

Australian interests, bifocalism, bipartisanship, and the Antarctic Treaty System

Marcus Haward and Nicholas Cooper

Institute for Marine and Antarctic Studies, Private Bag 129, University of Tasmania, Hobart 7001, Australia (m.g.haward@utas.edu.au)

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ABSTRACT. This article explores the character of domestic political support for the Australian Antarctic Territory and Australia's involvement in the Antarctic Treaty System, using the linked frames of bifocalism and bipartisanship. After first unpacking these concepts it explores how they have shaped the extent and form of Australia's Antarctic endeavours from the 1930s to the present day. It is argued that the analysis shows that bipartisan commitment to Australian interests in Antarctica is framed through bifocalism: first, Australian national interests are closely linked to maintenance of the Antarctic Treaty and Antarctic Treaty System, and second, presentation of these national interests is not inimical to commitments to the Antarctic Treaty and Antarctic Treaty System.

Introduction

Australian engagement with Antarctica can be traced back over a century, shaped by Sir Douglas Mawson's Australasian Antarctic Expedition (AAE) of 1911–1914, Mawson's British, Australian and New Zealand Antarctic Research Expeditions (BANZARE) of 1929–1931, and the proclamation of the Australian Antarctic Territory (AAT) in 1936. Recent commentary has raised concerns over actions by Australia as a claimant state that threaten 'an unstable period of Antarctic co-existence' (Dodds 2011: 1, see also Dodds and Hemmings 2009; for a different view see Haward and Bergin 2010). This article examines the views of Australian parliamentarians and political parties on Antarctica, the AAT and the Australian Antarctic programme¹ and argues, *contra* Dodds, that Australia's bipartisan management of its national interests and commitments is linked to and not inimical to international collaboration underpinning and inherent in the Antarctic Treaty. Support for the Antarctic Treaty System (ATS) is directly expressed in the goals for the Australian Antarctic programme and underpins the statement of policy interests.

Bifocalism and bipartisanship

It is commonplace to record that Article IV of the Antarctic Treaty provided the basis for the commitments of the claimant states to the goals and objectives of the treaty, and that it provides the basis for bifocalism (Triggs 1986). Bifocalism has both general and specific meanings with the ATS. In its most broad or general use it is the 'negotiating tactic of drafting a treaty so that it means different things to different peoples and therefore becomes acceptable to all' (Carroll 1983: 215), enabling what has been described as the 'productively ambiguous' formulation of the question of sovereignty (Stokke and Vidas 1996: 441). This allows claimant states to act on the basis of territoriality while non-claimants act under Article IV on the basis of their status as consultative parties (Stokke and Vidas 1996: 441).

In a more specific use, bifocalism addresses the 'sub-Antarctic Islands issue' within the Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR). Adopting a bifocal approach addressed concerns over the extension of CCAMLR conservation measures to sovereign territory within the areas of coverage of this convention but outside the Antarctic Treaty area (see Kaye and others 2011). In this case bifocalism is formalised through the Chairman's Statement, included in the final act of the diplomatic conference on the conservation of Antarctic marine living resources, and thus appended to the convention. The Chairman's Statement allows states with sovereign territory within the CCAMLR area to exclude this territory from the area of implementation of conservation measures enacted under CCAMLR. It is argued in this article that bifocalism provides a means for geopolitical interests to be managed within the framework of international collaboration established by the Antarctic Treaty. It also allows claimants and non-claimants to pursue their respective interests through the system. Examination of the development of national policies towards Antarctica provides an opportunity to see bifocalism in action (see Haward 2010; Joyner 2011) and how national interests are articulated and presented.

The extent to which political views converge over these interests is a means to measure bipartisanship. Bipartisanship is defined as involving cooperation, agreement, and compromise between two major political parties (Merriam-Webster 2011). While contemporary Australian politics has seen the rise of new political movements, and a fracturing of the traditional two-party system that dominated the twentieth-century political landscape (Economou 2012), the concept of bipartisanship remains salient. Bipartisanship does not, however, mean uniformity; nor does cooperation mean harmony (Keohane 1984). As is shown in the following analysis Australian parliamentarians have, at times, engaged in robust debate on Antarctica, the AAT and Australian Antarctic interests.

Australian Antarctica in the 1930s: sovereignty and interests

Mawson raised the Union Jack on Proclamation Island on 13 January 1930; 'to assert the sovereign rights of His Majesty over British land discoveries met within Antarctica' (Price 1962). This proclamation was repeated from the cockpit of a Tiger Moth plane that was flown along the coastline, dropping a Union Jack onto the ice on 25 January 1930 (see, among others, Collis 2004; Haward and others 2006; and Kawaja 2010). Mawson's actions during the BANZARE in 1929–1931, claiming the territory for Britain and King George V, placed Australia at the centre of imperial policy towards Antarctica. Administration of what became the AAT was transferred to Australia from Great Britain on 7 February 1933 through an Imperial Order in Council, with the Australian Antarctic Territory Acceptance Act passed by the Commonwealth parliament the same year. This legislation was given effect by proclamation by the Governor-General of Australia on 24 August 1936. The Imperial Order in Council on 7 February 1933 'was specified as coming into effect at a date to be fixed by the Governor-general [of Australia] by proclamation following the necessary Australian legislation accepting the territory' (Price 1962: 230).

The Attorney-General John (later Sir John) Latham of the United Australia Party (UAP) introduced the Australian Antarctic Territory Acceptance Bill 1933 in the House of Representatives² (CPD House of Representatives 1933: 1949–1953). Price notes that in the House 'both government and opposition members supported Latham, with the possible exception of Dr William Maloney the [Australian Labor Party (ALP)] member for Melbourne' (Price 1962: 164). It is interesting to note that the debate was not well attended: 'the House of Representatives was so excited and so interested in the Antarctic that a quorum had to be formed twice during the debate' (Price 1962: 163). Casey (UAP, Corio) followed Latham, and noted, 'it is, I think, something to be proud of that this day has arrived' (CPD House of Representatives 1933: 1954–1956). The Country Party Speakers Thorby (Calare) and Collins (Hume) supported Latham, with Collins suggesting beginning negotiations with France to exchange territory 'so that our territory may be administered more efficiently and economically' (CPD House of Representatives 1933: 1957–1958).

