabinet Submission JH03/0110 – Ethanol Labelling and Limits in Petrol, Cabinet Decision JH03/0110/CAB, 24 March 2003, NAA: A14370, JH03/0110.

<sup>153</sup> Cabinet Memorandum – International Energy Agency (IEA) Emergency Oil Measures and Australia's Obligations, Cabinet Decision JH03/0169/CAB, 12 May 2003, NAA: A14370, 12 May 2003, NAA: A14370, JH03/0169.

<sup>154</sup> Cabinet Submission JH03/0257 – Royal Commission into the Building and Construction Industry: Legislation and Related Matters, Cabinet Decision JH03/0257/CAB, 22 July 2003, NAA: A14370, JH03/0257; Cabinet Submission JH03/0259 – Royal Commission into the Building and Construction Industry: Changes to the National Building Code, Cabinet Decision JH03/0259/CAB, 22 July 2003, NAA: A14370, JH03/0259.

<sup>155</sup> Cabinet Submission JH03/0261 – Royal Commission into the Building and Construction Industry: Response to the Treasury Portfolio Related Recommendations, Cabinet Decision JH03/0261/CAB, 22 July 2003, NAA: A14370, JH03/0261.

<sup>156</sup> Cabinet Submission JH03/0007 – Regional Telecommunications Inquiry: Further Submission, Cabinet Decision JH03/0007/CAB, 3 February 2003, Cabinet Decision JH03/0007/CAB/2, 15 April 2003, and Cabinet Decision JH03/0007/CAB/3, 10 June 2003, NAA: A14370, JH03/0007.

<sup>157</sup> Cabinet Submission JH03/0008 – Telecommunications Universal Service Obligation, 28 January 2003, p. 5, NAA: A14370, JH03/0008.

<sup>158</sup> Cabinet Decision JH03/0008/CAB/2, NAA: A14370, JH03/0008.

<sup>159</sup> Cabinet Submission JH03/0209 – Institutional Arrangements for Regulation of Telecommunications and Broadcasting, Cabinet Decision JH03/0209/CAB, 10 June 2003, NAA: A14370, JH03/0209.

<sup>160</sup> Without submission – Cross-media Arrangements, Cabinet Decision JH03/0071/CAB, 3 March 2003, NAA: A14370, JH03/0071; Tim Dwyer and Annika Dean, 'Why media reform in Australia has been so hard to achieve', <https://www.sydney.edu.au/news-opinion/news/2017/05/12/why-media-reform-in-australia-has-been-so-hard-to-achieve.html>

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- <sup>161</sup> Cabinet Memorandum JH03/0324 – Future Arrangements for Australian Shipping, Cabinet Decision JH03/0324/CAB, 26 August 2003, NAA: A14370, JH03/0324.
- <sup>162</sup> Cabinet Submission JH03/0147, Strategy for the Sale of the Three Basin Airports, Cabinet Decision JH03/0147/CAB, 1 April 2003, NAA: A14307, JH03/0147.
- <sup>163</sup> Cabinet submission JH03/0208 – Identity Fraud, Cabinet Decision JH03/0208/CAB, 16 June 2003, NAA: A14370, JH03/0208.
- <sup>164</sup> Cabinet Submission JH03/0004 – Reform of the Federal Merits Review Tribunal System, Cabinet Decision JH03/0004/CAB, 3 February 2003, NAA: A14370, JH03/0004.
- <sup>165</sup> Cabinet Submission JH03/0440 – Government Response to the Report of the Family Law Pathways Advisory Group—Out of the Maze, Cabinet Decision JH03/0440/CAB/3, 15 April 2003, NAA: A14370, JH03/0440; Cabinet Submission JH03/0880 – Telecommunications Offences, Cabinet Decision JH03/0880/CAB, 1 April 2003, NAA: A14370, JH03/0880.
- <sup>166</sup> Weller, *Cabinet Government*, p. 180.
- <sup>167</sup> *Ibid.*, Chapter 6.
- <sup>168</sup> Cabinet Memorandum JH03/0332 - Sustainable Regions Programme Update, Cabinet Decision JH03/0332/CAB, 15 September 2003, NAA: A14370, JH03/0332.
- <sup>169</sup> Cabinet Submission JH03/0276 – Regional Business—A Plan for Action, Cabinet Decision JH03/0276/CAB, 29 July 2003, NAA: A14370, JH03/0276.
- <sup>170</sup> Without submission – National Inquiry into Bushfire Prevention and Mitigation, Cabinet Decision JH03/0068/CAB, 3 March 2003, NAA: A14370, JH03/0068; without submission – Drought Update, Cabinet Decision JH03/0032/CAB/3, 26 August 2003, NAA: A14370, JH03/0032; Ron McLeod, *Inquiry into the Operational Response to the January 2003 Bushfires in the ACT*, Department of Urban Services ACT Government, Canberra, 2003.
- <sup>171</sup> Cabinet Submission JH03/0006 – National Strategic Framework for Aboriginal and Torres Strait Islander Health, Cabinet Decision JH03/0006/CAB, 3 February 2003, NAA: A14370, JH03/0006.
- <sup>172</sup> Cabinet Submission JH03/0212 – Draft Declaration on the Rights of Indigenous Peoples, Cabinet Decision JH03/0212/CAB, 10 June 2003, NAA: A14370, JH03/0212.
- <sup>173</sup> Submission JH03/0286 – Reform of the Aboriginal Councils and Associations Act, Decision JH03/0286/CAB, 11 November 2003, NAA: A14370, JH03/0286.
- <sup>174</sup> John Hannaford, Hackie Huggins and Bob Collins, ‘In the Hands of the Regions—A New ATSIC Report of the Review of the Aboriginal and Torres Strait Islander Commission’, *Australian Indigenous Law Reporter*, Vol. 8, No. 3, 2003, pp. 105-12.
- <sup>175</sup> Quoted in Alison Holland, ‘Many Claim Australia’s longest-running Indigenous Body Failed. Here’s Why that’s Wrong’, *The Conversation*, 24 July 2023.
- <sup>176</sup> Cabinet Submission JH02/0271 – Government response to the final report of the Council for Aboriginal Reconciliation – Reconciliation: Australia’s Challenge – Decision JH02/0271/CAB, 10 September 2002, NAA: A14370, JH2002/271.
- <sup>177</sup> Gabrielle Appleby & Sean Brennan, ‘The long road to recognition’, *Inside Story*, 19 May 2017.
- <sup>178</sup> According to former diplomat, Tony Kevin, Australian troops were engaged in hostilities on the evening of 18 March (Iraq time), 16 hours after Bush’s 48-hour ultimatum to cede power. Tony Kevin, ‘Our Questionable Tactics in Iraq’, *The Age*, 17 January 2004.
- <sup>179</sup> Graeme Dobell, ‘Iraq lessons: the impact of the Howard fib’, *The Strategist*, 13 November 2015.
- <sup>180</sup> Timothy A. Sayle, ‘“But he has nothing on at all?” Canada and the Iraq War, 2003’, *Canadian Military History*, Vol. 19, No 4, 2015, p. 6.
- <sup>181</sup> Ewan MacAskill, ‘Adviser quits Foreign Office over legality of war’, *The Guardian*, 21 March 2003; Vikram Dodd, ‘Iraq war illegal, says FO adviser who quit’, *The Guardian*, 13 June 2004.
- <sup>182</sup> David Lee, *The Second Rush: Mining and the Transformation of Australia*, Connor Court, Redland Bay, 2016, Chapter Nine.
- <sup>183</sup> Rod Myer, ‘Australia missed out on mining boom cash by rejecting larger sovereign wealth fund’, *The New Daily*, 17 November 2019.

s 47F(1)

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**From:** s 47F(1)  
**Sent:** Tuesday, October 24, 2023 8:17 AM  
**To:** David Lee  
**Subject:** RE: 2003 Cabinet records - advice outstanding. [SEC=OFFICIAL]

s 47C(1) Thanks for turning that around so quickly. I don't think that our editor will be engaged until the start of November, so please feel free to take your time with the second draft. That said, as soon as you are happy with it, I will happily receive it and we will begin the final check.

Regards

s 47F(1)

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**From:** David Lee <d.lee@adfa.edu.au>  
**Sent:** Monday, October 23, 2023 3:36 PM  
**To:** s 47F(1) @naa.gov.au  
**Subject:** [EXT] RE: 2003 Cabinet records - advice outstanding. [SEC=OFFICIAL]

s 47F(1)

I have made very good progress all of today on updating the draft cabinet paper. Would it be helpful to you to get the revised draft back early, even tomorrow, so that the NAA can begin its checks earlier? Or would you prefer me to spend more time on the style editing etc?

Best Regards

David

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**From:** s 47F(1) @naa.gov.au  
**Sent:** Monday, October 23, 2023 11:32 AM  
**To:** David Lee <d.lee@adfa.edu.au>  
**Subject:** RE: 2003 Cabinet records - advice outstanding. [SEC=OFFICIAL]

Thanks David. s 47C(1)

Regards

s 47F(1)

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**From:** David Lee <d.lee@adfa.edu.au>  
**Sent:** Monday, October 23, 2023 11:19 AM  
**To:** s 47F(1) @naa.gov.au  
**Subject:** [EXT] RE: 2003 Cabinet records - advice outstanding. [SEC=OFFICIAL]

Thanks s 47F(1)

I will double check but I am sure you're instincts are right.

In the meantime I have checked s 47F(1) who confirms from 2004 interview that he put to Howard that there no overarching cabinet submission. Howard did not deny this and also said that the NSC had been dealing with the issue regularly.

Howard also in Lazarus Rising says that he wanted full cabinet endorsement of the decision to invade Iraq, making the 18 March two-page document cabinet minute (without submission) the key document in the whole release.

Best Regards

David

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**From:** s 47F(1) [@naa.gov.au](mailto:naa.gov.au)>  
**Sent:** Monday, October 23, 2023 10:54 AM  
**To:** David Lee <[d.lee@adfa.edu.au](mailto:d.lee@adfa.edu.au)>  
**Subject:** FW: 2003 Cabinet records - advice outstanding. [SEC=OFFICIAL]

Hi David. Please find below the list of records that were selected for digitisation but that are still waiting for agency advice prior to digitisation. There are some that may relate to Iraq indirectly (counter terrorism?) but nothing seems to directly relate to the war.

(You called at this point and we had a chat about the following)

I have double checked the full list of cabinet papers, but it's quite extensive, so please feel free to double check the attached list and let me know if you think anything jumps out as relevant to Iraq that hasn't been digitised. I can only find one record that may relate to Iraq – row 324 (203026670) 'Reference copy of Australia's protective security response in the new security environment', though I imagine this relates to domestic security arrangements.

Regards

s 47F(1)

S 22(1)

A14370	JH2003/37	203026099	Cabinet Submission JH03/0037	2003-2004 Budget - Australian security capability and arrangements - Cross Portfolio Budget Submission
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A14370	JH2003/74	203026670	Cabinet Submission JH03/0074	Reference copy of Australia's protective security response in the new security environment
A14370	JH2003/111	203026672	Cabinet Submission JH03/0111	Reference copy of Protection of classified information in criminal proceedings
A14370	JH2003/113	203026674	Cabinet Submission JH03/0113 First Amended	Reference copy of Air Security Officers and Counter-Terrorism First Response
A14370	JH2003/256	203026242	Cabinet Memorandum JH03/0256	Lessons learned from the response to the Bali bombings
A14370	JH2003/318	203026276	Cabinet Submission JH03/0318	Combating trafficking in persons - Whole of Government Strategy
A14370	JH2003/319	203026690	Cabinet Submission JH03/0319	Reference copy of Update on critical issues associated with the Collins Class submarines and the Australian Submarine Corporation
A14370	JH2003/360	203026692	Cabinet Submission JH03/0360 First Amended	Reference copy of Establishment of a National Threat Assessment Centre
A14370	JH2003/387	203026694	Cabinet Submission JH03/0387	Reference copy of Bougainville - Future Australian engagement
A14370	JH2003/388	203026695	Cabinet Decision JH03/0388/NS	Reference copy of Papua New Guinea (PNG) - update
A14370	JH2003/419	203026345	Cabinet Submission JH03/0345	Government response to the 2002 Reviews of the National HIV/AIDS and Hepatitis C Strategies and Strategic Research
A14370	203026697	JH2003/423	Cabinet Submission JH03/0423	Reference copy of Pacific Governance
A14370	203026698	JH2003/424	Cabinet Submission JH03/0424	Reference copy of Papua New Guinea (PNG) - More interventionist approach - Implementation
A14370	203026700	JH2003/431	Cabinet Submission JH03/0431	Reference copy of Review of the Counter-Terrorism Overseas Response Group
A14370	203026371	JH2003/459	Cabinet Decision JH03/0459/SM	Senior Ministers' Review for 2004-2005 Budget - Australian Security Intelligence Organisation

S 22(1)



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**From:** s 47F(1)  
**Sent:** Monday, October 23, 2023 10:12 AM  
**To:** David Lee  
**Subject:** RE: Historian Essay - 2003 Cabinet Papers in Context 29 September 2003 - feedback on first draft- s 47F(1) to Lee - 22-10-23 [SEC=OFFICIAL]

Thank you, David. I'm glad that you found the feedback to be valuable. Yes, I will check that there aren't any Iraq-related records that were not added to the list of records to be digitised, and will confirm that none are in the 16 records yet that were selected but yet to be digitised.

Regards

s 47F(1)

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**From:** David Lee <d.lee@adfa.edu.au>  
**Sent:** Sunday, October 22, 2023 12:30 PM  
**To:** s 47F(1) @naa.gov.au  
**Cc:** David Lee <d.lee@adfa.edu.au>; Louise Doyle s 47F(1) @naa.gov.au  
**Subject:** [EXT] Re: Historian Essay - 2003 Cabinet Papers in Context 29 September 2003 - feedback on first draft- s 47F(1) to Lee - 22-10-23 [SEC=OFFICIAL]

Dear s 47F(1)

Thank you for these comments which are valuable. I am confident I can meet your 3 November timetable by responding to these suggestions and by incorporating the relatively small number of documents that were transmitted to me after completing that first draft.

The most important of your comments to check is in relation to Iraq and whether all the cabinet documents to Iraq have been captured in this release.

When discussing the documents with s 47F(1) early this year I was surprised by the sparsity of documents on Iraq in the spreadsheet and I asked that all cabinet documents on Iraq be included in the documents provided to myself and the media. I will send you separately my emails to s 47F(1).

I have referenced all the documents on Iraq made available to me.

While I am completing the revised draft perhaps you the clearance staff could double check that all the Iraq documents will have been included in the release to media (and in the cabinet paper). I assume too that there are no Iraq documents in the few remaining documents that are still being declassified from the 250 documents chosen.

s 22(1)

Best regards

David

On 22 Oct 2023, at 10:56 am, s 47F(1) @naa.gov.au> wrote:

**OFFICIAL**

s 47C(1)

s 47C(1) I have made a small number of comments and suggestions. Please let me know if you would like to chat about any of them.

I believe that the second draft is due on 3/11. Would you please let me know if you think that this is still a reasonable deadline.

Regards

s 47F(1)

**OFFICIAL**

<R852102023 Historian Essay - 2003 Cabinet Papers in Context 29 September 2003 - Initial draft for review - October 023(2).DOCX>

Associate Professor David Lee  
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**From:** David Lee <d.lee@adfa.edu.au>  
**Sent:** Sunday, October 22, 2023 12:31 PM  
**To:** s 47F(1)  
**Subject:** [EXT] Fwd: 2003 Cabinet titles for selection [SEC=OFFICIAL]

s 47F(1)

My previous email refers.

Best Regards

David

Begin forwarded message:

**From:** David Lee <d.lee@adfa.edu.au>  
**Subject:** RE: 2003 Cabinet titles for selection [SEC=OFFICIAL]  
**Date:** 13 January 2023 at 4:29:32 pm AEDT  
**To:** s 47F(1) @naa.gov.au" <s 47F(1) @naa.gov.au>

Dear s 47F(1)

Thank you, I just sent the document back with some highlights.

There are some very interesting documents but very few on items journalists will be sure to be asking about in particular

1. Iraq. (UN resolutions etc)
2. Regional assistance Mission to the Solomons (RAMSI).
3. George Bush Visit.
4. Visit of China, Hu Jintao to Australia (August 2003).

Are these captured perhaps in any National Security Committee documents that may be on separate lists?

I am back next week and happy to discuss before I leave.

Best Regards

David

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**From:** s 47F(1) @naa.gov.au>  
**Sent:** Friday, 13 January 2023 2:20 PM  
**To:** David Lee <d.lee@adfa.edu.au>  
**Subject:** 2003 Cabinet titles for selection [SEC=OFFICIAL]

Dear David

Thank you for returning the signed embargo form relating to the list of 2003 Cabinet titles.

Attached is an excel spreadsheet for 2003 item titles from series A14370.

I'll now send a further SFT file request invite to you so that you can return the spreadsheet with any highlighted items when ready.

Kind regards

s 47F(1)

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## Files attached to this message

Filename	Size	Checksum (SHA256)
A14370 - Howard - 2003 Examined titles for selection by Cabinet Historian.XLSX	69.2 KB	da2dd9bbf998da32107cd973c60950200eea802a5993f6cda53b9da83b015390

Please click on the following link to download the attachments: s 47E(d)

You will need to authenticate to view this Secure Message. If you don't have an account on [download.naa.gov.au](https://download.naa.gov.au), you will receive a separate email with a unique **Access Pass** that you can use to authenticate yourself. If you have recently received a **Access Pass** from a previous message, you can re-use the Access Pass to authenticate to this message.