The Opposition member Albert Green (ALP, Kalgoorlie) recorded that the 'interesting address of the Attorney-General has given deep satisfaction to honourable members' (CPD House of Representatives 1933: 1954). Dr Maloney thanked 'the government for the plan of the Antarctic that has been placed in our hands' but was concerned that the acquisition of the AAT would increase tensions with 'some of the strong nations of the East' (CPD House of Representatives 1933: 1956–1957). Maloney encouraged consideration of 'a League of Nations committee to supervise this area If this cannot be done I hope that the Government will

make a success of its activities in the Antarctic'. He concluded with the comment, 'I sincerely trust that the expenditure there will not be too great' (CPD House of Representatives 1933: 1956–1957).

In the Senate, debate on the Australian Antarctic Territory Acceptance Bill 1933 followed the House's lead in terms of general bipartisan support. What are of interest are the comments of individual Senators. Senator Sir George Pearce, the Minister for Defence, introduced the bill and began the second reading speech with the words, 'this measure is non-contentious in nature. Its object is to enable the Commonwealth in accordance with section 122 of the Constitution, the administration of the Australian Antarctic Territory' (CPD Senate 1933: 2017–2018). Senator Barnes (Leader of the Opposition in the Senate) had 'no opposition to offer to this bill' (CPD Senate 1933: 2019). Most concern in the Senate focussed on the lack of information provided to the chamber. 'We are as usual, being asked to do something in a hurry, on totally inadequate information (Senator Collings (ALP), CPD Senate 1933: 2019). Senator O'Halloran (ALP, South Australia) did 'not register strong disapproval of the method by which Australian sovereignty over this land is to be implemented' but was concerned that 'we are once more being asked to do something which will increase the power of the Executive over Parliament' (CPD Senate 1933: 2019–2020). Senator Brown, arguing for more time to discuss the matter, noted that 'the present government may antagonize the governments of other countries that are interested in these regions' (CPD Senate 1933: 2020–2021). In the debate the Antarctic interests of France, the USA and Norway were noted. In response, Senator Pearce commented that he had 'curtailed my remarks because I thought the advantages to Australia from this legislation were so obvious. I could have given much more detailed information than I gave, had I thought honourable Senators desired it' (CPD Senate 1933: 2021). Senators appeared mollified by the extra information but concerns over the costs of administering the territory were raised again.

The 1950s: consolidating interests in the Australian Antarctic Territory

The Australian Antarctic Territory Act (1954) was developed to provide further legal certainty for Australia's activities, particularly with the establishment of Mawson Station: the longest occupied station south of the Antarctic Circle. Furthermore, the legislation was later amended in 1957, in cohort with the ACT Supreme Court Bill 1957, to incorporate the statutory and common law laws of the ACT, and further give ACT courts the jurisdiction on the application of those laws in the AAT.

Prime Minister Menzies (Liberal Party (LP)) introduced the Australian Antarctic Territory Act into the House of Representatives on 14 October 1954 (CPD House of Representatives 1954a: 2001), with strong support from the Leader of the Opposition, Dr Evatt

(ALP) (CPD House of Representatives 1954b: 2204–2206). Both parties noted, at length, the importance of, first, a definite system of law in the Antarctic to aid in the development of Australian activity in the AAT, and second, further defining Australia's territorial claim in the Antarctic and giving Australia a 'satisfactory footing' in Antarctica, given the growing international interest in it (from the United States, the USSR, Japan, and Norway) (CPD House of Representatives 1954b: 2204–2206).

Both Mr Cameron (LP) and Mr Wentworth (LP) voiced their opinions in support of the Leader of the Opposition's speech, stating that Australia's activities in the Antarctic were a great source of national pride and interest (CPD House of Representatives 1954b: 2206–2211). Mr Beale (LP) noted, 'it is very gratifying to have the unanimity of the House on this Bill, which, small though it is, is nevertheless significant, and is a page in the history of Australia and its relations with the Antarctic' (CPD House of Representatives 1954b: 2211).

This strong bipartisan support did not, however, mean that the debate or discussion was inconsequential. During the debate, some concerns were raised over the impact of the repeal of the 1933 act, the original intention of the government. Mr Wentworth (LP), with the support of Mr Beale (LP), indicated that it was not the intention of the Australian Antarctic Territory Act to supersede the entire Australian Antarctic Territory Acceptance Act. As a result he noted that the statement '[a Bill to repeal] the Australian Antarctic Territory Acceptance Act' should be changed to '[a Bill to repeal] Section 3 of the Australian Antarctic Territory Acceptance Act' (CPD House of Representatives 1954b: 2211–2212).

Dr Evatt agreed with the Liberal MP's observations, but noted some caution: 'I am certain that the mere repeal of the 1933 act, unexplained and without the inclusion of a similar declaration in the measure that effects the repeal, could easily be, and probably would be, regarded by other claimants or possible claimants as, *protanto*, a surrender or even an abandonment of Australia's claim to the Australian Antarctic Territory' (CPD House of Representatives 1954b: 2012–2013).

Debate over the bill retained a strongly bipartisan tone in the Senate. Senator Spicer (LP), the Attorney General, introduced the Australian Antarctic Territory Act into the Senate in September 1954 (CPD Senate 1954a: 434–435). Senator McKenna (Leader of the Opposition in the Senate) recorded that 'at once the Opposition very cordially supports the Bill' and assured the parliament that the Opposition would ensure it had 'as speedy passage as circumstances permit' (CPD Senate 1954b: 611–622).

Senator Byrne (ALP), in response to Senator Laught's (LP) comments about Australia's interests in Antarctica's resources, did note the need for further regulation: 'As Senator Laught pointed out Antarctica contains an untapped source of wealth. However, I do not consider that those who, on their own initiative, go to Antarctica to investigate its possibilities and derive wealth, should

have an unlimited opportunity to exploit that continent. Safeguards should be applied' (CPD Senate 1954b: 611–622). There was some disagreement on the strategic value of Antarctica, but bipartisan support for applying Australian law in the AAT was recognised (CPD Senate 1954b: 611–622).