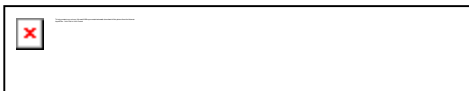
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The attachments are available until: **Sunday, 12 February.**

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CONTROL SYMBOL	TITLE (1)	TITLE (2)	TITLE (3)	EXTENT	CONTENTS START	CONTENTS END DATE	PRIMARY SUBJECT	SECONDARY	TERTIARY	STATE 1	STATE 2
JH2003/4	Cabinet Submission JH03/0004	Reform of the Federal Merits Review Tribunal System	Decision JH03/0004/CAB	s 47E(d)	17/1/2003	3/2/2003					
JH2003/23	Cabinet Memorandum JH03/0023	Reference copy of Sale of Defence Russell Offices	Decision JH03/0023/NS		27/2/2003	5/3/2003					
JH2003/89	Cabinet Decisions JH03/0089/E and JH03/0089/CAB/2	Commonwealth position on the Energy Markets	Without Submission		6/3/2003	19/3/2003					
JH2003/133	Cabinet Submission JH03/0133	Review of Commonwealth Property Principles Hurdle Rate	Decisions JH03/0133/ER and JH03/0133/CAB/2		24/3/2003	15/4/2003					
JH2003/230	Cabinet Decision JH03/0230/CAB	Branding of Australian Government Organisations and activities	Without Submission		10/6/2003	10/6/2003					
JH2003/315	Cabinet Submission JH03/0315	Council of Australian Governments Meeting - August 2003	Decision JH03/0315/CAB		8/8/2003	11/8/2003					
JH2003/351	Cabinet Submission JH03/0351	Proposed new superannuation arrangements for Commonwealth Civilian Employees	Decision JH03/0351/CAB		16/9/2003	23/9/2003					
JH2003/356	Cabinet Decisions JH03/0356/CAB and JH03/0356/CAB/2	Review of Australian Customs Service Security	Without Submission		23/9/2003	10/12/2003					
JH2003/438	Cabinet Submission JH03/0438	Telstra and Australia Post superannuation matters	Decisions JH03/0438/ER and JH03/0438/CAB/2		26/11/2003	15/4/2004					
JH2003/449	Cabinet Submission JH03/0449	National Workers' Compensation and Occupational Health and Safety	Decision JH03/0449/CAB		5/12/2003	10/12/2003					
JH2003/450	Cabinet Memorandum JH03/0450	Independent Assessment of Australian Government Air Travel	Decision JH03/0450/CAB		8/12/2003	10/12/2003					
JH2003/37	Cabinet Submission JH03/0037	2003-2004 Budget - Australian security capability and arrangements - Cross Portfolio Budget Submission	Decisions JH03/0037/ER, JH03/0037/ER/2, JH03/0037/ER/3		19/3/2003	15/4/2003					
JH2003/56	Cabinet Decision JH03/0056/CAB	Strategic Presentation - Economic Policy	Without Submission		24/2/2003	24/2/2003					
JH2003/75	Cabinet Submission JH03/0075	2003-2004 Budget - Environment and Heritage Portfolio Budget	Decisions JH03/0075/ER,		12/3/2003	15/4/2003					
JH2003/86	Cabinet Submission JH03/0086	2003-2004 Budget - Finance and Administration Portfolio Budget	Decisions JH03/0086/ER,		7/3/2003	15/4/2003					
JH2003/92	Cabinet Memorandum JH03/0092	Export Finance and Insurance Corporation (EFIC) - National Interest Account (NIA) - Exposure and Risk Management Report	Decision JH03/0092/CAB		10/3/2003	24/3/2003					
JH2003/114	Cabinet Submission JH03/0114	Review of the Commonwealth Government Securities market	Decision JH03/0114/CAB		19/3/2003	24/3/2003					
JH2003/121	Cabinet Submission JH03/0121	2003-2004 Budget - Attorney-General's Portfolio Budget Submission	Decisions JH03/0121/ER, JH03/0121/ER/2, JH03/0121/ER/3		19/3/2003	15/4/2003					
JH2003/131	Cabinet Submission JH03/0131	2003-2004 Budget - Treasury Portfolio Budget Submission	Decisions JH03/0131/ER, JH03/0131/ER/2 and JH03/0131/CAB/3		24/3/2003	15/4/2003					
JH2003/134	Cabinet Submission JH03/0134	2003-2004 Budget - Report on Discretionary Grants	Decisions JH03/0134/ER and JH03/0134/CAB/2		25/3/2003	15/4/2003					
JH2003/138	Cabinet Memorandum JH03/0138	Financial issues concerning superannuation arrangements for Commonwealth civilian employees	Decisions JH03/0138/ER and JH03/0138/CAB/2		26/3/2003	15/4/2003					
JH2003/139	Cabinet Decisions JH03/0139/ER and JH03/0139/CAB/2	Budget Estimates and Framework Review	Without Submission		2/4/2003	15/4/2003					
JH2003/141	Cabinet Memorandum JH03/0141	Construction of forward estimates for Specific Purpose Payment Agreements	Decisions JH03/0141/CAB, JH03/0141/ER/2 and JH03/0141/CAB/3		28/3/2003	15/4/2003					
JH2003/149	Cabinet Submission JH03/0149	Corporate Law Economic Reform Program	Decision JH03/0149/CAB		1/4/2003	15/4/2003					
JH2003/152	Cabinet Decisions JH03/0152/ER and JH03/0152/CAB/2	2003-2004 Budget - Parliamentary - Minor New Policy Proposal	Without Submission		2/4/2003	15/4/2003					
JH2003/154	Cabinet Decisions JH03/0154/ER and JH03/0154/CAB/2	2003-2004 Budget - Movement of Funds	Without Submission		2/4/2003	15/4/2003					
JH2003/155	Cabinet Decision JH03/0155/ER	2003-2004 Budget - Construction of Forward Estimates (excluding Specific Purpose Payments)	Without Submission		2/4/2003	2/4/2003					
JH2003/164	Cabinet Decision JH03/0164/CAB	2003-2004 Budget - Delegation to finalise the Budget outcome	Without Submission		15/4/2003	15/4/2003					
JH2003/178	Cabinet Decision JH03/0178/ER	Construction of the Forward Estimates - Interest of Special Accounts	Without Submission		10/4/2003	10/4/2003					
JH2003/184	Cabinet Decision JH03/0184/CAB	Proposed Merger of the Australian Bureau of Agricultural and Resource Economics and the Bureau of Rural Sciences	Without Submission		10/6/2003	10/6/2003					
JH2003/197	Cabinet Decision JH03/0197/CAB	Revitalised Strategy to Progress the Government's Superannuation Agenda	Without Submission		12/5/2003	12/5/2003					
JH2003/292	Cabinet Memorandum JH03/0292	Fuel Excise Reform - Business Credit Reform	No Decision		7/8/2003	7/8/2003					
JH2003/293	Cabinet Memorandum JH03/0293	Fuel Excise Reform - excise rates	No Decision		7/8/2003	7/8/2003					
JH2003/294	Cabinet Memorandum JH03/0294	Fuel Excise Reform - Overview	Decisions JH03/0294/E, JH03/0294/CAB/2, JH03/0294/E/3 and JH03/0294/CAB/4		7/8/2003	15/9/2003					
JH2003/296	Cabinet Memorandum JH03/0296	Fuel Excise Reform - environment issues	No Decision		7/8/2003	7/8/2003					
JH2003/336	Cabinet Memorandum JH03/0336	Export Finance and Insurance Corporation (EFIC) - National Interest Account (NIA) - Exposure and Risk Management Report	Decision JH03/0336/CAB		4/9/2003	23/9/2003					
JH2003/337	Cabinet Memorandum JH03/0337	Strategic Investment Incentive for Deutsche Bank Australia (DBA)	Decisions JH03/0337/EI and JH03/0337/CAB/2		5/9/2003	15/9/2003					
JH2003/338	Cabinet Memorandum JH03/0338	Methanex Corporation - Reconsideration of Investment Incentive	Decisions JH03/0338/EI and JH03/0338/CAB/2		5/9/2003	15/9/2003					
JH2003/339	Cabinet Memorandum JH03/0339	Proposed Investment Incentive to GTL Resources	Decisions JH03/0339/EI and JH03/0339/CAB/2		5/9/2003	15/9/2003					
JH2003/340	Cabinet Memorandum JH03/0340	Review of the Strategic Investment Coordination Process	Decisions JH03/0340/EI and JH03/0340/CAB/2		5/9/2003	15/9/2003					
JH2003/341	Cabinet Memorandum JH03/0341	Strategic Investment Coordination Projects Overview	Decisions JH03/0341/EI and JH03/0341/CAB/2		5/9/2003	15/9/2003					
JH2003/342	Cabinet Submission JH03/0342	Budget Estimates and Framework Review - First Progress Report on Implementation	Decision JH03/0342/CAB		8/9/2003	23/9/2003					
JH2003/353	Cabinet Submission JH03/0353	2004-2005 Budget process	Decision JH03/0353/CAB		18/9/2003	23/9/2003					
JH2003/383	Cabinet Decision JH03/0383/CAB	Exceptional circumstances assistance for Pig Producers	Without Submission		22/10/2003	22/10/2003					
JH2003/403	Cabinet Memorandum JH03/0403	Excise Reform - Handling strategy	Decisions JH03/0403/CAB and JH03/0403/CAB/2		31/10/2003	16/12/2003					
JH2003/404	Cabinet Memorandum JH03/0404	Fuel Excise Reform - Environment measures	No Decision		4/11/2003	4/11/2003					
JH2003/405	Cabinet Memorandum JH03/0405	Statutory effective life cap for oil refinery assets	No Decision		31/10/2003	31/10/2003					
JH2003/406/1	Cabinet Memorandum JH03/0406	Downstream Petroleum Overview	Decision JH03/0406/CAB		31/10/2003	16/12/2003					
JH2003/406/2	Cabinet Decisions JH03/0406/E/2 and JH03/0406/CAB/3	Downstream Petroleum Overview	Without Submission		1/4/2004	15/4/2004					
JH2003/423	Cabinet Submission JH03/0423	Reference copy of Pacific Governance	Decision JH03/0423/NSC		27/11/2003	26/11/2003					
JH2003/424	Cabinet Submission JH03/0424	Reference copy of Papua New Guinea (PNG) - More interventionist approach - Implementation	Decision JH03/0424/NSC		27/11/2003	26/11/2003					
JH2003/452	Cabinet Submission JH03/0452	General Practice Red tape Taskforce Report	Decision JH03/0452/CAB		10/12/2003	15/12/2003					
JH2003/455	Cabinet Submission JH03/0455	Resources Exploration Strategy	Decisions JH03/0455/E and JH03/0455/CAB/2		10/12/2003	1/3/2004					
JH2003/456	Cabinet Decision JH03/0456/SM	Senior Ministers' Review for 2004-2005 Budget - Overview	Without Submission		10/12/2003	10/12/2003					
JH2003/457	Cabinet Decision JH03/0457/SM	Senior Ministers' Review for 2004-2005 Budget - Agriculture, Fisheries and Forestry Portfolio	Without Submission		10/12/2003	10/12/2003					
JH2003/458	Cabinet Decision JH03/0458/SM	Senior Ministers' Review for 2004-2005 Budget - Attorney-General's Portfolio	Without Submission		10/12/2003	10/12/2003					
JH2003/459	Cabinet Decision JH03/0459/SM	Senior Ministers' Review for 2004-2005 Budget - Australian Security Intelligence Organisation	Without Submission		10/12/2003	10/12/2003					
JH2003/460	Cabinet Decision JH03/0460/SM	Senior Ministers' Review for 2004-2005 Budget - Communications, Information Technology and the Arts Portfolio	Without Submission		10/12/2003	10/12/2003					

s 47E(d)

s 47E(d)

JH2003/461	Cabinet Decision JH03/0461/SM	Senior Ministers' Review for 2004-2005 Budget - Melbourne 2006 Commonwealth Games	Without Submission	10/12/2003	10/12/2003
JH2003/462	Cabinet Decision JH03/0462/SM	Senior Ministers' Review for 2004-2005 Budget - Defence Portfolio	Without Submission	10/12/2003	10/12/2003
JH2003/463	Cabinet Decision JH03/0463/SM	Senior Ministers' Review for 2004-2005 Budget - Education, Science and Training Portfolio	Without Submission	10/12/2003	10/12/2003
JH2003/464	Cabinet Decision JH03/0464/SM	Senior Ministers' Review for 2004-2005 Budget - Employment and Workplace Relations Portfolio	Without Submission	10/12/2003	10/12/2003
JH2003/465	Cabinet Decision JH03/0465/SM	Senior Ministers' Review for 2004-2005 Budget - Environment and Heritage Portfolio	Without Submission	10/12/2003	10/12/2003
JH2003/466	Cabinet Decision JH03/0466/SM	Senior Ministers' Review for 2004-2005 Budget - Family and Community Services Portfolio	Without Submission	10/12/2003	10/12/2003
JH2003/467	Cabinet Decision JH03/0467/SM	Senior Ministers' Review for 2004-2005 Budget - Finance and Administration Portfolio	Without Submission	10/12/2003	10/12/2003
JH2003/468	Cabinet Decision JH03/0468/SM	Senior Ministers' Review for 2004-2005 Budget - Foreign Affairs and Trade Portfolio	Without Submission	10/12/2003	10/12/2003
JH2003/469	Cabinet Decision JH03/0469/SM	Senior Ministers' Review for 2004-2005 Budget - Health and Ageing Portfolio	Without Submission	10/12/2003	10/12/2003
JH2003/470	Cabinet Decision JH03/0470/SM	Senior Ministers' Review for 2004-2005 Budget - Immigration and Multicultural and Indigenous Affairs Portfolio	Without Submission	10/12/2003	10/12/2003
JH2003/471	Cabinet Decision JH03/0471/SM	Senior Ministers' Review for 2004-2005 Budget - Industry, Tourism and Resources Portfolio	Without Submission	10/12/2003	10/12/2003
JH2003/472	Cabinet Decision JH03/0472/SM	Senior Ministers' Review for 2004-2005 Budget - Transport and Regional Services Portfolio	Without Submission	10/12/2003	10/12/2003
JH2003/473	Cabinet Decision JH03/0473/SM	Senior Ministers' Review for 2004-2005 Budget - Treasury Portfolio	Without Submission	10/12/2003	10/12/2003
JH2003/474	Cabinet Decision JH03/0474/SM	Senior Ministers' Review for 2004-2005 Budget - Veterans' Affairs Portfolio	Without Submission	10/12/2003	10/12/2003
JH2003/478	Cabinet Decision JH03/0478/SM	Senior Ministers' Review for 2004-2005 Budget - Post-Backing	Without Submission	10/12/2003	10/12/2003
JH2003/479	Cabinet Decision JH03/0479/SM	Senior Ministers' Review for 2004-2005 Budget - Climate Change Forward Strategy	Without Submission	10/12/2003	10/12/2003
JH2003/14	Cabinet Submission JH03/0014 First Amended	Implementation of Private Financing Arrangements	Decision JH03/0014/CAB	24/4/2003	12/5/2003
JH2003/18	Cabinet Decision JH03/0018/CAB	Workplace Relations Amendment (Political Affiliation) Bill 2002	Without Submission	3/2/2003	3/2/2003
JH2003/38	Cabinet Submission JH03/0038	Supply chain subsidy options under the Pharmaceutical Benefits Scheme	Decision JH03/0038/CAB	26/2/2003	3/3/2003
JH2003/66	Cabinet Submission JH03/0066	Review of Government Information Services to Business - Business Telephone Hotlines Report	Decision JH03/0066/CAB	28/2/2003	24/3/2003
JH2003/77	Cabinet Decision JH03/0077/CAB	Appointment of an Acting Chairman to the Australian Competition and Consumer Commission	Without Submission	3/3/2003	3/3/2003
JH2003/79	Cabinet Submission JH03/0079	2003-2004 Budget - Industry, Tourism and Resources Portfolio Budget Submission	Decisions JH03/0079/ER, JH03/0079/ER/2 and JH03/0079/CAB/3	7/3/2003	15/4/2003
JH2003/81	Cabinet Submission JH03/0081	Country of Origin Labelling of Food	Decision JH03/0081/CAB	10/3/2003	19/3/2003
JH2003/82	Cabinet Submission JH03/0082	2003-2004 Budget - Agriculture, Fisheries and Forestry Portfolio Budget Submission	Decisions JH03/0082/ER, JH03/0082/ER/2 and JH03/0082/CAB/3	13/3/2003	15/4/2003
JH2003/83	Cabinet Submission JH03/0083	Export Market Development Grants Scheme - Legislative Amendments	Decision JH03/0083/CAB	7/3/2003	24/3/2003
JH2003/87	Cabinet Decisions JH03/0087/E and JH03/0087/CAB/2	Australian Energy Policy - An Overview	Without Submission	6/3/2003	19/3/2003
JH2003/119	Cabinet Submission JH03/0119	Employee Share Ownership	Decision JH03/0119/CAB	19/3/2003	24/3/2003
JH2003/145	Cabinet Submission JH03/0145	Government response to the Final Report of the Royal Commission into the Building and Construction Industry	Decision JH03/0145/CAB	27/3/2003	1/4/2003
JH2003/162	Cabinet Submission JH03/0162 First Amended	Capital protected products - Integrity measure	Decision JH03/0162/AH	7/4/2003	10/4/2003
JH2003/168	Cabinet Memorandum JH03/0168	Energy Task Force - Key decisions workplan and timetable	Decisions JH03/0168/E and JH03/0168/CAB/2	4/4/2003	15/4/2003
JH2003/171	Cabinet Submission JH03/0171	Mining Technology Services Action Agenda - Strategic Leaders report to Government	Decision JH03/0171/CAB	11/4/2003	12/5/2003
JH2003/210	Cabinet Submission JH03/0210	Electronics Industry Action Agenda	Decision JH03/0210/CAB	26/5/2003	10/6/2003
JH2003/223	Cabinet Submission JH03/0223	Development of a National Energy Market	Decision JH03/0223/CAB	4/6/2003	10/6/2003
JH2003/228	Cabinet Decisions JH03/0228/CAB and JH03/0228/CAB/2	Australian Magnesium Corporation - Stanwell Magnesium Project	Without Submission	10/6/2003	15/7/2003
JH2003/238	Cabinet Submission JH03/0238	Reference copy of Resolution of 300/600 weld defects and other commercial issues	Decision JH03/0238/NS	25/6/2003	25/6/2003
JH2003/246	Cabinet Memorandum JH03/0246	Innovation Investment Fund Progress Report	Decision JH03/0246/CAB	27/6/2003	15/7/2003
JH2003/255	Cabinet Submission JH03/0255	Government response to recommendations of the HIH Royal Commission Report into the failure of the HIH Insurance Group	Decision JH03/0255/CAB	9/7/2003	15/7/2003
JH2003/262/1	Cabinet Submission JH03/0262	Long term strategy for the Biofuels Sector	Decision JH03/0262/CAB	17/7/2003	22/7/2003
JH2003/262/2	Cabinet Decision JH03/0262/CAB/2	Report on 350 million litre production target for biofuels	Without Submission	16/12/2003	16/12/2003
JH2003/277	Cabinet Submission JH03/0277	Development of a National Energy Market	Decision JH03/0277/CAB	25/7/2003	29/7/2003
JH2003/282	Cabinet Submission JH03/0282	Export Finance and Insurance Corporation (EFIC) - Divestment of Short Term Business and Associated Issues	Decision JH03/0282/CAB	25/7/2003	11/8/2003
JH2003/291	Cabinet Memorandum JH03/0291	Australian Energy Security	Decisions JH03/0291/E and JH03/0291/CAB/2	7/8/2003	18/8/2003
JH2003/317	Cabinet Decision JH03/0317/CAB	Export of Live Animals	Without Submission	11/8/2003	11/8/2003
JH2003/322	Cabinet Decisions JH03/0322/CAB and JH03/0322/CAB/2	Exceptional Circumstances Assistance for Pig Producers	Without Submission	11/8/2003	15/9/2003
JH2003/324	Cabinet Memorandum JH03/0324	Future arrangements for Australian Shipping	Decision JH03/0324/CAB	21/8/2003	26/8/2003
JH2003/325	Cabinet Submission JH03/0325	World Trade Organization (WTO) - Approach to the Fifth Ministerial Conference in Mexico in September 2003	Decision JH03/0325/CAB	21/8/2003	26/8/2003
JH2003/359	Cabinet Decisions JH03/0359/CAB, JH03/0359/CAB/2, JH03/0359/CAB/3, JH03/0359/CAB/4 and JH03/0359/CAB/5	Live Sheep Exports - alleged feed contamination	Without Submission	23/9/2003	11/12/2003
JH2003/401	Cabinet Submission JH03/0401	Renewing the Action Agenda process	Decision JH03/0401/CAB	7/11/2003	24/11/2003
JH2003/417	Cabinet Submission JH03/0417	Future Textile, Clothing and Footwear (TCF) assistance arrangements	Decision JH03/0417/CAB	19/11/2003	24/11/2003
JH2003/425	Cabinet Memorandum JH03/0425	Reference copy of Protection of Timor Sea oil and gas infrastructure	Decision JH03/0425/NSC	27/11/2003	26/11/2003
JH2003/437	Cabinet Memorandum JH03/0437	Small Business and Regulation	Decision JH03/0437/CAB	26/11/2003	1/12/2003
JH2003/7	Cabinet Submission JH03/0007 First Amended	Regional Telecommunications Inquiry - Further Submission	Decisions JH03/0007/CAB, JH03/0007/CAB/2 and JH03/0007/CAB/3	4/6/2003	10/6/2003
JH2003/8	Cabinet Submission JH03/0008	Telecommunications Universal Service Obligation arrangements	Decisions JH03/0008/CAB and JH03/0008/CAB/2	29/1/2003	15/4/2003
JH2003/71	Cabinet Decision JH03/0071/CAB	Cross-Media arrangements	Without Submission	3/3/2003	3/3/2003
JH2003/80	Cabinet Submission JH03/0080	Telecommunication Offences	Decision JH03/0080/CAB	25/3/2003	1/4/2003
JH2003/106	Cabinet Submission JH03/0106	2003-2004 Budget - Communications, Information Technology and the Arts Portfolio Budget Submission	Decisions JH03/0106/ER, JH03/0106/ER/2, JH03/0106/AH/3 and JH03/0106/CAB/4	25/3/2003	15/4/2003
JH2003/185	Cabinet Decisions JH03/0185/CAB and JH03/0185/CAB/2	Possible Amendments to Cross-Media Legislation	Without Submission	10/6/2003	26/6/2003
JH2003/209	Cabinet Submission JH03/0209	Institutional arrangements for Regulation of Telecommunications and Broadcasting	Decision JH03/0209/CAB	23/5/2003	10/6/2003
JH2003/271	Cabinet Submission JH03/0271	Reference copy of Joint Project 2008 Phase 3E - Military Satellite Communications (MILSATCOM) Ground Infrastructure	Decision JH03/0271/NS	29/7/2003	29/7/2003
JH2003/21	Cabinet Memorandum JH03/0021	Reference copy of The Defence Integrated Distribution System (DIDS) Project	Decision JH03/0021/NS	13/2/2003	18/2/2003
JH2003/34	Cabinet Decision JH03/0034/NS	Reference copy of Australia's National Security - A Defence Update	Without Submission	18/2/2003	18/2/2003