Senator Laught (LP) voiced some concern in reference to the lack of US support for the Australian claim to the AAT. In response to Senator Laught's concern Senator Spicer (LP) offered the following explanation:

I have indicated that the United States of America has reserved its decision in relation, not only to our claim, but also to the claims of other nations. The American Government is interested in the claims made by certain nations in South America. This is one of those things that we cannot rush (CPD Senate 1954a: 434–435).

Australia and the internationalisation of Antarctica

In 1956, Senator Hendrickson (ALP) posed a question to the Senate, referring to a statement made by Admiral Byrd of the United States Navy, regarding the Commonwealth's view on Antarctica (including the AAT) being handed over to the United Nations (CPD Senate, 1956b: 848–849). Admiral Byrd, an officer who specialised in exploration of the Arctic and Antarctic, made a statement that Australia (along with other territory claimants in Antarctica) should hand over control of the AAT to the United Nations when he was surveying the exploration work being carried out in the Antarctic 'with the cooperation of 40 nations' (CPD Senate, 1956b: 848–849).

Senator O'Sullivan (LP) responded, saying that the legal grounding for Australia's AAT claim was strong, and there 'should be no reason for placing the Antarctic continent under the control of the United Nations' (CPD Senate 1956b: 848–849). He paid close attention to the 'sustained activity' of the Commonwealth in the AAT. As for the Commonwealth's interest in Antarctica, Senator O'Sullivan elaborated that 'the strategic importance of the Antarctic Continent is another factor to which we must pay full regard' and 'apart from large deposits of coal already found in the Antarctic, we know little of its mineral resources. Because of the very nature of its geological structure it is possible that there are other deposits in the Antarctic' (CPD Senate 1956b: 848–849). Interestingly, Senator O'Sullivan speculated, 'it is also conceivable that the day may not be too far away when the Antarctic will be used as a short route for flights from Australia to South Africa and South America' and 'although we see no reason for placing our Antarctic territory under international control, this does not mean that we have not been prepared, for agreed and defined international purposes, to co-operate with other countries wishing to carry out scientific investigations in this region' (CPD Senate 1956b: 848–849).

In Senate question time the following month, Senator Laught (LP) enquired into the extent to which the

Commonwealth had helped facilitate international activity (specifically that by the Soviet Union) in the AAT (CPD Senate 1956c: 1406). Senator Spicer (LP) indicated that Australia had entered into an agreement, for the purposes of the International Geophysical Year (IGY) occurring from July 1957 to December 1958, for the Soviet Union to build a scientific research base in the AAT and the possibility of a further two bases being built (CPD Senate 1956c: 1406). Provision was also made for the Soviet Union to be able to send aircraft and ships via Australia en route to their base in the AAT. In return, following the IGY, the Soviet Union would offer Australia the 'various kinds of scientific data which they obtain' (CPD Senate 1956c: 1406).

The IGY raised some interesting territorial (and sovereignty) issues, most notably related to the Soviet Union's development of stations, particularly Vostok, in the AAT. Mawson Station and the scientific programmes undertaken there since the summer of 1954 provided Australia with a means to advance its activities during the IGY of 1957–1958. In 1956, a Soviet scientific expedition raised its flag at their research base, Mirny (located in Queen Mary Land within the AAT). Despite the acceptance of the 'gentlemen's agreement' (Hall 1994) underpinning activities under the IGY (agreement that these activities would not create new territorial claims), Senator Wordsworth (LP) queried whether that act could lead to a territorial claim by the Soviet Union in the Antarctic (CPD Senate 1956a: 121–122). Senator Spicer, also Liberal, stated, 'the raising of national flags has been a common practice among scientific expeditions' (CPD Senate 1956a: 121–122) and declared that there was no evidence to suggest that raising 'the flag indicates a Soviet intention to claim territory, nor has the Soviet Government given the Australian Government any notice that its activity in our Antarctic territory arises otherwise than from the International Geophysical Year' (CPD Senate 1956a: 121–122).

In terms of bipartisanship, the IGY and Soviet activity in the AAT attracted significant interest in the Australian parliament. The IGY marked a rare diplomatic phenomenon in the Cold War, where communist and capitalist powers were able to put their political and military tensions aside in favour of mutual scientific advancement. In spite of scientific activity by the Soviets in the AAT, and its benefit to Australia pursuant to the IGY, Australian MPs in both political parties expressed unease over the government's policy decision to cooperate with the Soviets. These concerns generally centred on sovereignty, national security, and resource exploitation.

Concern surrounding Soviet activities in the Antarctic continued. A question in the House of Representatives asked whether there was any evidence to corroborate a rumour that the Soviets were 'firing rockets from the Australian territory' (Mr Webb, Mr Casey, and Dr Evatt, CPD House of Representatives 1957: 2900). Casey, as Minister for External Affairs, confirmed that while it had been reported publicly that Soviet scientists had

fired rockets, they had done so only for 'meteorological research purposes' (CPD House of Representatives 1957: 2900). Casey assured the House that '[w]e have done that ourselves. The Americans have done that. I should expect that all countries with scientific posts in the Antarctic for the International Geophysical Year have done that' and that '[t]here is no significance in it. It is part of the scientific process of probing meteorological problems in the interests of mankind' (CPD House of Representatives 1957: 2900).³

In early 1958 Mr Drury (LP) expressed concern on reports that 'Soviet bases in the AAT are equipped far more elaborately than is necessary for purely scientific purposes' (CPD House of Representatives 1958: 603). Casey responded that there was no information whatsoever to that effect, and that he could 'only hope and believe that the Soviet base [was] confining itself to its acknowledged purpose' (CPD House of Representatives 1958: 603). Two months later, Senator O'Sullivan (LP) responded to Senator Hannan (LP) that the 'Soviet Union maintains one major scientific base and five ancillary scientific bases in the Antarctic, all of which are within the AAT', manned by about 150 people (CPD Senate 1958: 1102). Senator Hannan (LP) then asked Senator O'Sullivan if there was 'any evidence to suggest that the base is being used for other than scientific purposes – or in conjunction with the deployment of Soviet submarines?' (CPD Senate 1958: 1102). Senator O'Sullivan reiterated Casey's earlier response that there was absolutely 'no evidence to suggest that Soviet activity in the Antarctic had gone beyond scientific research' (CPD Senate 1958: 1102).