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JH2003/85	Cabinet Submission JH03/0085	2003-2004 Budget - Defence Portfolio Budget Submission	Decisions JH03/0085/ER, JH03/0085/ER/2 and JH03/0085/CAB/3	7/3/2003	15/4/2003
JH2003/96	Cabinet Decision JH03/0096/NS	Reference copy of Proposal for a Productivity Commission Review of the Naval Shipbuilding and Repair Sector Strategic Plan	Without Submission	5/3/2003	5/3/2003
JH2003/99	Cabinet Submission JH03/0099	Proposed New Defence Outcome, Output and Program Structure	Decisions JH03/0099/ER and JH03/0099/CAB/2	14/3/2003	15/4/2003
JH2003/108	Cabinet Decision JH03/0108/ER	Defence Capability Plan	Without Submission	19/3/2003	19/3/2003
JH2003/117	Cabinet Submission JH03/0117	Reference copy of Bougainville - withdrawal of Australia's participation in the Peace Monitoring Group	Decision JH03/0117/NS	21/3/2003	25/3/2003
JH2003/124	Cabinet Decision JH03/0124/CAB	Iraq authority for Australian Defence Force Military action	Without Submission	18/3/2003	18/3/2003
JH2003/148	Cabinet Memorandum JH03/0148	Incentive arrangements for Defence property sales	Decisions JH03/0148/ER and JH03/0148/ER/2	28/3/2003	10/4/2003
JH2003/150	Cabinet Memorandum JH03/0150	Reforms to Defence's Budgeting and Business Processes	Decisions JH03/0150/ER and JH03/0150/CAB/2	31/3/2003	15/4/2003
JH2003/156	Cabinet Decision JH03/0156/ER	Scoping Study into the Possible Sale of Defence Housing Authority Assets	Without Submission	1/4/2003	1/4/2003
JH2003/157	Cabinet Decision JH03/0157/CAB	Iraq - military operations	Without Submission	1/4/2003	1/4/2003
JH2003/252	Cabinet Decision JH03/0252/NS	Reference copy of Replacement Patrol Boats	Without Submission	25/6/2003	25/6/2003
JH2003/265	Cabinet Submission JH03/0265	Reference copy of Project Air 5333 (Vigilare) replacement of Air Defence systems	Decision JH03/0265/NS	29/7/2003	29/7/2003
JH2003/272	Cabinet Submission JH03/0272	Reference copy of The Defence Integrated Distribution System (DIDS) Corrigendum	Decision JH03/0272/NS	29/7/2003	29/7/2003
JH2003/302	Cabinet Submission JH03/0302	Reference copy of Defence Science and Technology Organisation (DSTO) Rationalisation Project	Decision JH03/0302/NS	21/8/2003	21/8/2003
JH2003/316	Cabinet Decisions JH03/0316/CAB, JH03/0316/CAB/2 and JH03/0316/CAB/3	Aviation Security and Assessment of the Adequacy and Appropriateness of Australia's Aviation Security Policy Settings	Without Submission	11/8/2003	11/2/2003
JH2003/319	Cabinet Submission JH03/0319	Reference copy of Update on critical issues associated with the Collins Class submarines and the Australian Submarine Corporation	Decision JH03/0319/NS	21/8/2003	21/8/2003
JH2003/320	Cabinet Submission JH03/0320	Reference copy of Report into the Review of Defence Procurement	Decision JH03/0320/NS	17/9/2003	17/9/2003
JH2003/327	Cabinet Decision JH03/0327/CAB	Replacement Patrol Boat Project	Without Submission	26/8/2003	26/8/2003
JH2003/366	Cabinet Submission JH03/0366	Reference copy of Establishment of a Strategic Agreement for the Through Life Support of Collins Class Submarines	Decision JH03/0366/NS	15/10/2003	15/10/2003
JH2003/448	Cabinet Submission JH03/0448	Government response to the recommendations of the Review of Australian Defence Force Remuneration 2001	Decision JH03/0448/CAB	25/2/2004	1/3/2004
JH2003/29	Cabinet Submission JH03/0029	Higher Education Reforms	Decision JH03/0029/CAB	13/2/2003	18/2/2003
JH2003/61	Cabinet Decision JH03/0061/CAB	Strategic Presentation - Education	Without Submission	24/2/2003	24/2/2003
JH2003/107	Cabinet Submission JH03/0107	2003-2004 Budget - Education, Science and Training Portfolio Budget Submission	Decisions JH03/0107/ER, JH03/0107/ER/2, JH03/0107/ER/3 and JH03/0107/CAB/4	20/3/2003	15/4/2003
JH2003/109	Cabinet Submission JH03/0109 First Amended	Commonwealth support for Vocational Education and Training	Decisions JH03/0109/ER, JH03/0109/ER/2 and JH03/0109/CAB/3	20/3/2003	15/4/2003
JH2003/120/1	Cabinet Submission JH03/0120	Higher Education Reforms	Decisions JH03/0120/ER, JH03/0120/ER/2, JH03/0120/ER/3, JH03/0120/ER/4 and JH03/0120/CAB/5	22/3/2003	15/4/2003
JH2003/120/2	Cabinet Decisions JH03/0120/M/6 and JH03/0120/CAB/7	Higher Education Reforms	Without Submission	27/11/2003	4/12/2003
JH2003/163	Cabinet Submission JH03/0163	Tax deductibility of course fees incurred under Commonwealth Student Loan Schemes	Decision JH03/0163/AH	7/4/2003	10/4/2003
JH2003/166	Cabinet Decision JH03/0166/AH	Goods and Services Tax treatment of Languages other than English (LOTE) Courses	Without Submission	10/4/2003	10/4/2003
JH2003/278	Cabinet Memorandum JH03/0278	Issues for Non-Government Schools Funding - 2005 to 2008	Decision JH03/0278/CAB	24/7/2003	29/7/2003
JH2003/357	Cabinet Submission JH03/0357	Australian Government Specific Purpose Payment (SPP) for Schools for the 2005-2008 Quadrennium	Decision JH03/0357/CAB	25/9/2003	30/9/2003
JH2003/395	Cabinet Submission JH03/0395	Commonwealth Support for Vocational Education and Training	Decisions JH03/0395/CAB and JH03/0395/CAB/2	29/10/2003	1/12/2003
JH2003/422	Cabinet Submission JH03/0422	The National Consumer and Financial Literacy Strategy	Decision JH03/0422/CAB	9/12/2003	15/12/2003
JH2003/111	Cabinet Submission JH03/0011	Commonwealth's position in the 2003 review of award wages	Decision JH03/0011/CAB	29/1/2003	3/2/2003
JH2003/58	Cabinet Decision JH03/0058/CAB	Strategic Presentation - Work and Family	Without Submission	24/2/2003	24/2/2003
JH2003/78	Cabinet Submission JH03/0078 First Amended	2003-2004 Budget - Employment and Workplace Relations Portfolio Budget Submission	Decisions JH03/0078/ER, JH03/0078/ER/2, JH03/0078/ER/3 and JH03/0078/CAB/4	20/3/2003	15/4/2003
JH2003/410	Cabinet Submission JH03/0410	Restaurant and Catering Industry Action Agenda	Decision JH03/0410/CAB	7/11/2003	24/11/2003
JH2003/481	Cabinet Decision JH03/0481/CAB	Review of pricing arrangements in Residential Aged Care	Without Submission	15/12/2003	15/12/2003
JH2003/39	Cabinet Memorandum JH03/0039	Development of a Forward Strategy on Climate Change - Progress Report	Decisions JH03/0039/SE and JH03/0039/CAB/2	26/2/2003	19/3/2003
JH2003/50/1	Cabinet Submission JH03/0050	Queensland land clearing - Commonwealth negotiating position	Decisions JH03/0050/SE and JH03/0050/CAB/2	27/2/2003	19/3/2003
JH2003/50/2	Cabinet Decisions JH03/0050/SE/3 and JH03/0050/CAB/4	Queensland land clearing - proposals	Without Submission	14/5/2003	10/6/2003
JH2003/59	Cabinet Decision JH03/0059/CAB	Strategic Presentation - Sustainable Environment	Without Submission	24/2/2003	24/2/2003
JH2003/70	Cabinet Memorandum JH03/0070	Sustainable Environment Committee of Cabinet - indicative business for 2003	Decisions JH03/0070/SE and JH03/0070/CAB/2	27/2/2003	19/3/2003
JH2003/72	Cabinet Decisions JH03/0072/SE and JH03/0072/CAB/2	Presentation - The Living Murray	Without Submission	4/3/2003	19/3/2003
JH2003/159	Cabinet Submission JH03/0159	Energy Grants (Credits) Scheme - environmental component	Decisions JH03/0159/E and JH03/0159/AH/2	7/4/2003	10/4/2003
JH2003/195	Cabinet Submission JH03/0195	Strategy for Managing Australia's Response to Climate Change Issues over the Short and Long Term	Decisions JH03/0195/SE and JH03/0195/CAB/2	8/5/2003	10/6/2003
JH2003/196	Cabinet Submission JH03/0196	National Biodiversity Conservation Priorities	Decisions JH03/0196/SE, JH03/0196/CAB/2, JH03/0196/SE/3 and JH03/0196/CAB/4	8/5/2003	29/7/2003
JH2003/199	Cabinet Memorandum JH03/0199	National Water Initiatives	Decisions JH03/0199/SE and JH03/0199/CAB/2	9/5/2003	10/6/2003
JH2003/201	Cabinet Memorandum JH03/0201	The Living Murray Initiative	Decisions JH03/0201/SE and JH03/0201/CAB/2	9/5/2003	10/6/2003
JH2003/233	Cabinet Memorandum JH03/0233 First Amended	Options for the national low level radioactive waste repository	Decision JH03/0233/CAB	13/6/2003	16/6/2003
JH2003/248	Cabinet Memorandum JH03/0248	Short and Medium Term issues facing the Biofuels Sector	Decisions JH03/0248/CAB, JH03/0248/CAB/2 and JH03/0248/CAB/3	19/6/2003	15/9/2003
JH2003/249	Cabinet Decision JH03/0248/M	Queensland land clearing	Without Submission	26/6/2003	26/6/2003
JH2003/258	Cabinet Submission JH03/0258	Climate Change Forward Strategy - preferred strategic approach to emissions management	Decisions JH03/0258/SE, JH03/0258/CAB/2, JH03/0258/SE/3 and JH03/0258/CAB/4	17/7/2003	8/9/2003
JH2003/260	Cabinet Memorandum JH03/0260	Progress with a National Water Initiative	Decisions JH03/0260/SE and JH03/0260/CAB/2	17/7/2003	29/7/2003
JH2003/289	Cabinet Submission JH03/0289	Ratification of the Stockholm Convention on Persistent Organic Pollutants (POPS)	Decision JH03/0289/CAB	4/8/2003	18/8/2003
JH2003/290	Cabinet Submission JH03/0290	Ratification of the Rotterdam Convention on the Prior Informed Consent (PIC) Procedure	Decision JH03/0290/CAB	4/8/2003	18/8/2003
JH2003/394	Cabinet Submission JH03/0394	The Living Murray Initiative	Decision JH03/0394/CAB	30/10/2003	11/11/2003
JH2003/396	Cabinet Submission JH03/0396	Great Barrier Reef Marine Park - Representative Areas Programme	Decision JH03/0396/CAB	30/10/2003	11/11/2003
JH2003/397	Cabinet Memorandum JH03/0397	Progress with the National Water Initiative and Funding to Address Water Overallocation in the Murray-Darling Basin	Decision JH03/0397/CAB	30/10/2003	11/11/2003

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JH2003/398	Cabinet Memorandum JH03/0398	Queensland Land Clearing Proposal	Decisions JH03/0398/CAB, JH03/0398/CAB/2, JH03/0398/SE/3 and JH03/0398/CAB/4	31/10/2003	8/3/2004		
JH2003/399	Cabinet Submission JH03/0399	Downstream Petroleum Reform Package	No Decision	3/11/2003	3/11/2003	QLD	
JH2003/415	Cabinet Submission JH03/0415	Delineation of the Outer Limit of Australia's Extended Continental Shelf	Decision JH03/0415/CAB	17/11/2003	1/12/2003		
JH2003/419	Cabinet Submission JH03/0419	Protection of Australia's Southern Ocean Waters and Resources - A Review of the Options	Decision JH03/0419/CAB	20/11/2003	10/12/2003		
JH2003/436	Cabinet Submission JH03/436	Climate Change Forward Strategy - Policy Framework	Decisions JH03/0436/SE and JH03/0436/CAB/2	27/11/2003	8/3/2004		
JH2003/454	Cabinet Submission JH03/0454	Marine Protected Areas and Displaced Fishing	No Decision	10/12/2003	10/12/2003		
JH2003/3	Cabinet Decision JH03/0003/NS	Reference copy of Consular Travel Advisory Campaign	Without Submission	10/1/2003	10/1/2003		
JH2003/10	Cabinet Submission JH03/0010	Singapore-Australia Free Trade Agreement	Decision JH03/0010/CAB	21/1/2003	3/2/2003		
JH2003/12	Cabinet Submission JH03/0012	Foreign and Trade Policy White Paper	Decision JH03/0012/CAB	29/1/2003	3/2/2003		
JH2003/19	Cabinet Decision JH03/0019/CAB	Bali Tragedy - memorial options	Without Submission	3/2/2003	3/2/2003		
JH2003/51	Cabinet Submission JH03/0051	Australia-United States Free Trade Agreement	Decision JH03/0051/CAB	26/2/2003	3/3/2003		
JH2003/69	Cabinet Submission JH03/0069	Australia-Japan Trade and Economic Consultations	Decision JH03/0069/CAB	3/3/2003	19/3/2003		
JH2003/76	Cabinet Decision JH03/0076/CAB	International Unitisation Agreement for the Sunrise and Troubadour Petroleum Fields and Implementation of the Timor Sea Treaty	Without Submission	3/3/2003	3/3/2003		
JH2003/90	Cabinet Submission JH03/0090 First Amended	2003-2004 Budget - Foreign Affairs and Trade Portfolio Budget Submission	Decisions JH03/0090/ER, JH03/0090/ER/2, JH03/0090/ER/3 AND JH03/0090/CAB/4	10/3/2003	15/4/2003		
JH2003/93/1	Cabinet Submission JH03/0093	Australia-Thailand Free Trade Agreement	Decision JH03/0093/CAB	10/3/2003	24/3/2003		
JH2003/93/2	Cabinet Decision JH03/0093/CAB/2	Australia-Thailand Free Trade Agreement	Without Submission	26/8/2003	26/8/2003		
JH2003/101	Cabinet Submission JH03/0101	World Trade Organization (WTO) - Doha Negotiations - Australia's Approach	Decision JH03/0101/CAB	13/3/2003	19/3/2003		
JH2003/137	Cabinet Memorandum JH03/0137	2003-2004 Budget - Report on Foreign Exchange Gains, Losses and Risk Management	Decisions JH03/0137/ER and JH03/0137/CAB/2	26/3/2003	15/4/2003		
JH2003/169	Cabinet Memorandum JH03/0169	International Energy Agency (IEA) emergency oil measures and Australia's obligations	Decision JH03/0169/CAB	9/4/2003	12/5/2003		
JH2003/202	Cabinet Submission JH03/0202	Reference copy of Bougainville - successor to the Peace Monitoring Group	Decision JH03/0202/NS	26/5/2003	28/5/2003		
JH2003/204	Cabinet Submission JH03/0204 First Amended	Reference copy of Papua New Guinea - release of further financial assistance to the PNGDF (PNG Defence Force) Reform Program	Decision JH03/0204/NS	26/5/2003	28/5/2003		
JH2003/218	Cabinet Submission JH03/0218	Export Finance and Insurance Corporation (EFIC) - National Interest Account (NIA) - support for purchase of patrol vessels by Sri Lanka	Decision JH03/0218/CAB	2/6/2003	16/6/2003		
JH2003/222	Cabinet Memorandum JH03/0222	Trade implications of Australia's Quarantine Regime	Decision JH03/0222/CAB	4/6/2003	10/6/2003		
JH2003/231	Cabinet Decision JH03/0231/CAB	Australia's participation in the 2005 World Exposition in Aichi, Japan	Without Submission	23/6/2003	23/6/2003		
JH2003/247	Cabinet Submission JH03/0247	Australia-United States Free Trade Agreement (AUSTFA) - Market Access	Decisions JH03/0247/CAB and JH03/0247/CAB/2	20/6/2003	28/8/2003		
JH2003/256	Cabinet Memorandum JH03/0256	Lessons learned from the response to the Bali bombings	Decision JH03/0256/CAB	16/7/2003	22/7/2003		
JH2003/263	Cabinet Decision JH03/0263/CAB	Australia-China free trade agreement scoping study	Without Submission	22/7/2003	22/7/2003		
JH2003/280	Cabinet Decision JH03/280/CAB	Solomon Islands - Regional Assistance Mission	Without Submission	22/7/2003	22/7/2003		
JH2003/283	Cabinet Decision JH03/0283/CAB	Australia-United States Free Trade Agreement - Import Risk Analysis for Pigmeat	Without Submission	11/8/2003	11/8/2003		
JH2003/285	Cabinet Decision JH03/0285/CAB	Australia-United States of America Free Trade Agreement Negotiations	Without Submission	11/8/2003	11/8/2003		
JH2003/288	Cabinet Decision JH03/0288/NS	Reference copy of David Hicks - update on discussions in Washington	Without Submission	29/7/2003	29/7/2003		
JH2003/375	Cabinet Submission JH03/0375	Australia-United States Free Trade Agreement (AUSFTA) - Mandate Review	Decision JH03/0375/CAB	3/10/2003	9/10/2003		
JH2003/376	Cabinet Submission JH03/0376	Australia-Thailand Free Trade Agreement	Decision JH03/0376/CAB	3/10/2003	9/10/2003		
JH2003/377	Cabinet Submission JH03/0377	China - Trade and Economic Framework (TEF)	Decision JH03/0377/CAB	3/10/2003	9/10/2003		
JH2003/381	Cabinet Submission JH03/0381	Export Finance and Insurance Corporation (EFIC) - National Interest Account (NIA) Facility for Australian Exports to Iraq	Decision JH03/0381/CAB	16/10/2003	22/10/2003		
JH2003/387	Cabinet Submission JH03/0387	Reference copy of Bougainville - Future Australian engagement	Decision JH03/0387/NS	30/10/2003	30/10/2003		
JH2003/388	Cabinet Decision JH03/0388/NS	Reference copy of Papua New Guinea (PNG) - update	Without Submission	30/10/2003	30/10/2003		
JH2003/391	Cabinet Decision JH03/0391/NS	Reference copy of Visit to Canberra by the President of the United States George W. Bush - Aviation security arrangements	Without Submission	15/10/2003	15/10/2003		
JH2003/445	Cabinet Decisions JH03/0445/CAB, JH03/0445/CAB/2 and JH03/0445/CAB/3	Australia-United States of America Free Trade Agreement - update	Without Submission	1/12/2003	9/2/2004		
JH2003/30	Cabinet Submission JH03/0030	Options to contain Future Private Health Insurance Premium increases - final response	Decision JH03/0030/CAB	12/2/2003	18/2/2003		
JH2003/33	Cabinet Decision JH03/0033/CAB	Information for Commonwealth-State Meetings on Funding for Australian Health Care Agreements	Without Submission	18/2/2003	18/2/2003		
JH2003/35	Cabinet Submission JH03/0035 First Amended	Parental access to Medicare information of children 12 years and over	Decision JH03/0035/CAB	4/3/2003	19/3/2003		
JH2003/36	Cabinet Submission JH03/0036	Affordability of Medical Services under the Medicare Benefits Schedule - A New Policy Approach	Decisions JH03/0036/CAB, JH03/0036/CAB/2 and JH03/0036/CAB/3	26/2/2003	15/4/2003		
JH2003/47	Cabinet Submission JH03/0047	Medical Specialists and Local Medical Officer fees for health services for veterans	Decision JH03/0047/CAB	26/2/2003	7/3/2003		
JH2003/91	Cabinet Submission JH03/0091 First Amended	2003-2004 Budget - Health and Ageing Portfolio Budget Submission	Decisions JH03/0091/ER Amended, JH03/0091/ER/2, JH03/0091/ER/3 and JH03/0091/CAB/4	11/3/2003	15/4/2003		
JH2003/98	Cabinet Submission JH03/0098	Pharmaceuticals Industry Research and Development Program	Decisions JH03/0098/ER and JH03/0098/CAB/2	12/3/2003	15/4/2003		
JH2003/144	Cabinet Submission JH03/0144	Finalisation of Government's position on 2003-2008 Australian Health Care Agreements	Decisions JH03/0144/CAB, JH03/0144/CAB/2 and JH03/0144/CAB/3	27/3/2003	18/8/2003		
JH2003/151	Cabinet Submission JH03/0151	Financial needs of the Health Insurance Commission for 2003-2004 and beyond	Decisions JH03/0151/ER and JH03/0151/CAB/2	31/3/2003	15/4/2003		
JH2003/158	Cabinet Decision JH03/0158/CAB	Severe Acute Respiratory Syndrome	Without Submission	1/4/2003	1/4/2003		
JH2003/165	Cabinet Decision JH03/0165/AH	Medical Expenses Offset - dogs for the guidance or assistance of the hearing impaired and other disabled individuals	Without Submission	10/4/2003	10/4/2003		
JH2003/167	Cabinet Decision JH03/0167/AH	Medicare Levy low income thresholds	Without Submission	10/4/2003	10/4/2003		
JH2003/179	Cabinet Decision JH03/0179/ER	Construction of the Forward Estimates - Pharmaceutical Benefits Scheme (PBS) Concessional Safety Net Options	Without Submission	10/4/2003	10/4/2003		
JH2003/219	Cabinet Submission JH03/0219	Future arrangements for the supply of plasma products in Australia	Decisions JH03/0219/CAB and JH03/0219/CAB/2	3/6/2003	11/8/2003		
JH2003/220	Cabinet Submission JH03/0220	Pharmaceutical Benefits Scheme - possible listing of Enbrel and extension to listing of Mabthera	Decisions JH03/0220/CAB and JH03/0220/CAB/2	3/6/2003	23/6/2003		
JH2003/227	Cabinet Submission JH03/0227	Recommendations arising from the Medibank Private Limited scoping study	Decision JH03/0227/CAB	10/6/2003	16/6/2003		
JH2003/281	Cabinet Submission JH03/0281	The Public Health Outcome Funding Agreements (PHOFAs)	Decision JH03/0281/CAB	28/7/2003	11/8/2003		
JH2003/313	Cabinet Decision JH03/0313/CAB	Review of Carer Allowance	Without Submission	11/8/2003	11/8/2003		
JH2003/343	Cabinet Submission JH03/0343	Framework Convention on Tobacco Control and Future Agenda	Decision JH03/0343/CAB	8/9/2003	23/9/2003		
JH2003/344	Cabinet Submission JH03/0344	Implementation of a Mandatory National Water Efficiency Labelling and Standards Scheme	Decision JH03/0344/CAB	24/9/2003	30/9/2003		
JH2003/345	Cabinet Submission JH03/0345	Government response to the 2002 Reviews of the National HIV/AIDS and Hepatitis C Strategies and Strategic Research	Decision JH03/0345/CAB	10/9/2003	15/9/2003		
JH2003/378	Cabinet Decision JH03/0378/CAB	Manufacture of Generic Pharmaceuticals	Without Submission	9/10/2003	9/10/2003		
JH2003/382	Cabinet Submission JH03/0382	Pharmaceutical Benefits Scheme - Proposal for listing and extension to listing of six drugs on the PBS	Decision JH03/0382/CAB	17/10/2003	22/10/2003		



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JH2003/384	Cabinet Decisions JH03/0384/CAB and JH03/0384/CAB/2	Medical Indemnity Policy Review	Without Submission	3/11/2003	16/12/2003		
JH2003/411	Cabinet Decision JH03/0411/M	A Fairer Medicare	Without Submission	5/11/2003	5/11/2003		
JH2003/416	Cabinet Submission JH03/0416	Regulating Therapeutic Products in Australia and New Zealand	Decision JH03/0416/CAB	18/11/2003	1/12/2003		
JH2003/32	Cabinet Decisions JH03/0032/CAB, JH03/0032/CAB/2 and JH03/0032/CAB/2	Drought update	Without Submission	18/2/2003	26/8/2003		
JH2003/68	Cabinet Decision JH03/0068/CAB	National inquiry into bushfire prevention and mitigation	Decision JH03/0068/CAB	3/3/2003	3/3/2003		
JH2003/103	Cabinet Submission JH03/0103	2003-2004 Humanitarian Program	Decision JH03/0103/CAB	14/3/2003	24/3/2003		
JH2003/314	Cabinet Decision JH03/0314/CAB	Financial assistance to Bali bombing victims	Without Submission	11/8/2003	11/8/2003		
JH2003/31	Cabinet Submission JH03/0031	Christmas Island Permanent Immigration Reception and Processing Centre (IRPC) - Supplementary Submission	Decision JH03/0031/CAB	13/2/2003	18/2/2003		
JH2003/84	Cabinet Submission JH03/0084	2003-2004 Budget - Immigration and Multicultural and Indigenous Affairs Portfolio Budget Submission	Decisions JH03/0084/ER, JH03/0084/ER/2, JH03/0084/ER/3 and JH03/0084/ER/4	10/3/2003	15/4/2003		
JH2003/104	Cabinet Submission JH03/0104	2003-2004 Migration (Non Humanitarian) Program	Decision JH03/0104/CAB	19/3/2003	24/3/2003		
JH2003/180	Cabinet Decision JH03/0180/CAB	East Timorese Asylum Seekers	Without Submission	15/4/2003	15/4/2003		
JH2003/187	Cabinet Submission JH03/0187	Review of Settlement Services for Migrants and Humanitarian Entrants	Decision JH03/0187/CAB	23/4/2003	12/5/2003		
JH2003/224	Cabinet Submission JH03/0224	Offshore Processing Centres - arrangements with Nauru and Papua New Guinea (PNG)	Decision JH03/0224/CAB	11/6/2003	16/6/2003		
JH2003/236	Cabinet Submission JH03/0236	Reference copy of Implications of the post-conflict situation in Iraq for Australia's migration and refugee programmes	Decision JH03/0236/NS	25/6/2003	25/6/2003		
JH2003/333	Cabinet Submission JH03/0333	Social Security agreement between Australia and Greece - Further Submission	Decisions JH03/0333/CAB, JH03/0333/CAB/2 and JH03/0333/CAB/3	3/9/2003	20/7/2004		
JH2003/409	Cabinet Decision JH03/0409/CAB	Immigration status of the Sammaki family	Without Submission	3/11/2003	3/11/2003		
JH2003/418	Cabinet Submission JH03/0418	Government response to the Review of Settlement Services	Decisions JH03/0418/ER and JH03/0418/CAB/2	21/11/2003	10/12/2003		
JH2003/475	Cabinet Submission JH03/0475	Policy Response to Australia's Changing Demographics	Decisions JH03/0475/CAB and JH03/0475/CAB/2	10/12/2003	9/2/2004		
JH2003/6	Cabinet Submission JH03/0006	National Strategic Framework for Aboriginal and Torres Strait Islander Health	Decision JH03/0006/CAB	17/1/2003	3/2/2003		
JH2003/181	Cabinet Decision JH03/0181/CAB	Proposed Restructure of the Aboriginal and Torres Strait Islander Commission	Without Submission	15/4/2003	15/4/2003		
JH2003/212	Cabinet Submission JH03/0212	Draft Declaration on the Rights of Indigenous Peoples	Decision JH03/0212/CAB	30/5/2003	10/6/2003		
JH2003/286	Cabinet Submission JH03/0286 First Amended	Reform of the Aboriginals Councils and Associations Act	Decision JH03/0286/CAB	28/10/2003	11/11/2003		
JH2003/358	Cabinet Submission JH03/0358	Specific Purpose Payments (SPPs) for Indigenous Education for the 2005-2008 Quadrennium	Decision JH03/0358/CAB	25/9/2003	30/9/2003		
JH2003/9	Cabinet Submission JH03/0009	Legislative Instruments Bill 2003	Decisions JH03/0009/CAB and JH03/0009/CAB/2	20/1/2003	19/3/2003		
JH2003/40	Cabinet Submission JH03/0040	Government response to the Report of the Family Law Pathways Advisory Group - Out of the Maze	Decisions JH03/0040/CAB, JH03/0040/ER/2 and JH03/0040/CAB/3	26/2/2003	15/4/2003		
JH2003/100	Cabinet Submission JH03/0100	National Illicit Drug Strategy - 'Tough on Drugs' - Next Phase	Decisions JH03/0100/ER, JH03/0100/ER/2, JH03/0100/ER/3 and JH03/0100/CAB/4	13/9/2003	15/4/2003		
JH2003/111	Cabinet Submission JH03/0111	Reference copy of Protection of classified information in criminal proceedings	Decision JH03/0111/NS	20/3/2003	25/3/2003		
JH2003/193	Cabinet Submission JH03/0193	Federal Common Rule Awards in Victoria	Decision JH03/0193/CAB	7/5/2003	12/5/2003	VIC	
JH2003/194	Cabinet Submission JH03/0194	Ad Hoc Committee Meeting on a Convention on Protection and Promotion of the Rights and Dignity of Persons with Disabilities	Decision JH03/0194/CAB	7/5/2003	12/5/2003		
JH2003/208	Cabinet Submission JH03/0208	Identity fraud	Decision JH03/0208/CAB	2/6/2003	16/6/2003		
JH2003/234	Cabinet Submission JH03/0234	Indemnity Insurance	Decision JH03/0234/CAB	18/6/2003	23/6/2003		
JH2003/243	Cabinet Decision JH03/0243/CAB	Request for legal assistance - Attorney-General and the Minister for Immigration and Multicultural and Indigenous Affairs	Without Submission	23/6/2003	23/6/2003		
JH2003/311	Cabinet Decision JH03/0311/NS	Reference copy of Pacific Regional Policing Initiative (PRPI) proposal	Without Submission	21/8/2003	21/8/2003		
JH2003/318	Cabinet Submission JH03/0318	Combating trafficking in persons - Whole of Government Strategy	Decision JH03/0318/CAB	21/8/2003	26/8/2003		
JH2003/352	Cabinet Decisions JH03/0352/CAB and JH03/0352/CAB/2	Terrorism-related offences - Australia's extradition arrangements	Without Submission	15/9/2003	22/3/2004		
JH2003/355	Cabinet Decision JH03/0355/CAB	Bali memorial service - security aspects	Without Submission	23/9/2003	23/9/2003		
JH2003/360	Cabinet Submission JH03/0360 First Amended	Reference copy of Establishment of a National Threat Assessment Centre	Decision JH03/0360/NS	15/10/2003	15/10/2003		
JH2003/412	Cabinet Submission JH03/0412	Reforms to Australia's Anti Money Laundering System	Decision JH03/0412/CAB	10/11/2003	1/12/2003		
JH2003/434	Cabinet Submission JH03/0434	Changes to Bankruptcy and Superannuation Laws to Limit the Transfer of a Bankrupt's assets to Superannuation Funds	Decision JH03/0434/CAB	25/11/2003	10/12/2003		
JH2003/435	Cabinet Submission JH03/0435	Amendments to the Bankruptcy Act 1966	Decision JH03/0435/CAB	25/11/2003	10/12/2003		
JH2003/447	Cabinet Submission JH03/0447	Enactment of Model Surveillance Device Laws	Decision JH03/0447/CAB	3/12/2003	10/12/2003		
JH2003/13	Cabinet Memorandum JH03/0013	Draft Parliamentary Programme for week 1 (4 to 6 February 2003) and variations to the 2003 Autumn Legislation Programme	Decision JH03/0013/PB	31/1/2003	3/2/2003		
JH2003/17	Cabinet Decision JH03/0017/CAB	House of Representatives Committees - admission of visitors	Without Submission	3/2/2003	3/2/2003		
JH2003/27	Cabinet Decision JH03/0027/MIN	Parliamentary Sitting hours	Without Submission	3/2/2003	3/2/2003		
JH2003/28	Cabinet Memorandum JH03/0028	Draft Parliamentary Programme for week 2 (10 to 13 February 2003) and variations to the 2003 Autumn Legislation Programme	Decision JH03/0028/PB	7/2/2003	10/2/2003		
JH2003/67	Cabinet Memorandum JH03/0067	Draft Parliamentary Programme for week 3 (3 to 6 March 2003) and variations to the 2003 Autumn Legislation Programme	Decision JH03/0067/PB	28/2/2003	3/3/2003		
JH2003/73	Cabinet Decision JH03/0073/CAB	Strategic Forward Agenda - General issues arising from the Cabinet Strategic Meeting of 24-25 February 2003	Without Submission	24/2/2003	24/2/2003		
JH2003/105	Cabinet Memorandum JH03/0105	Draft Parliamentary Programme for week 4 (18 to 20 March 2003)	Decision JH03/0105/PB	14/3/2003	18/3/2003		
JH2003/126	Cabinet Memorandum JH03/0126	Draft Parliamentary Programme for week 5 (24 to 27 March 2003) and a variation to the 2003 Autumn Legislation Programme	Decision JH03/0126/PB	21/3/2003	24/3/2003		
JH2003/127	Cabinet Memorandum JH03/0127	Legislation Programme for the 2003 Winter Sitings	Decision JH03/0127/PB	21/3/2003	24/3/2003		
JH2003/153	Cabinet Decisions JH03/0153/ER and JH03/0153/CAB/2	2003-2004 Budget - Department of The Prime Minister and Cabinet - Minor New Policy Proposal	Without Submission	2/4/2003	15/4/2003		
JH2003/174	Cabinet Submission JH03/0174	Government response to the Report on the Review of the Competition Provisions of the Trade Practices Act	Decision JH03/0174/CAB	10/4/2003	15/4/2003		
JH2003/183	Cabinet Decision JH03/0183/CAB	HIH Royal Commission	Without Submission	15/4/2003	15/4/2003		
JH2003/186	Cabinet Decision JH03/0186/MIN	Governor-General - Provision in Letters Patent for Standing Aside	Without Submission	12/5/2003	12/5/2003		
JH2003/200	Cabinet Memorandum JH03/0200	Draft Parliamentary Programme for week 1 (13 to 15 May 2003) and variations to the 2003 Winter Legislation Programme	Decision JH03/0200/PB	9/5/2003	12/5/2003		
JH2003/211	Cabinet Memorandum JH03/0211	Draft Parliamentary Programme for week 2 (26 to 29 May 2003) and variations to the 2003 Winter Legislation Programme	Decision JH03/0211/PB	23/5/2003	26/5/2003		
JH2003/213	Cabinet Memorandum JH03/0213	Draft Parliamentary Programme for week 3 (2 to 5 June 2003) and variations to the 2003 Winter Legislation Programme	Decision JH03/0213/PB	30/5/2003	2/6/2003		
JH2003/229	Cabinet Memorandum JH03/0229	Draft Parliamentary Programme for week 4 (16 to 19 June) and a variation to the 2003 Winter Legislation Programme	Decision JH03/0229/PB	13/6/2003	16/6/2003		
JH2003/244	Cabinet Memorandum JH03/0244	Draft Parliamentary Programme for week 5 (23 to 26 June 2003) and a variation to the 2003 Winter Legislation Programme	Decision JH03/0244/PB	20/6/2003	23/6/2003		
JH2003/245	Cabinet Submission JH03/0245	Legislation Programme for the 2003 Spring Sitings	Decision JH03/0245/PB	20/6/2003	23/6/2003		
JH2003/257	Cabinet Submission JH03/0257	Royal Commission into the Building and Construction Industry - Legislation and related matters	Decision JH03/0257/CAB	17/7/2003	22/7/2003		
JH2003/259	Cabinet Submission JH03/0259	Royal Commission into the Building and Construction Industry - Changes to the National Building Code	Decision JH03/0259/CAB	21/7/2003	22/7/2003		
JH2003/261	Cabinet Submission JH03/0261	Royal Commission into the Building and Construction Industry - response to Treasury Portfolio related recommendations	Decision JH03/0261/CAB	17/7/2003	22/7/2003		
JH2003/299	Cabinet Memorandum JH03/0299	Draft Parliamentary Programme for week 1 (11 to 14 August 2003) and variations to the 2003 Spring Legislation Programme	Decision JH03/0299/PB	8/8/2003	11/8/2003		