The 1960s and the Antarctic Treaty: 'Practical settlement of potentially difficult issues'

As Australia's Minister for External Affairs in the late 1950s, Casey welcomed the signing of the Antarctic Treaty on 1 December 1959 and asserted that its entry into force would represent:

both a practical settlement of potentially difficult issues in an area of close and immediate concern to Australia, and a hopeful example of cooperation between East and West which might help to restore the confidence so sadly lacking in the post-war international scene (Casey 1959).

Following the conclusion of negotiations over the Antarctic Treaty there was less discussion in the parliament of matters related to national security, sovereignty and resource exploitation in Antarctica. However, in the second reading of the Antarctic Treaty Bill (1960), and before the Antarctic Treaty had entered into force, Senator Laught (LP) considered whether 'it was possible to train a small section of the Royal Australian Navy for service in the Antarctic' (CPD Senate 1960: 581–602). Furthermore, despite the strong commitment to the use of Antarctica for peaceful purposes (Article I, Antarctic Treaty), Senator Laught argued that the 'Navy should

be practical; and I feel that the Navy should be able to proceed to Antarctica' (CPD Senate 1960: 581–602). In particular, Senator Laught quoted a Sydney newspaper article that stated, '[i]n any future war, submarine peril to Australia could easily come from the cold southern seas' (CPD Senate 1960: 581–602). Senator Spicer argued that Australia should have a fall-back position in place, because currently 'we have no properly trained personnel and if anything untoward were to happen we would be in an awkward fix' (CPD Senate 1960: 581–602).

The signing of the Antarctic Treaty was widely supported within the Australian parliament, and much was made of Canberra being the site of the first Antarctic Treaty Consultative Meeting. The Antarctic Treaty Bill 1960 was introduced into the parliament in September 1960 and debate concluded the following month. This legislation was to enable Australia's ratification of the Antarctic Treaty. The debate on the bill provides further insights into the degree of bipartisanship on the matter.

Mr Osborne (Minister for Air, LP) introduced the Antarctic Treaty Act into the House of Representatives with a significant approval from both the LP and the ALP (CPD House of Representatives 1960a: 1432–1435). He indicated four main advantages to Australia's participation in the treaty:

1. 'It safeguards our territorial sovereignty in the sense that our position, regardless of our activity and that of other countries, will be the same as it is at present for at least another 34 years' (CPD House of Representatives 1960b: 2097–2116).⁴
2. 'We shall benefit from the removal of threats to our security from the south' (CPD House of Representatives 1960b: 2097–2116).
3. 'We shall benefit greatly from the accumulation and free international exchange of scientific information. This will have practical uses, for example, in meteorological forecasting, air and radio communications, oceanographic data, aids to navigation and space research' (CPD House of Representatives 1960b: 2097–2116).
4. 'We shall be able to continue the scientific activity and exploration which Australians have done so much to pioneer' (CPD House of Representatives 1960b: 2097–2116).

Mr Haylen (ALP) qualified his support of the *Antarctic Treaty Act* with some concerns over the territorial freezing provision within the treaty, likening it to a quick fix for problem that will inevitably arise in the future (CPD House of Representatives 1960b: 2097–2116). Haylen noted that the 'Opposition, although not intending to take a great deal of time in discussing the Antarctic Treaty, desires to deal with it upon its merits, which are very great indeed, and to make some contribution towards the general knowledge of Antarctica that should be held by honourable members and the community' (CPD House of Representatives 1960a: 1432–1435).

Mr Wight (LP, Lilley) was 'somewhat reluctant to introduce what might be considered a discordant note',

given the tone of the debate. He had two points of concern. 'First, that this treaty should be ratified by the Parliament rather than by the Executive; and, secondly, that the treaty should include some recognition of the problems that could arise if oil or mineral wealth were discovered in the Antarctic territory because of the possibility of a dispute between nations. Apart from those reservations, I support the Bill' (CPD House of Representatives 1960b: 2097–2116).

Mr Wight's concerns seemed to resonate through the rest of the debate. Mr Duthie (ALP) expressed concern that the Antarctic Treaty did not have the capacity to control resource exploitation in the Antarctic, given that 'no specific mention of minerals is [made]' (CPD House of Representatives 1960b: 2097–2116). However, he did concede that the question was 'whether [mineral deposits] were large enough to cause international friction' (CPD House of Representatives 1960b: 2097–2116). In response, Mr Osborne (LP) noted that the Australian Government's policy at the Antarctic Treaty negotiations at Washington was to avoid discussion of resource exploitation, 'because it could easily have prejudiced the whole negotiation' (CPD House of Representatives 1960b: 2097–2116).

Sir Wilfrid Kent Hughes (LP, Chisholm), considered a 'potential trouble maker'⁵ on the government benches, recorded that he

should like to congratulate the Government on the part that its members have played in bringing this treaty to a successful stage and on the presentation of the bill to the Parliament for ratification. It has not always been the custom to bring treaties – even important treaties – to the Parliament for ratification. I congratulate the honourable member for Parkes (Mr. Haylen) on the spirit in which he has spoken with regard to the importance of this Bill (CPD House of Representatives 1960b: 2097–2116).

Mr Bandidt (ACP) seemed to express the most concern for Australia in reference to resource exploitation within the Antarctic, and that 'Australia was a hopeless optimist' in reference to its Antarctic claim (CPD House of Representatives 1960b: 2097–2116). He noted that the International Court of Justice (ICJ) would be an inadequate recourse in the event of a resource dispute (given that parties need to consent to the ICJ's jurisdiction), and Australia would inevitably be the loser if its interests could not be adequately enforced under the Antarctic Treaty. Mr Osborne (LP), who initially introduced the bill, defended the Antarctic Treaty, noting that it was a significant achievement, given that the parties were in 'such disagreement on many other matters' (CPD House of Representatives 1960b: 2097–2116). However, he conceded that the House of Representatives 'should not draw conclusions from the treaty that are too wide' (CPD House of Representatives 1960b: 2097–2116).

In the Senate, Senators McKenna (ALP), Laught (LP), and Gorton (LP) all expressed concern that the

views of the executive were only heard at the Antarctic Treaty meetings, without consulting parliament (the ALP was concerned with this, as their voice would not be able to be heard in the Liberal cabinet room) (CPD Senate 1960: 581–602). This was similar to the concern raised by Mr Wight (LP) in the discussions in the House of Representatives.