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JH2003/323	Cabinet Memorandum JH03/0323	Draft Parliamentary Programme for week 2 (18 to 21 August 2003) and variations to the 2003 Spring Legislation Programme	Decision JH03/0323/PB	5/8/2003	18/8/2003
JH2003/328	Cabinet Decision JH03/0328/CAB	Government responses to the Reports of the Joint Standing Committee on Electoral Matters	Without Submission	9/9/2003	8/9/2003
JH2003/335	Cabinet Memorandum JH03/0335	Draft Parliamentary Programme for week 3 (8 to 11 September 2003) and variations to the 2003 Spring Legislation Programme	Decision JH03/0335/PB	9/9/2003	8/9/2003
JH2003/348	Cabinet Memorandum JH03/0348	Draft Parliamentary Programme for week 4 (15 to 18 September 2003) and variations to the 2003 Spring Legislation Programme	Decision JH03/0348/PB	2/9/2003	15/9/2003
JH2003/374	Cabinet Memorandum JH03/0374	Draft Parliamentary Programme for week 5 (7 to 9 October 2003) and variations to the 2003 Spring Legislation Programme	Decision JH03/0374/PB	1/10/2003	7/10/2003
JH2003/379	Cabinet Memorandum JH03/0379	Draft Parliamentary Programme for week 6 (13 to 16 October 2003) and variations to the 2003 Spring Legislation Programme	Decision JH03/0379/PB	0/10/2003	13/10/2003
JH2003/402	Cabinet Memorandum JH03/0402	Draft Parliamentary Programme for week 8 (3 to 6 November 2003) and variations to the 2003 Spring Legislation Programme	Decision JH03/0402/PB	1/10/2003	3/11/2003
JH2003/426	Cabinet Memorandum JH03/0426	Draft Parliamentary Programme for week 9 (24 to 27 November 2003) and variations to the 2003 Spring Legislation Programme	Decision JH03/0426/PB	1/11/2003	24/11/2003
JH2003/439	Cabinet Submission JH03/0439 First Amended	Additional Estimates - Appropriation Bills (Nos 3 and 4) and Appropriation (Parliamentary Departments) Bill (No 2) 2003-2004	Decision JH03/0439/CAB	2/2/2004	9/2/2004
JH2003/440	Cabinet Memorandum JH03/0440	Draft Parliamentary Programme for week 10 (1 to 4 December 2003)	Decision JH03/0440/PB	1/12/2003	1/12/2003
JH2003/441	Cabinet Memorandum JH03/0441	Legislation Programme for the 2004 Autumn Sitings	Decision JH03/0441/PB	8/11/2003	1/12/2003
JH2003/62	Cabinet Decision JH03/0062/CAB	Strategic Presentation - Energy Policy	Without Submission	4/2/2003	24/2/2003
JH2003/63	Cabinet Decision JH03/0063/CAB	Strategic Presentation - Science and Innovation	Without Submission	4/2/2003	24/2/2003
JH2003/172	Cabinet Memorandum JH03/0172	Handling Strategy for the Funding of Science and Innovation Post 2005-2006 - Backing Australia's Ability	Decision JH03/0172/CAB	1/4/2003	15/4/2003
JH2003/225	Cabinet Submission JH03/0225	Measures to deal with spam (unsolicited electronic messaging)	Decision JH03/0225/CAB	7/7/2003	22/7/2003
JH2003/295	Cabinet Submission JH03/0295	Aerospace Industry Action Agenda	Decision JH03/0295/CAB	1/8/2003	26/8/2003
JH2003/347	Cabinet Submission JH03/0347	Assessment of The National Research Priority Implementation Plans and Enhancements to the Framework	Decision JH03/0347/CAB	0/11/2003	24/11/2003
JH2003/41	Cabinet Submission JH03/0041	Reference copy of International Maritime Organisation - implementation of measures to enhance maritime security	Decision JH03/0041/NS	8/2/2003	5/3/2003
JH2003/57	Cabinet Decision JH03/0057/CAB	Strategic Presentation - National Defence and Security	Without Submission	4/2/2003	24/2/2003
JH2003/74	Cabinet Submission JH03/0074	Reference copy of Australia's protective security response in the new security environment	Decision JH03/0074/NS	4/4/2003	29/4/2003
JH2003/112	Cabinet Submission JH03/0112	Reference copy of Carriage of Foreign Air Security Officers to/from Australia and overseas destinations for Australian Air Security Officers	Decision JH03/0112/NS	0/3/2003	25/3/2003
JH2003/113	Cabinet Submission JH03/0113 First Amended	Reference copy of Air Security Officers and Counter-Terrorist First Response	Decision JH03/0113/NS	0/3/2003	25/3/2003
JH2003/217	Cabinet Decision JH03/0217/NS	Reference copy of Hizballah	Without Submission	8/5/2003	28/5/2003
JH2003/226	Cabinet Decision JH03/0226/CAB	National Counter-Terrorism Plan	Without Submission	0/6/2003	10/6/2003
JH2003/239	Cabinet Memorandum JH03/0239	Reference copy of National Strategy for Science, Engineering and Technology for Counter-Terrorism	Decision JH03/0239/NS	5/6/2003	25/6/2003
JH2003/253	Cabinet Decision JH03/0253/NS	Reference copy of Counter-Terrorism Overseas Response Group	Without Submission	5/6/2003	25/6/2003
JH2003/408	Cabinet Decision JH03/0408/CAB	Listing of Terrorist Organisations	Without Submission	1/11/2003	3/11/2003
JH2003/431	Cabinet Submission JH03/0431	Reference copy of Review of the Counter-Terrorism Overseas Response Group	Decision JH03/0431/NSC	7/11/2003	26/11/2003
JH2003/346	Cabinet Submission JH03/0346	Establishment of a Postal Industry Ombudsman	Decision JH03/0346/CAB	5/9/2003	30/9/2003
JH2003/480	Cabinet Decision JH03/0480/CAB	National Initiative to Combat Sexual Assault and Partnership against Domestic Violence	Without Submission	6/12/2003	16/12/2003
JH2003/15	Cabinet Decisions JH03/0015/CAB and JH03/0015/CAB/2	Support for volunteers in emergency situations	Without Submission	2/2/2003	3/3/2003
JH2003/60	Cabinet Decision JH03/0060/CAB	Strategic Presentation - Demographic Change	Without Submission	4/2/2003	24/2/2003
JH2003/97	Cabinet Submission JH03/0097	2003-2004 Budget - Family and Community Services Portfolio Budget Submission	Decisions JH03/0097/ER, JH03/0097/ER/2, JH03/0097/ER/3, JH03/0097/ER/4, JH03/0097/ER/5 and JH03/0097/CAB/6	0/3/2003	15/4/2003
JH2003/130	Cabinet Decision JH03/0130/CAB	A New Strategy for Community Care	Without Submission	4/3/2003	24-Mar
JH2003/232	Cabinet Decisions JH03/0232/CAB and JH03/0232/CAB/2	Possible inquiry into child custody arrangements in the event of family separation	Without Submission	6/6/2003	23/6/2003
JH2003/284	Cabinet Decision JH03/0284/CAB	Proposed Terms of Reference for a Possible Productivity Commission Review of Housing Affordability	Without Submission	9/7/2003	29/7/2003
JH2003/287	Cabinet Submission JH03/0287	Proposal to restructure the HIH Claims Support Scheme	Decision JH03/0287/CAB	1/7/2003	18/8/2003
JH2003/421	Cabinet Submission JH03/0421	Child Care Initiatives	Decision JH03/0421/CAB	6/11/2003	1/12/2003
JH2003/444	Cabinet Decision JH03/0444/CAB	Youth Allowance debts	Without Submission	1/12/2003	1/12/2003
JH2003/453	Cabinet Submission JH03/0453	Working Age Payment Reform	Decision JH03/0453/CAB	0/12/2003	15/12/2003
JH2003/192	Cabinet Submission JH03/0192	Tourism Green Paper - Medium to Long Term Strategy for Tourism	Decision JH03/0192/CAB	5/5/2003	12/5/2003
JH2003/297	Cabinet Submission JH03/0297	Commonwealth preparations for Rugby World Cup 2003	Decision JH03/0297/CAB	2/8/2003	8/9/2003
JH2003/312	Cabinet Submission JH03/0312	Melbourne 2006 Commonwealth Games - Policies and Principles for Provision of Commonwealth Security Services	Decision JH03/0312/CAB	3/8/2003	18/8/2003
JH2003/329	Cabinet Decision JH03/0329/CAB	Slim Dusty Centre	Without Submission	0/9/2003	30/9/2003
JH2003/331	Cabinet Submission JH03/0331	Tough on Drugs in Sport	Decision JH03/0331/CAB	9/8/2003	15/9/2003
JH2003/354	Cabinet Decision JH03/0354/CAB	Assistance for Soccer	Without Submission	3/9/2003	23/9/2003
JH2003/372	Cabinet Decision JH03/0372/CAB	Centenary of Women's Suffrage	Without Submission	0/9/2003	30/9/2003
JH2003/380	Cabinet Submission JH03/0380	Tourism White Paper - A Medium to Long Term Strategy for Australia's Tourism Industry	Decision JH03/0380/CAB	9/10/2003	11/11/2003
JH2003/135	Cabinet Memorandum JH03/0135	Rationalising Commonwealth and State Responsibilities for Specific Purpose Payments (SPPs)	Decisions JH03/0135/ER and JH03/0135/CAB/2	6/3/2003	15/4/2003
JH2003/254	Cabinet Submission JH03/0254	2003-08 Commonwealth State Housing Agreement - Endorsement of the Agreement	Decision JH03/0254/CAB	0/6/2003	15/7/2003
JH2003/446	Cabinet Submission JH03/0446	State-Specific and Regional Migration	Decision JH03/0446/CAB	1/12/2003	10/12/2003
JH2003/420	Cabinet Submission JH03/0420	National Competition Policy - 2003-2004 Competition Payments to States and Territories	Decision JH03/0420/CAB	9/11/2003	24/11/2003
JH2003/88	Cabinet Decisions JH03/0088/E and JH03/0088/CAB/2	Fuel Excise - Issues and Next Steps	Without Submission	3/3/2003	19/3/2003
JH2003/136	Cabinet Decision JH03/0136/CAB	Air passenger ticket levy	Without Submission	1/4/2003	1/4/2003
JH2003/160	Cabinet Memorandum JH03/0160	Fuel excise - immediate issues and reform options	Decisions JH03/0160/E and JH03/0160/AH/2	1/4/2003	10/4/2003
JH2003/161	Cabinet Submission JH03/0161	Review of International Taxation Arrangements	Decision JH03/0161/AH	1/4/2003	10/4/2003
JH2003/170	Cabinet Decisions JH03/0170/E and JH03/0170/AH/2	Ultra Low Sulphur Diesel Excise Differential	Without Submission	0/4/2003	10/4/2003
JH2003/173	Cabinet Decision JH03/0173/AH	Non-Resident Withholding Tax Regulations	Without Submission	0/4/2003	10/4/2003
JH2003/221/1	Cabinet Submission JH03/0221	Air Passenger Ticket Levy	Decision JH03/0221/CAB	6/6/2003	10/6/2003
JH2003/221/2	Cabinet Decisions JH03/0221/CAB/2 and JH03/0221/CAB/3	Air Passenger Ticket Levy	Without Submission	1/11/2003	24/11/2003
JH2003/413	Cabinet Submission JH03/0413	New civil penalty regime to deter the promotion of Tax Avoidance and Tax Evasion Schemes	Decision JH03/0413/CAB	1/11/2003	1/12/2003
JH2003/414	Cabinet Decision JH03/0414/CAB	Implementation of Financial Services Reform Legislation	Without Submission	4/11/2003	24/11/2003
JH2003/52	Cabinet Submission JH03/0052	AusLink White Paper - Threshold issues	No Decision	6/2/2003	26/2/2003
JH2003/65	Cabinet Decision JH03/0065/CAB	Strategic Presentation - Transport	Without Submission	4/2/2003	24/2/2003
JH2003/102	Cabinet Submission JH03/0102	2003-2004 Budget - Transport and Regional Services Portfolio Budget Submission	Decisions JH03/0102/ER, JH03/0102/ER/2, JH03/0102/ER/3 and JH03/0102/CAB/4	3/3/2003	15/4/2003
JH2003/110	Cabinet Submission JH03/0110	Ethanol labelling and limits in petrol	Decision JH03/0110/CAB	9/3/2003	24/3/2003
JH2003/147	Cabinet Submission JH03/0147	Strategy for the sale of Three Sydney Basin Airports	Decision JH03/0147/CAB	7/3/2003	1/4/2003
JH2003/264	Cabinet Decision JH03/0264/CAB	Government air travel - use of smaller aircraft	Without Submission	2/7/2003	22/7/2003
JH2003/370	Cabinet Decision JH03/0370/CAB	Strategic Briefing - AusLink	Without Submission	0/9/2003	30/9/2003

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JH2003/451	Cabinet Submission JH03/0451	AusLink Funding and White Paper	Decision JH03/0451/CAB	10/12/2003	16/12/2003		
JH2003/64	Cabinet Decision JH03/0064/CAB	Strategic Presentation - Rural and Regional Affairs	Without Submission	24/2/2003	24/2/2003		
JH2003/276	Cabinet Submission JH03/0276	Regional Business - A Plan for Action	Decision JH03/0276/CAB	23/7/2003	29/7/2003		
JH2003/332	Cabinet Memorandum JH03/0332	Sustainable Regions Programme Update	Decision JH03/0332/CAB	1/9/2003	15/9/2003		
JH2003/350	Cabinet Memorandum JH03/0350	Regional Programmes Report and the National Regional Evaluation Framework	Decision JH03/0350/CAB	16/9/2003	30/9/2003		
JH2003/16	Cabinet Decision JH03/0016/CAB	Report of the Independent Review of Veteran's Entitlements	Without Submission	3/2/2003	3/2/2003		
JH2003/132	Cabinet Submission JH03/0132	2003-2004 Budget - Veterans' Affairs Portfolio Budget Submission	Decisions JH03/0132/ER, JH03/0132/ER/2 and JH03/0132/CAB/3	24/3/2003	15/4/2003		
JH2003/400/1	Cabinet Submission JH03/0400	Response to Clarke Review of Veteran's Entitlements	Decisions JH03/0400/CAB and JH03/0400/CAB/2	31/10/2003	1/12/2003		
JH2003/400/2	Cabinet Decision JH03/0400/CAB/3	Response to Clarke Review of Veteran's Entitlements	Without Submission	1/3/2004	1/3/2004		
JH2003/140	Cabinet Submission JH03/0140	ComLand Scoping Study	Decisions JH03/0140/ER and JH03/0140/CAB/2	26/3/2003	15/4/2003		

Australian Public Service and Commonwealth administrati	ACT
Budget and Economy	NSW
Business and Industry	QLD
Communication and Telecommunication	NT
Defence	WA
Education and Training	SA
Employment	TAS
Environment, Conservation and Heritage	VIC
Foreign Affairs and Trade	External territories
Health and Medical	
Humanitarian aid and Natural Disasters	
Immigration, Multicultural Affairs	
Indigenous Affairs	
Law enforcement and Legal	
Parliament	
Science and Technology	
Security and Intelligence	
Social Justice	
Social Services	
Sport, Arts and Recreation	
State and Territories - general	
State and Territories - specific	
Taxation	
Transport	
Urban and Regional development	
Veterans' Affairs	

**Note: The second email in this chain is the same as [Document 28](#) the email in Document 26 sent at 12.30pm on 22/10/23.**

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**Note: The first email in this chain is the email sent at 10.56am on 22/10/23 in Document 54.**

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**From:** David Lee <d.lee@adfa.edu.au>  
**Sent:** Tuesday, October 17, 2023 3:54 PM  
**To:** s 47F(1); David Lee  
**Subject:** [EXT] RE: 2003 Cabinet records - advice outstanding. [SEC=OFFICIAL]

**Categories:** Red Category

Dear s 47F(1)

s 47C(1) Lets meet at 12.30. s 22(1)

Best regards

David

Sent from my Galaxy

----- Original message -----

**From:** s 47F(1) @naa.gov.au  
**Date:** 17/10/23 3:51 pm (GMT+10:00)  
**To:** David Lee <d.lee@adfa.edu.au>  
**Subject:** RE: 2003 Cabinet records - advice outstanding. [SEC=OFFICIAL]

Dear David. s 47C(1)

s 47C(1) I have to say that the feedback has been complimentary regarding the comprehensiveness and accuracy of your paper. One of the main questions was whether any more content/context could be added to the Indigenous Affairs section. I will consolidate all feedback and get it to you asap.

s 22(1)

Regards

s 47F(1)

---

**From:** David Lee <d.lee@adfa.edu.au>  
**Sent:** Tuesday, October 17, 2023 3:09 PM  
**To:** s 47F(1) @naa.gov.au  
**Subject:** [EXT] RE: 2003 Cabinet records - advice outstanding. [SEC=OFFICIAL]

Dear s 47F(1)

I plan to be at Parkes on Friday at 12.30.

Thanks for your advice about the other documents that may or may not come through before the release. What you suggest in terms of timing makes perfect sense.