The 1970s and 1980s: times of change and challenge

The 1970s and 1980s saw an expansion of the ATS through the negotiation over management of marine living resources, and a consolidation of the Antarctic Treaty 'system'. Australia played a major role in these negotiations, and is depository state for the CCAMLR. The 1980s, too, saw expansion of Australian activities through a rebuilding programme for the continental stations and increased access to the continent with the chartering of the *Icebird* and a concomitant increase in berths and access for scientists. The end of the decade saw the loss of the *Nella Dan* after grounding on Macquarie Island. The decade was one of internal turmoil for the Australian Antarctic Division and increased political oversight and examination of its operations (Bowden 1997). The 1980s saw Australia leading in substantial challenges to the ATS. In the early 1980s Australia led the response to the Malaysian-initiated United Nations debate on the 'question of Antarctica' (Tepper and Haward 2005; Haward and Mason 2011).

The Antarctic Treaty (Environmental Protection) Act (1980) recognised the need for environmental protection in the AAT under the ATS, and moved to create a number of executive functions. These functions included, *inter alia*: the requirement of permits to operate in Antarctica; measures for environmental evaluation; prohibition of activities likely to have an impact on the environment; giving inspectors the ability to arrest individuals in the AAT for offences relating to the environment; and allowing inspectors to seize articles they believed were used in the commission of an offence under the act.

Senator Sibraa (ALP), while supporting Senator Carrick (LP), who introduced the Antarctic Treaty (Environmental Protection) Bill, had 'some justifiable qualms' about the 'Government's past record' in respect to the environment (CPD Senate 1980: 2796–2804). Senator Sibraa was 'perturbed' by a speech by the Minister for Science and the Environment (Mr Thomson, LP), pointing out that 'whilst environmental research will go ahead, [Mr Thomson] implied that future exploration and exploitation development will proceed regardless of the result of the research' (CPD Senate 1980: 2796–2804). Senator Sibraa argued that 'any exploitation of resources in the fragile Antarctic environment will most certainly have substantial environmental effects' (CPD Senate 1980: 2796–2804) and that:

[t]he Bill before the Senate in its present form does little to provide for environment protection in Antarctica as such. Only by the implementation of programs

under the regulations can this Bill be effective. The Government must carry out its responsibility and apply the spirit of this legislation (CPD Senate 1980: 2796–2804).

Senator Tate (ALP), in voicing his support for the bill, discussed the strong bipartisanship of Australia associated with environmental protection in the AAT and how that flows through to create a stronger, and more united, Australian stance on issues in the international arena (CPD Senate 1980: 2796–2804). This bipartisan political approach of 'senators, representatives and the total community support throughout Australia for the preservation of this area' worked, Tate argued, to put aside 'the usual conflicts between nation states, which have characterised history, and the usual approach to resources which characterise mankind generally' (CPD Senate 1980: 2796–2804). Senator Tate also commended the Australian parliament in overcoming its fears associated with its ongoing cooperation with the USSR in the AAT:

It is good to note that the Government has overcome some of its concern about its cooperation with the Union of Soviet Socialist Republics in allowing the Ambassador from the USSR – accredited to the recent conference held in Canberra – to travel to Hobart to acquaint himself with the facilities available for the operations in the Antarctic (CPD Senate 1980: 2796–2804).

The 1970s and 1980s also saw the successful conclusion of the negotiation of the CCAMLR, with its secretariat headquartered in Hobart (Kaye and others 2011). In the debate over the Marine Living Resources Conservation Bill 1981, legislation to give effect to Australia's obligations under the new convention, Mr McVeigh (NCP) was able to introduce the bill with a large amount of bipartisan support into the House of Representatives (CPD House of Representatives 1981b: 1010). In particular, Mr Hodgman (LP) congratulated 'both the Government and the Opposition members of the House and the Senate, the two departments which worked enormously hard . . . in bringing to fruition the most historical international treaty [CCAMLR]' (CPD House of Representatives 1981a: 1220).

Some members of the ALP were, however, more restrained. Specifically, Mr West submitted that while the CCAMLR 'had some glaring inadequacies', which he noted were 'found in all international agreements reached by consensus', the treaty 'also has major breakthroughs' (CPD House of Representatives 1981a: 1248). Mr West argued that 'the Convention specifically avoids provisions for setting national catch quotas and limitations on the fishing effort' and that 'membership of the Commission is restricted to those States that are engaged in fishing or research activities in Antarctica. Even then, admission depends upon the unanimous vote of acceptance by the Commission countries. That is a closed shop arrangement' (CPD House of Representatives 1981a: 1248).

Mr Jones (ALP) noted his concerns with the convention in its 'current format', with regard to: five detailed weaknesses related to the need for consensus; practical matters of control of waters in the South Atlantic; and managing potential harvests of icebergs. Jones pointed out that 'the adoption of this Convention, however desirable in itself, may create the false impression that unanimity can or will be reached about possible future resource exploitation of oil and other minerals' (CPD House of Representatives 1981a: 1216).

The Senate accepted the bill with a similar level of bipartisanship. Senator Button (ALP) pointed out that the bill 'points us in the right direction' (CPD Senate 1981: 1156) and established the 'need for greater effort in this area if we are to honour both our foreign policy obligations and moral obligations we take on by making such a large claim to the Antarctic territory' (CPD Senate 1981: 1156). Senator Melzer (ALP), being critical of Australia's past presence in the AAT, stated that 'Australia in the past, although claiming sovereignty over a very large slice of the Antarctic, has not done very much more than just claim that sovereignty' (CPD Senate 1981: 1166). He argued that Australian scientists 'have carried out magnificent work under poor conditions and with poor equipment' (CPD Senate 1981: 1166). However, despite these comments the bill was 'certainly a commitment from honourable senators on this side of the chamber', namely 'that Antarctica will proceed without being endangered in any way' (CPD Senate 1981: 1166).

Senator Peter Baume, in concluding debate on the bill, commented, 'I think it remains for me only to observe that the debate in both places on this bill has been of a particularly high standard which I think has reflected considerable credit upon the capacity of the Parliament to give informed debate to an important matter. I commend the Bill to the Senate' (CPD Senate 1981: 1168).

At the end of the decade Australia, with France, opposed the Convention on the Regulation of Antarctic Mineral Resource Activities (CRAMRA), the latter after much debate with government. As an original signatory and supporter of the Antarctic Treaty, Australia has been prepared to defend the treaty against external critics while at the same time been unafraid to advocate new approaches that support the national interest, even if, as in the case of the challenge to CRAMRA, it faced considerable opposition from other Antarctic Treaty Consultative Parties (ATCPs).

It is noteworthy that response to the 'question of Antarctica' and the challenge to CRAMRA had bipartisan support. With respect to Australia's position on CRAMRA John Howard, then the Leader of the Opposition, had earlier voiced concerns over the issue of mining in Antarctica (Jackson and Boyce 2011: 243–273). The parliament itself was a vehicle for deliberations over the fate of CRAMRA. On 3 May 1989, Senator Puplick (LP, NSW) moved that 'so much of the Standing Orders be suspended as would prevent [him] moving forthwith the

motion relating to Antarctic mineral resource activities'. The motion passed and Senator Puplick explained that:

The reason for the move to suspend Standing Orders is quite simply that I believe that the Senate should have the opportunity to express an opinion on this matter before the Government comes to a final determination of its position. I hope that by the passage of this motion today, the Government will be given an indication of the view of the majority of the Senate and that the Government will be able to take that on board when it seeks to reconcile the conflicting opinions which exist within its own ranks. I hope that at the end of the day this debate will have made some contribution to persuading the Government to adopt precisely the position which the motion puts down and to make a significant contribution to the protection not only of the Antarctic environment but, indeed, of the environment of planet Earth as a whole (CPD Senate 1989: 1647).

The parliamentary debate on CRAMRA indicates a considerable understanding of Antarctica, and willingness from members of each house to engage in debate over the AAT and the Australian role in the ATS, emphasising a broad bipartisanship.

Parliament's understanding has been facilitated by the work of the Australian Antarctic Division in its familiarisation visits to the Antarctic by members of parliament (MPs) and the regular presentations in parliament on the Antarctic programme. In turn, the support within parliament has been enhanced by the Parliamentary Antarctic Alliance, established in 1987, comprising MPs who have travelled to, or who have an interest in Antarctica (Bowden 1997: 236). This provides a vehicle for increasing understanding of the purpose of the Australian Antarctic programme, the work of the Australian Antarctic Division and the importance and impact of the ATS.

The 1990s: Australian interests and the goals for the Australian Antarctic programme

Developments in the 1980s provided an opportunity to restate and recast Australia's Antarctic policy interests to reflect the new instruments within the ATS and emerging commitments on ATCPs. Unlocking Antarctica's influence on Australian (and later global) weather and climate has meant that science, pioneered by Mawson, has been a longstanding interest of Australian parliamentarians. Casey, in 1933, had recognised the long-range weather-forecasting opportunities that could be of considerable benefit to Australian pastoral and agricultural industries.⁶ Australian science remained a core aspect of these policy interests (Anon 1981; Brook 1984). The most recent statement of interests is:

- to preserve our sovereignty over the Australian Antarctic Territory, including our sovereign rights over the adjacent offshore areas;

- to maintain Antarctica free from strategic and/or political confrontation;
- to protect the Antarctic environment, having regard to its special qualities and effects on our region;
- to take advantage of the special opportunities Antarctica offers for scientific research;
- to be informed about and able to influence developments in a region geographically proximate to Australia; and
- to derive any reasonable economic benefits from the living and non-living resources of the Antarctic (excluding the deriving of such benefits from mining and oil drilling⁷) (Haward and Jackson 2011: 338).

Australia acted quickly to implement the key mining prohibition provision of the Protocol on Environmental Protection. The Antarctic Mining Prohibition Act of 1991, although it was repealed in 1992 by the Antarctic Treaty (Environment Protection) Legislation, marked a significant step by the Australian parliament to protect natural resources in the AAT. The Bill attracted bipartisan support from both the ALP and the LP coalition on the baseline of prohibiting mining in the Antarctic.

Mr Dobie, the Liberal member for Cook, pointed out that the ‘firm and bipartisan’ (CPD House of Representatives 1991b: 1870) stance of Australia on the bill would result in a stronger Australian stance at the Antarctic Treaty negotiations in Madrid.⁸ After congratulating Mr Dobie on his comments, Mr Lee (ALP) added, ‘it is certainly a welcome development in this House to have both Government and Opposition working hard to support legislation . . . that will preserve a large part of the global environment’ (CPD House of Representatives 1991b: 1874).

However, despite the bipartisanship on the prohibition of mining in the Antarctic, there was a lack of good faith and bipartisanship on many secondary issues with the bill. In the second reading of the bill in the House of Representatives, Mr Webster (LP) noted:

I think there has been perhaps a lack of bipartisanship in relation to this Bill. I feel that all honourable members agree with this Bill 100 per cent, but I think that there has been a bit of oversensitivity on both sides with regard to some of the issues and with regard to what has or has not been done by either side on various issues. We have to be very careful that we do not get too carried away by letting anything take place that may in any way affect the magnificent environment that is the subject of this debate (CPD House of Representatives 1991b: 1931).

The first issue of dissent between the parties originated from Mr Howard’s (LP) initial comments, observing that the Liberal Party’s support for the prohibition of mining in Antarctica ‘in fact predates that of the Government [ALP]’ (CPD House of Representatives 1991a: 1418). A week later, Mr Chaney (LP, Shadow Minister for the Environment) elaborated on John Howard’s comments,

stating that ‘most members of the House would be aware that within the Australian Labor Party there was strong support not for this approach but for the signing of the minerals convention [CRAMRA]’ (CPD House of Representatives 1991b: 1845) and that ‘the Opposition [LP] was the first in the field in Australia to oppose the signing of the minerals convention’ (CPD House of Representatives 1991b: 1845).