I'm mindful that Robert Hill will be the main speaker and was an actor who was in the cabinet room and its major committees and privy to much information than me and that I haven't had access to NSC records. Mr Hill will read this paper and have his own views.

I will consider all feedback that is given by the NAA so as present the contextual cabinet guide diplomatically, with an indication of the different sides to matters that may be in contention, in a way that is helpful to the media and always based on evidence (the evidence being the cabinet records, the media commentary and criticism at the time and scholarly publications).

I'm particularly interested in being challenged on matters such as errors, incorrect citations, matters discussed without adequate evidence or documents that may be important and given insufficient emphasis.

My sense of the event is this.

There will be interest in many things but a particularly keen interest in the Iraq War. This is a subject in Australia, the United Kingdom and the United States of keen debate.

It will be the case, I expect, that several journalists will be at the event who are very familiar with the circumstances of the Iraq War and some of them will be steeped in evidence available to them beyond cabinet records, e.g. from published books and commentary on the Iraq, journalistic interviews with key personnel (eg those by Paul Kelly, Karen Middleton and Robert Garran) and in, for example, Dr Albert Palazzo's study for the army history unit published inter alia in the *Sydney Morning Herald* several years ago. <https://cove.army.gov.au/article/australia-iraq-summary-iraq-dossier-al-palazzo>

One of them, Graeme Dobell, was amongst the journalists to the 2002 session and asked specific questions about the Iraq War.

These are two more of the articles that Graeme Dobell wrote on Iraq beyond the ones referenced in the paper. They are published in the Department of Defence-funded outlet *The Strategist*.

<https://www.aspistrategist.org.au/iraq-lessons-the-howard-fib/>

<https://www.aspistrategist.org.au/iraq-lessons-the-impact-of-the-howard-fib/>

See also Tom Hyland, SMH journalist, for another example.

<https://insidestory.org.au/signing-up-for-an-invasion/>

So in conclusion yes I'm happy to consider all feedback. In the later revised version, if there remain issues of concern, we can hopefully resolve these through dialogue.

Best Regards

David

---

**From:** s 47F(1) @naa.gov.au>

**Sent:** Tuesday, October 17, 2023 1:54 PM

**To:** David Lee <d.lee@adfa.edu.au>

**Subject:** FW: 2003 Cabinet records - advice outstanding. [SEC=OFFICIAL]

**OFFICIAL**

Hello David. I have been advised that the records in the table below are still sitting with agencies for advice. We will continue to work with agencies to clear these records (if they can be cleared) prior to the media event. However, we

have not been given a timeframe for a response from agencies. It's unlikely that any additional records will come through for a while, so I think it would be fair to base your second draft on the records that you have already received.

I have received the final piece of feedback for your first draft of the essay. The response has been extremely positive with very few comments or suggestions. I will send these comments through to you later today or early tomorrow. **s 47C(1)**

Would you mind letting me know if you would be open to receiving that feedback too?

Regards

**s 47F(1)**

The 2003 Cabinet records that we are waiting for advice on are listed in the table below:

**S 47E (d)**



**From:** [David Lee](#)  
**To:** s 47F(1)  
**Subject:** [EXT] RE: Batch 7 and Essay Feedback [SEC=OFFICIAL]  
**Date:** Monday, October 16, 2023 4:38:43 PM  
**Attachments:** [image001.png](#)

---

Dear s 47F(1)

Thanks I downloaded Batch 7.

Will this be all the documents that we can expect now or will there be further documents?

I have finished my marking commitments so am happy to received feedback as you indicate. While I am teaching most of Wednesday and Thursday this week, I can work to revise the paper as quickly as possible for you and hopefully ahead of time (except if there are further documents to come later).

s 22(1)

Best Regards

David

---

**From:** s 47F(1) @naa.gov.au  
**Sent:** Monday, October 16, 2023 4:13 PM  
**To:** David Lee <d.lee@adfa.edu.au>  
**Subject:** Batch 7 and Essay Feedback [SEC=OFFICIAL]

**OFFICIAL**

Hi David. s 22(1)

I have just sent a few more files, titled Batch 7.

Also, I have asked a small number of people to provide feedback on the first draft of your essay. Almost everyone has already replied. I expect to provided the consolidated feedback to you by the middle of the week. Does that timeframe suit you?

Regards

s 47F(1)

---

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We acknowledge and pay our respects to the traditional custodians of this land and celebrate their ongoing culture and contribution to society.

**OFFICIAL**

---

**From:** s 47F(1)  
**Sent:** Friday, September 29, 2023 4:18 PM  
**To:** David Lee  
**Subject:** FW: Enquiry from David Lee - Cabinet Historian - re NSI Act [SEC=OFFICIAL]

**OFFICIAL**

Hi David. We have had a look at the Cabinet records in series A14370 for 2003, using the keywords "National Security" only one record was located:

s 47E(d)

So, on that basis there is no Cabinet submission from 2003 on the National Security Information (Criminal and Civil Proceedings) Act.

Regards

s 47F(1)

---

**OFFICIAL**

**From:** David Lee <[d.lee@adfa.edu.au](mailto:d.lee@adfa.edu.au)>  
**Sent:** Friday, September 29, 2023 1:31 PM  
**To:** s 47F(1) <[s47f1@naa.gov.au](mailto:s47f1@naa.gov.au)>  
**Subject:** [EXT] Other Information (not urgent)

Dear s 47F(1)

In the meantime (this is not urgent); is there any submission on National Security Information (Criminal and Civil Proceedings) Act which was passed in 2004?

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W: [www.unsw.adfa.edu.au](http://www.unsw.adfa.edu.au)

**OFFICIAL**

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**From:** David Lee <d.lee@adfa.edu.au>  
**Sent:** Friday, September 29, 2023 1:25 PM  
**To:** s 47F(1)  
**Subject:** [EXT] RE: Timeframe for feedback [SEC=OFFICIAL]

Dear s 47F(1)

On the basis that whatever documents are available come around the middle of October and feedback, I think the below is achievable.

Best Regards

David

---

**From:** s 47F(1) @naa.gov.au>  
**Sent:** Friday, September 29, 2023 1:22 PM  
**To:** David Lee <d.lee@adfa.edu.au>  
**Subject:** RE: Timeframe for feedback [SEC=OFFICIAL]

Hi David. I am told by the Access Examination team that the remaining documents require extensive consultation with agencies. s 47C(1) At this stage the team are unable to give me an exact ETA on delivering them, but expect that any records that can be provided will be ready within the next two weeks. I will ask staff here to provide feedback within that same period of time. If that timeframe is supported then you should receive our feedback and the remaining documents around the middle of October. How does that sound?

Regards

s 47F(1)

---

**From:** David Lee <d.lee@adfa.edu.au>  
**Sent:** Friday, September 29, 2023 1:13 PM  
**To:** s 47F(1) @naa.gov.au>  
**Subject:** [EXT] RE: Timeframe for feedback [SEC=OFFICIAL]

Dear s 47F(1)

Thanks for your email.

If the feedback on the first draft encompassing everything but the last batch of documents is ready earlier than 27 October I am happy to receive it earlier, especially as I will be going away 28 October-31 October.

Is the expectation that the remaining documents will have appeared before the 3 November draft is due, in other words that the second draft will include these documents too)?

Or might the remaining documents come after 3 November and be incorporated in the finalised essay due on 24 November?

In principle, 3 November works for submission of a second draft, but this partly depends on when precisely the final documents come if they are to be incorporated in the draft due on 3 November.

Best Regards

David

---

**Sent:** Friday, September 29, 2023 10:56 AM  
**To:** David Lee <[d.lee@adfa.edu.au](mailto:d.lee@adfa.edu.au)>  
**Subject:** Timeframe for feedback [SEC=OFFICIAL]

**OFFICIAL**

Hi David. s 47C(1) I will read it in detail over the weekend.

In the meantime, our schedule allows for us to get feedback to you by 27/10, with you then incorporating that feedback by 3 November, and then the final version of the essay completed by 24 November. s 22(1). The fact that you have delivered the first draft of the essay to us earlier than expected gives us some flexibility with this schedule. We will need to finalise the essay by 24 November, but would you mind letting me know whether you'd prefer to receive feedback on your first draft earlier than 27/10, and whether 3/11 still works for you for delivering the second draft? Apologies if you have already covered this in a previous email.

Regards

s 47F(1)

---

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We acknowledge and pay our respects to the traditional custodians of this land and celebrate their ongoing culture and contribution to society.

**OFFICIAL**

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**From:** s 47F(1)  
**Sent:** Thursday, September 28, 2023 5:05 PM  
**To:** 'David Lee'  
**Subject:** RE: The 2003 Cabinet Papers in Context [SEC=OFFICIAL]

**OFFICIAL**

Thank you, David. s 47C(1) Thank you again for providing this draft ahead of time despite the delays with the provision of files. s 22(1)

I will share the draft with the appropriate people here and will be in touch with any feedback. I will also be in touch next week to give you an idea of when you can expect to receive this feedback.

Best regards

s 47F(1)

**OFFICIAL**

---

**From:** David Lee <d.lee@adfa.edu.au>  
**Sent:** Thursday, September 28, 2023 4:24 PM  
**To:** s 47F(1) @naa.gov.au  
**Subject:** [EXT] The 2003 Cabinet Papers in Context

Dear s 47F(1)

I have incorporated the additional documents and now submit the draft contextual essay today in a paper above dated 29 September.

I gave tried to be as comprehensive as possible in referencing the cabinet submissions transmitted thus far. Hence the length of the paper and the endnotes.

I have dealt with Iraq quite extensively as I think that this is where the most media attention will be directed.

There is considerable room in my view for comment/context about the Iraq documents notwithstanding the relatively small number of documents on that subject. I also explain in that section the relationship between Cabinet and the major committees including the national security committee in that section.

Depending on advice from you about likely dates for receipt of remaining documents, we can work out the best way forward in terms of meeting your overall timetable.

Best Regards

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W: [www.unsw.adfa.edu.au](http://www.unsw.adfa.edu.au)

**From:** s 47F(1)  
**Sent:** Thursday, September 28, 2023 2:02 PM  
**To:** David Lee  
**Subject:** RE: Latest Documents [SEC=OFFICIAL]

**OFFICIAL**

Thank you David. The Access Examination team aren't able to give me an ETA on the remaining 26 records. I'll send you an update as soon as I can.

Regards

s 47F(1)

**OFFICIAL**

**From:** David Lee <d.lee@adfa.edu.au>  
**Sent:** Thursday, September 28, 2023 12:26 PM  
**To:** s 47F(1) @naa.gov.au  
**Subject:** [EXT] Latest Documents

Thanks s 47F(1)

I have downloaded the latest seven. I will incorporate them tomorrow and send you a draft late tomorrow afternoon as I have a few things on in the morning.

Best Regards

David

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**From:** s 47F(1)  
**Sent:** Wednesday, September 27, 2023 5:57 PM  
**To:** David Lee  
**Subject:** RE: Cabinet Essay [SEC=OFFICIAL]

Hi David. s 22(1) I was double checking the records against the list of records that have been cleared by the contributing agency and 2 of the 7 records aren't on it. I'm assuming that this is an admin error, but just in case I have asked the Access Examination team to confirm that those two records are clear to be released. I expect to get them to you tomorrow morning. Apologies for the delay.

Regards

s 47F(1)

---

**From:** David Lee <d.lee@adfa.edu.au>  
**Sent:** Wednesday, September 27, 2023 3:05 PM  
**To:** s 47F(1) @naa.gov.au  
**Subject:** [EXT] RE: Cabinet Essay [SEC=OFFICIAL]

Dear s 47F(1)

Ok thanks. You may as well send me the further 7 records now and I will incorporate them.

Best Regards

David

---

**From:** s 47F(1) @naa.gov.au  
**Sent:** Wednesday, September 27, 2023 2:52 PM  
**To:** David Lee <d.lee@adfa.edu.au>  
**Subject:** Cabinet Essay [SEC=OFFICIAL]

**OFFICIAL**

Hi David. s 22(1) Sorry for taking longer than expected to get back to you. I've been given support for the approach of you delivering the first draft this week if that's still a viable option for you. I also have another 7 records which I can send to, but please let me know if it's too late to add anything from them into the first draft and I will hold onto them and send you a larger batch when more records are ready.

All the best

s 47F(1)

---

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**From:** s 47F(1)  
**Sent:** Monday, September 25, 2023 4:19 PM  
**To:** David Lee  
**Subject:** RE: Documents [SEC=OFFICIAL]

**OFFICIAL**

Hi David. I've been told that it's unlikely that the other records will be available by the end of the week. I will have a quick chat with the Project Sponsor and get back to you with a decision about whether to go ahead with a draft this Friday or to wait.

I'll be in touch soon.

Regards

s 47F(1)

**OFFICIAL**

---

**From:** David Lee <d.lee@adfa.edu.au>  
**Sent:** Monday, September 25, 2023 2:48 PM  
**To:** s 47F(1) @naa.gov.au  
**Subject:** [EXT] Documents

Dear s 47F(1)

Is there any indication of an ETA for the last batch yet?

Best Regards

David

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**From:** David Lee <d.lee@adfa.edu.au>  
**Sent:** Thursday, September 21, 2023 3:44 PM  
**To:** s 47F(1)  
**Subject:** [EXT] RE: Downloaded Successfully [SEC=OFFICIAL]

Dear s 47F(1)

Yes happy to work for Option 2 unless you advise otherwise.

Best Regards

David

---

**From:** s 47F(1) @naa.gov.au>  
**Sent:** Thursday, September 21, 2023 3:28 PM  
**To:** David Lee <d.lee@adfa.edu.au>  
**Subject:** RE: Downloaded Successfully [SEC=OFFICIAL]

**OFFICIAL**

Hi David. s 22(1)

Thank you also for the options for delivering the draft. Would it be ok to wait till early next week to make a decision? By then I will have an updated ETA on the remaining files. I don't want you to have to write multiple drafts if something juicy comes through in the final batch of documents. Option 2 below is the most attractive at this stage, but if we know that we won't get the remaining records to you for a while, then there won't be any point waiting for them.

What do you think?

Regards

s 47F(1)

s 22(1)

I appreciate all of your hard work.

**OFFICIAL**

---

**From:** David Lee <d.lee@adfa.edu.au>  
**Sent:** Thursday, September 21, 2023 1:14 PM  
**To:** s 47F(1) @naa.gov.au>  
**Subject:** [EXT] Downloaded Successfully

Dear s 47F(1)

s 22(1)

I downloaded the 35 files in the fifth batch.

If the final batch does not come until after 13 October, and I waited until receipt of them, I would miss my deadline of first draft of manuscript to you by Friday 13 October

Options are:

- I think I am now in a position with these documents in the latest batch to present a draft essay by next Friday (29 September) that would be substantial (and I could add your feedback and any documents that came after that date).
- Or wait for the final batch (if they came around end September/early October) and I incorporate them and send you a draft on 13 October.
- If last batch does not come until after 13 October, I wait for them and have an extension beyond 13 October for however long it takes to get the last batch.

Best Regards

David

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**From:** s 47F(1)  
**Sent:** Tuesday, September 19, 2023 4:49 PM  
**To:** David Lee  
**Subject:** RE: Update [SEC=OFFICIAL]

Hi David. I can confirm that another 35 records are being digitised. I hope to get these to you on Thursday (or earlier if I can). A further 33 records remain to be cleared.

Thanks for offering the option of an early look at your draft. Let's chat when I send the next batch of records - I should know more about the remaining 33 records by then. It's good to know that we have that option if necessary.

Thank you for all of your hard work.

Regards

s 47F(1)

---

**From:** David Lee <d.lee@adfa.edu.au>  
**Sent:** Tuesday, September 19, 2023 3:55 PM  
**To:** s 47F(1) @naa.gov.au  
**Subject:** [EXT] RE: Update [SEC=OFFICIAL]

Dear s 47F(1)

Thanks for that.

As I understand it, there are now about 34ish? records to come and then another possible 30ish over and above these that may drop the track, these 30 be assessed with some of them being digitised.

If I received the first 34 this week (and they included the most important records from the media's point of view), I could complete a first draft to send to you by the end of next week, that is by 29 September 2023, if that was helpful rather than waiting for all the records to be available and pushing the timetable for receipt of the draft into October.

I have an advanced draft already from what you have sent me.

Best Regards

David

---

**From:** s 47F(1) @naa.gov.au  
**Sent:** Tuesday, September 19, 2023 9:19 AM  
**To:** David Lee <d.lee@adfa.edu.au>  
**Subject:** Update [SEC=OFFICIAL]

**OFFICIAL**

Hi David. A key person was on leave yesterday, but I've asked them to give me an update this morning. I'll send you an update as soon as I can.

Regards

---

s 47F(1)

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**OFFICIAL**

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**From:** David Lee <d.lee@adfa.edu.au>  
**Sent:** Tuesday, September 12, 2023 3:02 PM  
**To:** s 47F(1)  
**Subject:** [EXT] RE: Quick Question [SEC=OFFICIAL]

**Categories:** Red Category

Dear s 47F(1)

That's really helpful. Thank you very much.

I am making good progress.

Can you remind me of when the next tranches will be sent. If sent to me early enough I might even be able to make an October submission of the draft cabinet paper to you.

Best Regards

David

---

**From:** s 47F(1) @naa.gov.au>  
**Sent:** Tuesday, September 12, 2023 2:57 PM  
**To:** David Lee <d.lee@adfa.edu.au>  
**Subject:** FW: Quick Question [SEC=OFFICIAL]

Hi David. Please see advice from our Access Examination team below. We will get these records to you as soon as we can.

Regards

s 47F(1)

s 22(1)

# S 22(1)

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**From:** David Lee <[d.lee@adfa.edu.au](mailto:d.lee@adfa.edu.au)>  
**Sent:** Monday, September 11, 2023 5:42 PM  
**To:** **S 47F(1)** <[REDACTED]@naa.gov.au>  
**Cc:** David Lee <[d.lee@adfa.edu.au](mailto:d.lee@adfa.edu.au)>  
**Subject:** [EXT] Re: Quick Question [SEC=OFFICIAL]

Dear **S 47F(1)**

It is the Regional Assistance Mission to the Solomon Islands (RAMSI), also known as Helpem Fren, Operation Anode and Operation Rata. The mission began in 2003. This was the big success of Australian regional policy in the last two decades.

The questions about this are (a) is there any document on RAMSI in the 2003 Cabinet records to be released? (b) if not by the Cabinet, is there any mention in the Cabinet's National Security Committee (NSC)?

The two biggest Australian foreign policy decisions of 2003 are (a) Iraq War and (b) RAMSI.

There are, as I understand it, no Cabinet documents on the lead-up to the Iraq War in the early part of 2003.

I suspect there is a document or documents in the NSC records. Ditto for RAMSI.

It would be good to know whether that is the case and even better, (I raised this earlier in the year), if any NSC documents on these matters (Iraq and RAMSI) could be included in the public release.