However, Mr Bevis (ALP) was quick to defend his party’s stance from Mr Chaney’s comments, arguing that his attack was a ‘rather pathetic and vain effort to colour the Opposition’s record on the environment’ (CPD House of Representatives 1991b: 1851) and that the ‘record of the honourable members opposite has been abysmal in the field of protection of our environment’ (CPD House of Representatives 1991b: 1851). Nevertheless, Mr Downer (LP) declared that Mr Bevis’s comments were ‘yet another party political diatribe on the general issue of the environment . . . [that has] been used with the greatest of cynicism, in particular by the Labor Party, to shore up its political position’ (CPD House of Representatives 1991b: 1862). Mr Riggall (LP) speculated that ‘perhaps if the Australian Labor Party had not so mismanaged and politicised the environment over the last decade, we would not have needed this Bill to come before the House at all’ (CPD House of Representatives 1991b: 1878).

The second issue of dissent between the parties revolved around both administration and enforcement problems associated with the Antarctic Mining Prohibition Bill. Mr Fischer (the Leader of the National Party of Australia at the time) asserted that while the bill was an extremely important piece of legislation, with a ‘bipartisan approach in this Parliament to future policy with regard to this aspect of Antarctica’ it would be very ‘difficult to administer and enforce’ (CPD House of Representatives 1991b: 1855). To illustrate this, Mr Fischer came up with a hypothetical scenario; ‘for example, [if] an Australian is employed by the French at Dumont d’Urville [the French Antarctic territory sandwiched in-between the AAT] . . . I could see some very real difficulty in monitoring that and in determining how that would affect the impact of this law on that [particular] Australian, even though clear-cut penalties are in provided for such activity’ (CPD House of Representatives 1991b: 1855).

Mr Fischer also commented on the difficulty Australia would have in enforcing Australian Antarctic legislation on countries that do not recognise Australia’s claim in the Antarctic. Specifically, he referred to the difficulty ‘Australia has had in terms of its policies relating to Antarctica as a consequence of the attitude taken by Malaysia’ (CPD House of Representatives 1991b: 1855) and said that ‘Australia must relate more to Asia in an economic sense – in economic cooperation, export activity and the like. Yet here, in the area covered by this legislation, there is yet another huge gulf between Australia and Malaysia’ (CPD House of Representatives 1991b: 1855).

Notwithstanding specific points of concern, Australian responses to the challenges faced by, first, establishing an environmental protection regime in Antarctica, and second, responding to Malaysia's interest in the 'question of Antarctica' in the United Nations, reflected bipartisan commitment to Australian interests in Antarctica. This was matched by continuing development of domestic policy. The report of the Antarctic Science Advisory Committee (ASAC), *Australia's Antarctic program beyond 2000: a framework for the future*, completed in 1997, provided a major contribution to discussion of a range of initiatives and options for the Australian Antarctic programme, including support for the provision of an 'air link' to the continent.

ASAC undertook 'a foresight analysis to examine the future uncertainties in the external environment over the first quarter of the new century'. It reported:

A need for the Australian Antarctic Program to become more able to respond and adapt to changing national and international needs and demands. The report was wide ranging and, in keeping with the Parliamentary Secretary's directions, was not restricted solely to science (Stoddart 2001: 62).

In May 1998 the government responded to the ASAC report. A key outcome of this review was the statement of the Australian government's goals. It established the goals of the Australian Antarctic programme as:

- to maintain the Antarctic Treaty System and enhance Australia's influence within the system;
- to protect the Antarctic environment;
- to understand the role of the Antarctic in the global climate system; and
- to undertake scientific work of practical, economic and national significance (Australian Antarctic Division 2000).

These goals encapsulate Australia's Antarctic agenda (Haward and others 2006; Kriwokin and others 2007) and reinforce the centrality of the Antarctic Treaty to this agenda. They are more publicly available and expressed than the statement of interests. Significantly, and directly related to the core argument of this article, the goals remained unchanged with the election of the ALP to government in 2007.

The year 2000 and beyond

The first decade of the new century saw Australia continue to be an active and influential actor within the ATS (Dudeny and Walton 2012). A new era in logistics and access for scientific research began with the establishment of an air link using an Airbus A319 aircraft between Hobart and Wilkins Aerodrome,⁹ a blue ice runway in the Bunger Hills near Casey station. Australia continued to maintain its interests in the Southern Ocean, most notably in relation to its sovereign territories of Heard and McDonald Islands, and Macquarie Island.

Australian sovereignty over these sub-Antarctic islands, under undisputed national jurisdiction and outside

the treaty area, led to action to delimit continental shelves off these islands under Article 76 of the Law of the Sea Convention (LOSC). Australia has been sensitive to differing interpretations of the application of the LOSC to the Antarctic Treaty area. The Australian government declared a 200 nautical mile exclusive economic zone off the AAT in 1994 but only enforces Australian law in this area against Australian nationals and/or vessels.

Australia began a major scientific, legal, and diplomatic project to collect data to support its claim for an extended 'legal continental shelf' under Article 76 of the LOSC in the mid 1990s following entry into force of the convention. This included survey work around continental Australia, its offshore islands (including the sub-Antarctic Heard, McDonald, and Macquarie Islands) and the AAT. The Australian government recognised the sensitivity of the issue (with regard to Article IV of the Antarctic Treaty) and considerable diplomatic work was undertaken explaining Australia's position to Antarctic Treaty parties (Jabour 2006). Heard Island, for example, due to its distinctive seabed geomorphology, generates a large area that can be delimited as an extended 'legal continental shelf'. Like Macquarie Island, part its continental shelf extends in to the Antarctic Treaty area, south of latitude 60° south.

While Australia's actions in surveying the limits of the continental shelf off the AAT have been seen as controversial by academic commentators (Dodds and Hemmings 2009; Dodds 2011; for an alternative view see Baird 2004), Australia's actions in fact follow its long-standing bifocalism, and commitment to the Antarctic Treaty. In a note to the Secretary-General of the United Nations that accompanied its submission, 'Australia recalls the principles and objectives shared by the Antarctic Treaty and UNCLOS [*sic*], and the importance of the Antarctic system and UNCLOS working in harmony and thereby ensuring the continuing peaceful cooperation, security and stability in the Antarctic Area' (Australia 2004). This submission requested 'the Commission in accordance with its rules not to take any action for the time being with regard to the information in this submission that relates to continental shelf appurtenant to Antarctica' (Australia 2004). This request was agreed to by the Commission on the Limits of the Continental Shelf (CLCS).¹⁰ Thus Australia had achieved its twin objectives of maintaining its interest as a claimant and protecting the stability of the ATS (Haward 2009; 2010).

On 9 April 2008 the CLCS adopted recommendations for Australia's extended continental shelf with minor adjustments made to the Australian submission including a small area off the territory of Heard and McDonald Islands. 'The Commission felt there was insufficient available evidence to justify the full continental shelf associated with . . . the Williams Ridge in the Kerguelen Plateau region' (Symonds and others 2009: 6). The Australian Government 'welcomed' the findings of the CLCS. In commenting on the CLCS's decision Campbell noted that '[i]t is likely that a proclamation establishing

that outer limit will be made in the near future under the Seas and Submerged Lands Act 1973' (Campbell 2008: 145–146). This proclamation was made on 24 May 2012 (Roxon 2012).

Conclusion

This brief discussion of Australia's domestic politics underpinning its engagement with the Antarctic highlights common features. Australia has maintained a commitment to its interest that attracted bipartisan support from the acceptance of responsibility for the 'Australian quadrant' following the transfer of what became the AAT from the United Kingdom in 1933. This support continued into the 1950s with the development of Australian National Antarctic Research Expeditions (ANARE), the establishment of Australia's first permanent continental station at Mawson in 1954, and the development of the Antarctic Treaty later that decade. Statements of governmental policy interests have been made and amended (for example, with the conclusion of the Madrid Protocol) at different times (Anon 1981; Brook 1984; Haward and others 2006; Haward and Jackson 2011).

Since the signing and entry into force of the Antarctic Treaty there has been bipartisan support for the treaty and for Australia's obligations as a consultative party, while maintaining key national interests. Australia has maintained its commitment to the Antarctic Treaty as a means of best serving these interests, while never derogating its claim to the AAT, reflecting a century of direct involvement in Antarctica and fifty years as an active Antarctic Treaty consultative party. Successive Australian governments' awareness of the status and responsibilities accruing to original signatories and active participants in the negotiation of the Antarctic Treaty cannot, however, be underestimated (see Haward 2010 and contributions in Haward and Griffiths 2011). This is clearly shown in the willingness of Australian politicians to debate matters on Antarctica. Australia's goal of 'maintaining the Antarctic Treaty System and enhancing Australia's influence' within it reflects a bifocal stance that has its basis in long-standing and bipartisan domestic political support.

Acknowledgements

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Notes

1. Our sources are parliamentary records of ministerial statements and responses in: debates in parliament (particularly the opportunities for individual members provided by Adjournment debates); parliamentary committee hearings – either through the regular Estimates processes or in select or standing commit-

tees; and parliamentary debate on these committee reports. Reviewing Australian parliamentary contributions to debates (Commonwealth Parliamentary Debates, CPDs) and discussion on Antarctica from the 1930s, with particular reference to the AAT, indicates that at times different viewpoints are put; that is, positions are advocated that are outside current government thinking or policy. In committee reports addressing Antarctic matters, there are some reservations and dissent; see, for example, Commonwealth of Australia (1992) and Commonwealth of Australia (2005).

2. The bill's first reading was on 24 May 1933, The second reading debate began on 26 May and concluded on the same day, when the bill was read a third time.
3. Twenty years later concerns over Soviet interests remained. Moreover, despite the principle of 'freedom of scientific investigation and cooperation' contained in Article II of the Antarctic Treaty, Mr Shipton (LP) noted, in 1977, 'traditionally exchanges of information by the Soviets have always been behind the time' (CPD House of Representatives 26/10/1977). Mr Shipton referred to a 1971–1972 Australian geological expedition to the Prince Charles Mountains (near MacRobertson Land in the AAT) that had made contact with a Soviet geological expedition in the area. He noted that whilst there were 'very cordial discussions' between the two expeditions on their findings at the time, there had subsequently 'not been any formal exchange of information' and the 'Soviet Union had not honoured its undertaking which was apparently given [by the Soviet expedition] to the [Australian] expedition in accordance with the Antarctic treaty' (CPD House of Representatives 26/10/1977). As a result Mr Shipton speculated, 'one must ask whether the Soviet Union has anything to hide' (CPD House of Representatives 26/10/1977).
4. The Antarctic Treaty includes a provision that enabled it to be reviewed thirty years after its entry into force, if requested by a contracting party:
Article XII 2.a. If after the expiration of thirty years from the date of entry into force of the present Treaty, any of the Contracting Parties whose representatives are entitled to participate in the meetings provided for under Article IX so requests by a communication addressed to the depositary Government, a Conference of all the Contracting Parties shall be held as soon as practicable to review the operation of the Treaty.
In the end, the negotiation of the Protocol on Environmental Protection overtook any potential call for a review conference.
5. Hancock has noted that Kent Hughes's 'demotion from Menzies's Ministry in 1955 meant that he was now unmuzzled'. Hancock comments that despite this, 'mostly, he walked alone, neither seeking nor attracting a following among the back-bench conservatives and malcontents' (Hancock 2012).
6. This was the third of three reasons Casey gave to support the Australian Antarctic Territory Acceptance Bill 1933. The first reason was a sovereignty and territorial imperative for land 'so close to our shores'. The second reason was the economic possibilities of Antarctica. These reasons have remained salient and are reflected in the statement of policy interests.

7. The specific exclusion of mining and oil drilling was part of Australia's commitment to the provisions of the Protocol on the Environmental Protection to the Antarctic Treaty.
8. The 1991 Special Antarctic Treaty Meeting negotiations in Madrid resulted in the successful negotiation of the Protocol on the Environmental Protection to the Antarctic Treaty.
9. Named after Sir Hubert Wilkins, 'the legendary patron and pioneer of early Antarctic aviation', the Wilkins Aerodrome is located approximately 70 km south-east of Casey and serves as the Antarctic terminal for the intercontinental air service' (Australian Antarctic Division 2012). For details on Wilkins's remarkable life see Antonello (2011) and Nasht (2006).
10. In response to a *note verbale* from the United Nations Secretary-General informing member states of the Australian submission, seven states provided comments. The general tenor of these notes recognised the importance of maintaining stability of the Antarctic Treaty and welcomed Australia's request to the CLCS not to consider the area off the AAT.

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In this list, CPD stands for commonwealth parliamentary debates.

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