Best Regards

David

**OFFICIAL**

---

**From:** David Lee <[d.lee@adfa.edu.au](mailto:d.lee@adfa.edu.au)>  
**Sent:** Monday, September 11, 2023 1:36 PM

To: **s 47F(1)** [redacted] [@naa.gov.au](mailto:[redacted]@naa.gov.au)>

Subject: [EXT] Quick Question

Dear **s 47F(1)** [redacted]

Are there any documents in the collection pertaining to the Regional Assistance Mission to the Solomon Islands (RAMSI)?

Best Regards

David

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§ 22(1)

# s 22(1)

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**From:** David Lee <[d.lee@adfa.edu.au](mailto:d.lee@adfa.edu.au)>  
**Sent:** Thursday, September 7, 2023 3:19 PM  
**To:** s 47F(1) <[REDACTED]@naa.gov.au>  
**Subject:** [EXT] RE: Series [SEC=OFFICIAL]

Dear s 47F(1)

This is not urgent.

But when I write the relevant part of the contextual cabinet paper, I want to refer to the national security committee (NSC) of cabinet, to explain that, except on rare occasions when PM Howard wanted to have a full cabinet discussion, NSC decisions stood on their own as cabinet decision (Patrick Weller, *Cabinet Government*, p. 183) and that the forthcoming public release, while it may include the odd NSC document that went to full cabinet, does not include NSC documents as a series and that there were x (if we can make that number known) number of submissions to the NSC in 2003, that these are not (except when considered by full cabinet) included in the 1 January 2024 release but they are available to be requested by members of the public from that date (i.e. 1 January 2024).

Grateful your confirmation in due course that this is correct.

Best Regards

David

---

**From:** s 47F(1) [redacted] <[\[redacted\]@naa.gov.au](mailto:[redacted]@naa.gov.au)>  
**Sent:** Thursday, September 7, 2023 1:08 PM  
**To:** David Lee <[d.lee@adfa.edu.au](mailto:d.lee@adfa.edu.au)>  
**Subject:** RE: Series [SEC=OFFICIAL]

**OFFICIAL**

Hi David. Yes that's correct.

Regards

s 47F(1) [redacted]

**OFFICIAL**

---

**From:** David Lee <[d.lee@adfa.edu.au](mailto:d.lee@adfa.edu.au)>  
**Sent:** Thursday, September 7, 2023 11:55 AM  
**To:** s 47F(1) [redacted] <[\[redacted\]@naa.gov.au](mailto:[redacted]@naa.gov.au)>  
**Subject:** [EXT] Series

Dear s 47F(1) [redacted]

Can you advise the series number of records. Is it A14370?

Associate Professor David Lee  
School of Humanities and Social Sciences  
THE UNIVERSITY OF NEW SOUTH WALES, CANBERRA  
PO Box 7196 CANBERA BC 2610, AUSTRALIA  
M:+61251145068  
E: [d.lee@adfa.edu.au](mailto:d.lee@adfa.edu.au)  
W: [www.unsw.adfa.edu.au](http://www.unsw.adfa.edu.au)

---

**From:** David Lee <d.lee@adfa.edu.au>  
**Sent:** Thursday, September 7, 2023 3:50 PM  
**To:** s 47F(1)  
**Subject:** [EXT] RE: Series [SEC=OFFICIAL]

Dear s 47F(1)

Many thanks I can wait for Batch 3 in one lump. I have more than enough to go on with.

Best Regards

david

---

**From:** s 47F(1) @naa.gov.au>  
**Sent:** Thursday, September 7, 2023 3:27 PM  
**To:** David Lee <d.lee@adfa.edu.au>  
**Subject:** RE: Series [SEC=OFFICIAL]

Hi David. Yes, I see what you mean – it will be important to clarify this. I will consult with colleagues and get back to you.

Also, 16 records will be digitised today, with a further 45 by (hopefully) early next week. Would you mind letting me know whether you would like the 16 sent ASAP, or whether you'd prefer to wait for batch 3 to include the 45 additional records (61 in total)? After these records are sent, there will be a final 30 records that will be assessed and, if appropriate, digitised.

Regards

**Note: The initial emails in this chain are the emails in Document 40 sent on 7.9.23 at 3.23pm, 3.19pm, 1.08pm and 11.55am.**

s 47F(1)

---

**From:** David Lee <d.lee@adfa.edu.au>  
**Sent:** Tuesday, September 5, 2023 4:31 PM  
**To:** s 47F(1)  
**Subject:** [EXT] RE: Files [SEC=OFFICIAL]

Dear s 47F(1)  
Certainly. More than enough  
Best Regards  
David

---

**From:** s 47F(1) @naa.gov.au>  
**Sent:** Tuesday, September 5, 2023 4:29 PM  
**To:** David Lee <d.lee@adfa.edu.au>  
**Subject:** RE: Files [SEC=OFFICIAL]

**OFFICIAL**

Thanks for letting me know. David. I'm glad that the SFT process is working. The Access Examination team continues to apply agency advice to the remaining records, and hope to get the final piece of information that they need tomorrow. If that happens, then I should be able to send you another large number of records by the end of the week. I hope that the records already sent will be enough to keep things moving till then.

Regards

s 47F(1)

**OFFICIAL**

---

**From:** David Lee <d.lee@adfa.edu.au>  
**Sent:** Tuesday, September 5, 2023 4:23 PM  
**To:** s 47F(1) @naa.gov.au>  
**Subject:** [EXT] Files

Thanks s 47F(1)  
I have downloaded the first batch and will do the same with second batch tomorrow.  
Regards  
David

Associate Professor David Lee  
School of Humanities and Social Sciences  
THE UNIVERSITY OF NEW SOUTH WALES, CANBERRA  
PO Box 7196 CANBERA BC 2610, AUSTRALIA  
M:+61251145068  
E: [d.lee@adfa.edu.au](mailto:d.lee@adfa.edu.au)  
W: [www.unsw.adfa.edu.au](http://www.unsw.adfa.edu.au)

---

**From:** David Lee <d.lee@adfa.edu.au>  
**Sent:** Monday, September 4, 2023 12:30 PM  
**To:** s 47F(1)  
**Cc:** David Lee  
**Subject:** [EXT] Re: 2003 Cabinet Records: Cabinet Historian's Commitments and Timetable [SEC=OFFICIAL]

Dear s 47F(1)  
Many thanks for this advice.  
Best Regards  
David

On 4 Sep 2023, at 11:51 am, s 47F(1) <@naa.gov.au> wrote:

OFFICIAL

Hello again David. Thank you for your patience. I have 115 records ready to send to you today. I am just waiting for our Access Examination team to give me the final green-light and then I'll press 'send'. You will receive a Secure File Transfer link and a second link for authentication. I imagine that you've used a system like this before but please let me know if you have any trouble accessing the files.

The remaining 120+ files are almost ready to send, but we are incorporating some last-minute advice from agencies. I hope to get these to you this week, and hope that the 115 records in the first batch are enough to get you started until then.

s 22(1)

I'll be in touch later today with the SFT link.

Regards

s 47F(1)  
OFFICIAL

-----Original Message-----

From: David Lee <d.lee@adfa.edu.au>  
Sent: Monday, September 4, 2023 8:28 AM  
To: s 47F(1) <@naa.gov.au>  
Subject: [EXT] 2003 Cabinet Records: Cabinet Historian's Commitments and Timetable

Dear s 47F(1)

I hope this e-mail finds you well.


To keep you informed of my position, I have a week's respite from teaching this week (i.e. the week from Monday 4 September) and this would be ideal to work on the cabinet records if any of them were available this week.

I resume teaching next week (the week commencing 11 September). However, in the two-and-a-half weeks from 1 October, I have marking commitments that do not leave me any time for work on the cabinet documents.

The original timetable was based on receipt of a first batch of records by 28 July 2023 and delivery of the draft essay by 13 October 2023.

If I started receiving documents by today or tomorrow, I would make all efforts to meet this timetable by utilising this week and coming weekends.

If receipt of documents were delayed further into this month of September there are the following options:

1. That I continue with the job but with an extension, say by 10 November (teaching ends for me on 27 October and have a week before the exam period); 2. If cabinet records are available too late for me in my circumstances to meet the original timetable (ie submission by 13 October), but the National Archives of Australia wanted to keep something like that timetable, consideration be given to finding an alternative Cabinet historian for 2023 (perhaps someone like **s 47F(1)** ).

Perhaps we could review the situation by mid-week if the documents are not available by then.

Yours sincerely,

David

Associate Professor David Lee  
School of Humanities and Social Sciences THE UNIVERSITY OF NEW SOUTH WALES,  
CANBERRA PO Box 7916, CANBERRA BC 2610, Australia  
M: +61 251145068  
E: [d.lee@adfa.edu.au](mailto:d.lee@adfa.edu.au)  
W: <http://www.unsw.adfa.edu.au/>

Associate Professor David Lee  
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W: [www.unsw.adfa.edu.au](http://www.unsw.adfa.edu.au)

---

**From:** s 47F(1)  
**Sent:** Wednesday, August 23, 2023 8:57 AM  
**To:** David Lee  
**Subject:** RE: Embargo Form - 2003 Cabinet Record Release Project - National Archives of Australia [SEC=OFFICIAL]

s 22(1)

I'll be in touch on Monday to confirm delivery method and timeframe.

Regards

s 47F(1)

---

**From:** David Lee <d.lee@adfa.edu.au>  
**Sent:** Tuesday, August 22, 2023 6:18 PM  
**To:** David Lee <d.lee@adfa.edu.au>; s 47F(1) @naa.gov.au  
**Subject:** [EXT] RE: Embargo Form - 2003 Cabinet Record Release Project - National Archives of Australia [SEC=OFFICIAL]

200 documents.

Sent from my Galaxy

----- Original message -----

**From:** David Lee <d.lee@adfa.edu.au>  
**Date:** 22/8/23 6:04 pm (GMT+10:00)  
**To:** s 47F(1) @naa.gov.au  
**Cc:** David Lee <d.lee@adfa.edu.au>  
**Subject:** Re: Embargo Form - 2003 Cabinet Record Release Project - National Archives of Australia [SEC=OFFICIAL]

Dear s 47F(1)

If I got 2000 documents by mid next week (ie by about 30 August) yes I think I could stick to the original timeframe, and I could also, I think, give you an idea of structure (subheadings).

Best Regards

David

On 22 Aug 2023, at 5:48 pm, s 47F(1) @naa.gov.au wrote:

Hi David. s 22(1) I've been told that there is a chance that 201 digitised records may be ready to send to you mid next week. This is faster than last discussed, but also later than originally planned. Does this change things regarding your request for a mid Nov delivery date? Is there any way that, with the removal of the precis step, we could still work to our original timeframe?



Best regards

s 47F(1)

---

**From:** David Lee <[d.lee@adfa.edu.au](mailto:d.lee@adfa.edu.au)>

**Sent:** Thursday, August 17, 2023 12:13 PM

**To:** s 47F(1) <[s 47F\(1\)@naa.gov.au](mailto:s 47F(1)@naa.gov.au)>

**Subject:** [EXT] RE: Embargo Form - 2003 Cabinet Record Release Project - National Archives of Australia [SEC=OFFICIAL]

Dear s 47F(1)

If I get them in batches that will help. Maybe if I can get an idea of new dates in the schedule that will help.

s 22(1)

s 22(1)

Could I negotiate

something like, no ;precis needed and a mid-November submission and finalised by end of November?

Best Regards

David

---

**From:** s 47F(1) <[s 47F\(1\)@naa.gov.au](mailto:s 47F(1)@naa.gov.au)>

**Sent:** Thursday, August 17, 2023 11:51 AM

**To:** David Lee <[d.lee@adfa.edu.au](mailto:d.lee@adfa.edu.au)>

**Subject:** RE: Embargo Form - 2003 Cabinet Record Release Project - National Archives of Australia [SEC=OFFICIAL]

Hi David. Thank you for your email. There will be further delays, unfortunately. s 22(1)

I'd like to give you some of the background, s 47E(d)

S 47E (d)

s 47C(1)

it's likely that the files will not be ready to send to you until c 1 September. I have been looking at our schedule and think that we can make up those weeks in a few ways. Firstly, Louise has agreed that we can skip the precis stage, if you are happy to do so. This stage normally allows us to make sure that the historian is on the right track, but since you've written an essay previously, we didn't think that this stage was necessary. Secondly, we can tighten our timeframes for getting back to you with comments on your first draft. Once I have a date locked-in for delivering the files to you (and by the way, I will still send them to you in batches, rather than wait till all are digitised), then I will get back to you to negotiate a new delivery timeframe.

Please let me know if you would like to discuss the above. Otherwise, I will be in touch as soon as humanly possible to discuss the new schedule.

Regards

s 47F(1)

---

**From:** David Lee <[d.lee@adfa.edu.au](mailto:d.lee@adfa.edu.au)>  
**Sent:** Thursday, August 17, 2023 9:11 AM  
**To:** s 47F(1) <[REDACTED]> <[\[REDACTED\]@naa.gov.au](mailto:[REDACTED]@naa.gov.au)>  
**Subject:** [EXT] RE: Embargo Form - 2003 Cabinet Record Release Project - National Archives of Australia [SEC=OFFICIAL]

Dear s 47F(1)

How are we tracking re the documents?

Best Regards

David

---

**From:** s 47F(1) <[REDACTED]> <[\[REDACTED\]@naa.gov.au](mailto:[REDACTED]@naa.gov.au)>  
**Sent:** Monday, August 7, 2023 12:31 PM  
**To:** David Lee <[d.lee@adfa.edu.au](mailto:d.lee@adfa.edu.au)>  
**Subject:** Embargo Form - 2003 Cabinet Record Release Project - National Archives of Australia [SEC=OFFICIAL]

**OFFICIAL**

Hi David. s 22(1)

As you know, we have developed an embargo form that clarifies responsibilities for anyone who has access to Cabinet records prior to their official release on 1 January. Please find this form attached. It has been modified from last year's form, so please let me know if there is anything in the form that you would like to discuss. If you are happy to sign it, would you please send it back to me by 18/8/23, or as soon as you can.

I'll be in touch later this week with another update on the date by which you can expect to receive the digitised Cabinet records.

Best regards

s 47F(1)

---

Assistant Director  
Preservation and Photographic Digitisation - CBR

<image001.png>

t +61 2 6212 3928 m s 47F(1)  
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Mitchell ACT 2911 | [naa.gov.au](http://naa.gov.au)

We acknowledge and pay our respects to the traditional custodians of this land and celebrate their ongoing culture and contribution to society.

## OFFICIAL

Associate Professor David Lee  
School of Humanities and Social Sciences  
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PO Box 7916, CANBERRA BC 2610, Australia  
M: +61 251145068  
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W: [www.unsw.adfa.edu.au](http://www.unsw.adfa.edu.au)

# 2003 Cabinet records release Registration and embargo form

---

## Cabinet records release – Historian Essay

### *Background*

On 1 January each year, National Archives of Australia (National Archives) proactively releases a selection of up to 250 Cabinet records as they enter the open access period.

Prior to these Cabinet records reaching the open access period, accredited media representatives (Media) are invited to review a list of the upcoming open access record titles and given the opportunity to identify records of interest for proactive release based on their historical significance.

The selected Cabinet records are then examined by National Archives' access examiners in consultation with relevant agencies to identify any sensitive material for exemption to assist the decision-making process before the selected records are digitised and made ready for release under embargo.

Prior to publication on 1 January, you, the consultant historian (Historian), will be provided with the selected digitised Cabinet records for release. You will use these digitised records to develop an essay that provides an overview of the major social and political issues of the time, including key issues considered by Cabinet. Also, prior to the release of the records, you will participate in an exclusive media briefing and associated interviews.

The digitised Cabinet records selected for release and the associated media briefing, interview and essay are all subject to embargo and must not be shared or published prior to the commencement of the open access period on 1 January.

### **Embargoed Material**

The Embargoed Material includes:

- the list of Cabinet records that are provided to you, before they reach the open access period,
- the digitised records selected for release,
- material created by the National Archives in relation to the digitised records selected for release,
- the media briefing, and
- interviews with any person about the Cabinet records digitised for release

Material created by you with reference to the Embargoed Material is also subject to the Embargo Conditions set out below for the Duration of the Embargo.

### **Duration of the Embargo**

The embargo commences at the time you are provided with any of the Embargoed Material and ends at the commencement of the open access period for the relevant Cabinet records.

## Embargo Conditions

- 1) You agree to keep all copies of Embargoed Material confidential at all times for the Duration of the Embargo.
- 2) You agree not to use, disclose, divulge or deal with any of the Embargoed Material in a way which is inconsistent with maintaining its confidentiality for the Duration of the Embargo. This includes not divulging or disclosing the Embargoed Material to others within your company or organisation who have not agreed to these Embargo Conditions.
- 3) National Archives may withdraw your access to the Embargoed Material at any time and if your access is withdrawn, you agree to return or destroy all Embargoed Material within 7 days and confirm in writing that you have done so.

A failure to comply with the Embargo Conditions will result in National Archives withdrawing your access to the Embargoed Material and may result in you being excluded from future National Archives proactive release events and embargo releases.

## Embargo Agreement

By signing this form, you are indicating that you have read, understood and agree to the Embargo Conditions, which apply to the Embargoed Material for the Duration of the Embargo.

On the commencement of the open access period and the release of the Cabinet records, you agree to acknowledge the National Archives as the source of the material in any publications.

Name:	
Position:	
Media outlet:	
Email:	
Telephone:	
Signature:	
Date:	

Please return by 18/8/23 to: [s.47F\(1\)@naa.gov.au](mailto:s.47F(1)@naa.gov.au)

---

**From:** David Lee <d.lee@adfa.edu.au>  
**Sent:** Monday, August 7, 2023 12:40 PM  
**To:** s 47F(1)  
**Subject:** [EXT] FW: Message from "b28l2r202-m"  
**Attachments:** 202308071234.pdf

Dear s 47F(1)

Please find attached the signed form. I will need to juggle writing the report with teaching responsibilities this semester, and can discuss this when we have a clearer idea about transmission of the documents.

All the best

David

-----Original Message-----

**From:** no-reply@unsw.edu.au <no-reply@unsw.edu.au>  
**Sent:** Monday, August 7, 2023 12:35 PM  
**To:** David Lee <d.lee@adfa.edu.au>  
**Subject:** Message from "b28l2r202-m"

This E-mail was sent from "b28l2r202-m" (Aficio MP 5002).

Scan Date: 07.08.2023 12:34:32 (+1000)  
Queries to: no-reply@unsw.edu.au

## 2003 Cabinet records release Registration and embargo form

### Embargo Conditions

- 1) You agree to keep all copies of Embargoed Material confidential at all times for the Duration of the Embargo.
- 2) You agree not to use, disclose, divulge or deal with any of the Embargoed Material in a way which is inconsistent with maintaining its confidentiality for the Duration of the Embargo. This includes not divulging or disclosing the Embargoed Material to others within your company or organisation who have not agreed to these Embargo Conditions.
- 3) National Archives may withdraw your access to the Embargoed Material at any time and if your access is withdrawn, you agree to return or destroy all Embargoed Material within 7 days and confirm in writing that you have done so.

A failure to comply with the Embargo Conditions will result in National Archives withdrawing your access to the Embargoed Material and may result in you being excluded from future National Archives proactive release events and embargo releases.

### Embargo Agreement

By signing this form, you are indicating that you have read, understood and agree to the Embargo Conditions, which apply to the Embargoed Material for the Duration of the Embargo.

On the commencement of the open access period and the release of the Cabinet records, you agree to acknowledge the National Archives as the source of the material in any publications.

Name:	David Lee
Position:	Associate Professor
Media outlet:	UNSW Canberra
Email:	d.lee@adfa.edu.au
Telephone:	0411454729
Signature:	<b>s 47F(1)</b>
Date:	7/ August / 2023

Please return by 18/8/23 to: **s 47F(1)** @naa.gov.au

---

**From:** s 47F(1)  
**Sent:** Thursday, August 3, 2023 5:08 PM  
**To:** David Lee  
**Subject:** Update - Cabinet release project [SEC=OFFICIAL]

**OFFICIAL**

Hi David. s 22(1)

I'm writing to let you know of further delays in getting digitised content to you. We're double checking a few security-related issues at our end, which has delayed the start of the scanning process. Once we get the process approved then it won't take long to complete the digitisation. I still hope to deliver all records to you by 18/8 as previously agreed, but if we are not able to do so, I have some room in our schedule to give you the time that you will need to complete the draft of the essay. I hope that this delay won't cause any trouble at your end. Please let me know if you would like to have a chat about this.

If not, I'll be in touch with another update next week.

Regards

s 47F(1)

---

s 47F(1)

Assistant Director  
Preservation and Photographic Digitisation - CBR



t +61 2 6212 3928 m s 47F(1)  
s 47F(1)@naa.gov.au  
30 Vicars Street  
Mitchell ACT 2911 | [naa.gov.au](http://naa.gov.au)

We acknowledge and pay our respects to the traditional custodians of this land and celebrate their ongoing culture and contribution to society.

**OFFICIAL**



**From:** s 47F(1)  
**To:** [David Lee](#)  
**Subject:** RE: Update - timeframe for the delivery of records [SEC=OFFICIAL]  
**Date:** Tuesday, July 25, 2023 10:02:00 AM  
**Attachments:** [image001.png](#)

---

Thank you, David (and no problems )

Regards

s 47F(1)

---

**From:** David Lee <d.lee@adfa.edu.au>  
**Sent:** Tuesday, July 25, 2023 10:02 AM  
**To:** s 47F(1) @naa.gov.au>  
**Subject:** [EXT] RE: Update - timeframe for the delivery of records [SEC=OFFICIAL]

Dear s 47F(1)  
PS and sorry for the typo.

---

**From:** David Lee  
**Sent:** Tuesday, July 25, 2023 10:00 AM  
**To:** s 47F(1) @naa.gov.au>  
**Subject:** RE: Update - timeframe for the delivery of records [SEC=OFFICIAL]

Dear s 47F(1)

s 22(1) That is ok. I will await the first batch sometime next week.

Best Regards

David

---

**From:** s 47F(1) @naa.gov.au>  
**Sent:** Tuesday, July 25, 2023 9:57 AM  
**To:** David Lee <d.lee@adfa.edu.au>  
**Subject:** Update - timeframe for the delivery of records [SEC=OFFICIAL]

Hi David. s 22(1) I'm writing to let you know that there will be a slight delay in providing you with records from the 2003 Cabinet release. We are finalising some security arrangements at our end, but expect that the delay will not be significant. Our schedule states that a first batch of records will be delivered to you this week, and that a second batch will be delivered by August 18<sup>th</sup>. I still hope to deliver all records to you by the 18<sup>th</sup>, but I may not get the first batch to you until next week. I will stay in contact over the next week so that you know how we are tracking.

If you have any questions or concerns, please don't hesitate to call.

Regards

s 47F(1)

---

s 47F(1)  
Assistant Director  
Preservation and Photographic Digitisation - CBR

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30 Vicars Street  
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We acknowledge and pay our respects to the traditional custodians of this land and celebrate their ongoing culture and contribution to society.

---

**From:** David Lee <[d.lee@adfa.edu.au](mailto:d.lee@adfa.edu.au)>  
**Sent:** Wednesday, May 17, 2023 3:42 PM  
**To:** s 47F(1) <[s47f1@naa.gov.au](mailto:s47f1@naa.gov.au)>  
**Subject:** [EXT] RE: Introduction - s 47F(1) 2003 Cabinet project manager [SEC=OFFICIAL]

Hi s 47F(1)

s 22(1)

Regards

David

---

**From:** s 47F(1) <[s47f1@naa.gov.au](mailto:s47f1@naa.gov.au)>  
**Sent:** Wednesday, May 17, 2023 3:40 PM  
**To:** David Lee <[d.lee@adfa.edu.au](mailto:d.lee@adfa.edu.au)>  
**Subject:** RE: Introduction - s 47F(1) 2003 Cabinet project manager [SEC=OFFICIAL]

Hi David. s 22(1)

Regards

s 47F(1)

---

**From:** David Lee <[d.lee@adfa.edu.au](mailto:d.lee@adfa.edu.au)>  
**Sent:** Wednesday, May 17, 2023 2:53 PM  
**To:** s 47F(1) <[s47f1@naa.gov.au](mailto:s47f1@naa.gov.au)>  
**Subject:** [EXT] RE: Introduction - s 47F(1) 2003 Cabinet project manager [SEC=OFFICIAL]

Dear s 47F(1)

Yes that looks good and 5/12/2023 is good.

s 22(1)

Regards

david

---

**From:** s 47F(1) <[s47f1@naa.gov.au](mailto:s47f1@naa.gov.au)>  
**Sent:** Wednesday, May 17, 2023 2:49 PM  
**To:** David Lee <[d.lee@adfa.edu.au](mailto:d.lee@adfa.edu.au)>  
**Subject:** RE: Introduction - s 47F(1) 2003 Cabinet project manager [SEC=OFFICIAL]

Hello again David. Thank you for getting back to me so quickly. I have re-arranged the schedule to include the dates mentioned below. Would you mind checking the new dates to ensure that you're ok with them. Once I get the green light from you, I'll check with others that they're happy with it too.

27	Confirm historian and arrange contract	CMP&E/Historian		Mon, 2 May 2022
28	Access Examination to review list of records to be provided to journalists - first batch	Access Examination	Fri, 21 Jul 2023	Fri, 28 Jul 2023
29	Provide first batch of digitised records (and index of all records) to the historian and speaker by SFT	Reference/Project Manager		Fri, 28 Jul 2023
30	Access Examination to review list of records to be provided to journalists - second batch	Access Examination	Fri, 11 Aug 2023	Fri, 18 Aug 2023
31	Provide last batch of digitised records (and index of all records) to the historian and speaker by SFT	Reference/Project Manager		Fri, 18 Aug 2023
32	Historian provides précis of essay for approval of proposed content by NAA	Historian/CMP&E		Fri, 1 Sep 2023
33	Check in with Cabinet historian	Reference/Project Manager		Fri, 6 Oct 2023
34	Engage editor (to be in place by 20/10)	CMP&E	Mon, 2 Oct 2023	Fri, 27 Oct 2023
35	Historian's draft essay due	Historian		Fri, 13 Oct 2023
36	Initial feedback on essay	Reference Services	Mon, 16 Oct 2023	Fri, 27 Oct 2023
37	Historian to incorporate NAA feedback	Historian	Mon, 30 Oct 2023	Fri, 3 Nov 2023
38	Editor to review essay	Project Manager/Editor	Mon, 6 Nov 2023	Fri, 17 Nov 2023
39	Reference Services to review essay citations	Reference Services	Mon, 16 Oct 2023	Fri, 27 Oct 2023
40	Project Chair to review essay	Project Chair	Mon, 20 Nov 2023	Wed, 22 Nov 2023
41	Final Historian essay delivered and finalised	Historian	Wed, 22 Nov 2023	Fri, 24 Nov 2023
42	Historian's final essay added to Media Guide	CMP&E		Fri, 24 Nov 2023

The Project Chair is Louise Doyle.

Yes the date for the media event is 5/12/23, in the morning. Are you free on this date?

s 22(1)

Regards

s 47F(1)

**From:** David Lee <d.lee@adfa.edu.au>

**Sent:** Wednesday, May 17, 2023 10:21 AM

**To:** prvs=49413f2cf=s 47F(1) @naa.gov.au

**Subject:** [EXT] RE: Introduction - s 47F(1) 2003 Cabinet project manager [SEC=OFFICIAL]

Dear s 47F(1)

Thank you very much for this.

The key dates last year were

- Deliver précis by 9 September (of main themes)
- Deliver draft narrative paper 21 October
- Paper finalised by 25 November

Delivery of the précis on 1 September this year is fine.

As I am teaching this semester, however, I might need more time to deliver the essay than 29 September, ie by something like 11 October (it was 21 October last year).

This would depend on how quickly I could get the material, for example if it could be possible to start getting it before Friday 21 July the more the better. But I understand the constraints.

Who is the Project Chair by the way?

I imagine you will be looking at event around 5 December.

I am coming in tomorrow morning so could discuss if you were free.

Best Regards

David

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**From:** [prvs=49413f2cf=s 47F\(1\)@naa.gov.au](mailto:prvs=49413f2cf=s 47F(1)@naa.gov.au) <[prvs=49413f2cf=s 47F\(1\)@naa.gov.au](mailto:prvs=49413f2cf=s 47F(1)@naa.gov.au)>  
**Sent:** Wednesday, May 17, 2023 10:00 AM  
**To:** David Lee <[d.lee@adfa.edu.au](mailto:d.lee@adfa.edu.au)>  
**Subject:** [WARNING: POTENTIAL FORGED EMAIL]RE: Introduction - s 47F(1) 2003 Cabinet project manager [SEC=OFFICIAL]

You don't often get email from [prvs=49413f2cf=s 47F\(1\)@naa.gov.au](mailto:prvs=49413f2cf=s 47F(1)@naa.gov.au). [Learn why this is important](#)

Hi David. Thank you for your email. s 22(1) We have identified our preferred speaker, Mr Robert Hill, and reached out to him to see if he is available for the media event. We have also been finalising our project management documentation (risk assessment plan, project plan, schedule, etc) – not the most exciting things to work on, but important nevertheless. Below is the section relating to your work on the essay from the draft project schedule. Would you mind letting me know if these dates seem ok to you? Most timeframes are based on last year's schedule, so hopefully everything is in the right ballpark. If you think any dates need to be changes, or if you think there are any actions missing, then would you please let me know.

Confirm historian and arrange contract	CMP&E/Historian		Mon, 2 May 2022
Access Examination to review list of records to be provided to journalists - first batch	Acecess Examination	Fri, 21 Jul 2023	Fri, 28 Jul 2023
Provide first batch of digitised records (and index of all records) to the historian and speaker by SFT	Reference/Project Manager		Fri, 28 Jul 2023
Access Examination to review list of records to be provided to journalists - second batch	Acecess Examination	Fri, 11 Aug 2023	Fri, 18 Aug 2023
Provide last batch of digitised records (and index of all records) to the historian and speaker by SFT	Reference/Project Manager		Fri, 18 Aug 2023
Historian provides précis of essay for approval of proposed content by NAA	Historian/CMP&E		Fri, 1 Sep 2023
Check in with Cabinet historian	Reference/Project Manager		Fri, 6 Oct 2023
Engage editor (to be in place by 20/10)	CMP&E	Mon, 2 Oct 2023	Fri, 27 Oct 2023
Historian's draft essay due	Historian		Fri, 29 Sep 2023
Initial feedback on essay	Reference Services	Mon, 2 Oct 2023	Fri, 13 Oct 2023
Historian to incorporate NAA feedback	Historian	Mon, 16 Oct 2023	Fri, 20 Oct 2023
Editor to review essay	Project Manager/Editor	Fri, 20 Oct 2023	Fri, 10 Nov 2023
Reference Services to review essay citations	Reference Services	Mon, 2 Oct 2023	Fri, 13 Oct 2023
Project Chair to review essay	Project Chair	Mon, 13 Nov 2023	Fri, 20 Oct 2023
Final Historian essay delivered and finalised	Historian	Mon, 23 Oct 2023	Fri, 27 Oct 2023
Historian's final essay added to Media Guide	CMP&E		Fri, 24 Nov 2023

Regards

s 47F(1)

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**From:** David Lee <[d.lee@adfa.edu.au](mailto:d.lee@adfa.edu.au)>  
**Sent:** Wednesday, May 17, 2023 9:35 AM  
**To:** s 47F(1) <[s 47F\(1\)@naa.gov.au](mailto:s 47F(1)@naa.gov.au)>  
**Subject:** [EXT] RE: Introduction - s 47F(1) 2003 Cabinet project manager [SEC=OFFICIAL]

Dear s 47F(1)

I thought I would touch base to see how things are tracking for the 2003 Cabinet release.

Best Regards

David

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**From:** s 47F(1) <[s 47F\(1\)@naa.gov.au](mailto:s 47F(1)@naa.gov.au)>

**Sent:** Friday, March 10, 2023 11:40 AM

**To:** s 47F(1) @naa.gov.au; David Lee <d.lee@adfa.edu.au>

**Subject:** RE: Introduction - s 47F(1) 2003 Cabinet project manager [SEC=OFFICIAL]

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s 22(1)

Hello David. I'm thrilled to be involved in this project. The project's Working Group and Project Board are meeting next week to kick-off this year's project. I'll be in touch soon after that to discuss the project schedule.

In the meantime, I have tentatively scheduled the delivery of the essay between 23/10 and 27/11 based on last year's schedule. Does that timeframe sound about right to you?

Regards

s 47F(1)

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**From:** s 47F(1) @naa.gov.au>

**Sent:** Friday, March 10, 2023 10:51 AM

**To:** David Lee <d.lee@adfa.edu.au>; s 47F(1) @naa.gov.au>

**Subject:** Introduction - s 47F(1) 2003 Cabinet project manager [SEC=OFFICIAL]

**OFFICIAL**

Good morning David and s 47F(1)

s 22(1) and looking forward to the 2003 Cabinet records release project.

This email is to introduce you to each other virtually as the continuing Cabinet Historian and new project manager.

Please reach out to me if I can do anything to assist moving forwards.

Kind regards

s 47F(1)

---

s 47F(1)

Manager Reference Services  
Reference and Description Services



t +61 2 6212 3767  
e s 47F(1) @naa.gov.au  
Kings Avenue, Parkes ACT 2600  
PO Box 4924 Kingston ACT 2604| [naa.gov.au](http://naa.gov.au)

We acknowledge and pay our respects to the traditional custodians of this land and celebrate their ongoing culture and contribution to society.

**OFFICIAL**

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**From:** David Lee <d.lee@adfa.edu.au>  
**Sent:** Friday, March 10, 2023 11:59 AM  
**To:** s 47F(1)  
**Subject:** [EXT] RE: Introduction - s 47F(1) 2003 Cabinet project manager [SEC=OFFICIAL]

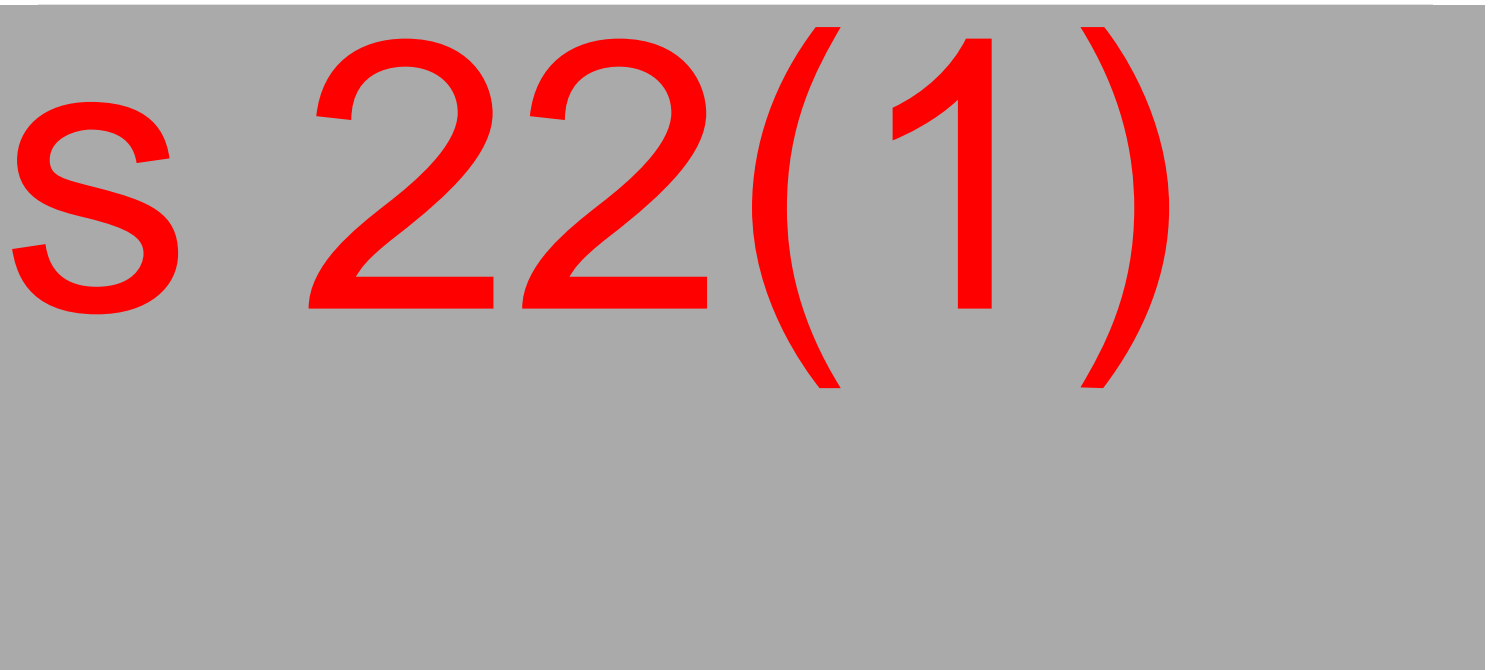
Dear s 47F(1)

s 22(1)

I think your proposed dates sound right to me.

Best Regards

David



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**From:** s 47F(1) @naa.gov.au>  
**Sent:** Friday, March 10, 2023 10:51 AM  
**To:** David Lee <d.lee@adfa.edu.au>; s 47F(1) @naa.gov.au>  
**Subject:** Introduction - s 47F(1) 2003 Cabinet project manager [SEC=OFFICIAL]

**OFFICIAL**

Good morning David and s 47F(1)

I hope you are both well and looking forward to the 2003 Cabinet records release project.

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Please reach out to me if I can do anything to assist moving forwards.

Kind regards

s 47F(1)

s 47F(1)

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