

Cut Through, September 3, 2026: **AUKUS public inquiry Q&A with Peter Garrett and Rex Patrick**

All timestamps are approximate

Rex Patrick (00:00:00)

We've got this all eggs in one basket solution, a three hundred and sixty eight billion dollar programme, except the US hens can't lay enough eggs ~ and the UK cook is headless.

Crystal Andrews (00:00:12)

Welcome to Cut Through, Crikey's spin-free analysis of Australian news, politics, and power. I'm your host, Crystal Andrews, and today we have a special episode dedicated to the AUKUS Public Inquiry. Will AUKUS keep us safe? And at what cost? That is the question the inquiry has set out to answer, collecting over 700 written submissions and conducting a national tour of public hearings.

Which have ended in Canberra just this week. The results will be a final report to be produced by the end of October, but there are still questions about how seriously the government will take the recommendations made by the inquiry if they listen to them at all. To answer some of your burning questions about AUKUS, today we have two interviews with men who are very much in the know. The inquiry's lead commissioner, former Labour Minister and Midnight Oil frontman Peter Garrett, and former submariner, independent senator, and current transparency warrior Rex Patrick.

Peter Garrett, welcome to Cut Through. Such a pleasure to have you on the podcast today. Cool. You are getting down really to the the nitty-gritty, the final stages of the AUKUS public inquiry now, wrapping up with the final hearings in Canberra and the final report to come out at the end of October. Maybe to start us off, what what made you want to take on the position as the lead commissioner of this inquiry in the first place?

Peter Garrett (00:01:08)

Yeah, hi Chris.

Peter Garrett (00:01:26)

Well, I was asked by the Australian Peace and Security Forum. But I had thought at the time when ~ the decision was first made by ~ Scott Morrison and then subsequently, essentially endorsed by ~ Anthony Albanese, that it had been a decision which had been done pretty much without any public scrutiny or debate at all. ~ Certainly no significant debate in the parliament. ~ Likewise, probably in the Labour caucus and who knows what happened in the cabinet.

But it was the biggest decision ever that we've made since ~ World War II about a defence issue and certainly in terms of the cost ~ that was slated of \$368 billion, which is probably the lower end of what it would cost. And the fact that it hadn't been fully and properly debated, I felt that this was a really important thing to happen. And if it wasn't going to happen in the parliament, ~

then the idea of a people's inquiry, a public open inquiry, ~ was very attractive to me and I was very pleased I had the time to do it.

Crystal Andrews (00:02:22)

The fact that it hasn't been ~ really well interrogated in the public has been a point of ire among a lot of crikey subscribers and readers. We have a question from one of them who asks, Why do you think that Anthony Albanese did not conduct a thorough investigation into AUKUST after he formed government in 2022, especially given that that breathtaking cost of 368 billion, you're saying probably probably higher than that? Maybe asking you to read some tea leaves a little bit, but it

Do you have any insight into why this hadn't happened before now?

Peter Garrett (00:02:55)

Not really. I mean, I know as much as anyone else does that's following it ~ from outside the parliament and outside the party. I think it's pretty clear that at the time Morrison was intending to try and use defense as a wedge against labor. That's in the election that took place. ~ that ~ labor decided that they weren't going to permit that to happen. So they essentially agreed ~ with the idea of AUKUS and endorsed the pact.

pretty much straight away on the run into the election. As to why they didn't then ~ take the opportunity, having secured government to essentially have a good ~ boots and braces all in review of AUKUS, I really can't say. I think that should have definitely happened. ~ And not only because ~ there's various aspects about the AUKUS deal, which ~ have got very large bold question marks around it.

but because that's the appropriate thing to do for an incoming government who ~ has the responsibility of both ~ identifying the national interest, ~ sovereign risks, ~ properly defending the country with the right mix of measures for that, ~ and enabling both the parliament, ~ elected representatives, and then the public ~ to have a say or to have some understanding about an issue of that magnitude. Now they didn't do that.

I think that's a matter of great regret ~ as to why perhaps ~ I can't really say, you know, they just didn't.

Crystal Andrews (00:04:26)

Mm. You you did mention on I think it was late night live with David Maher at the beginning of August that the inquiry had invited both Anthony Albanese and Richard Miles to ~ to to present or to be involved in some way. And I think what you said was that there hadn't been a positive response. ~ so no dice there. But curious as to whether Albanese, Miles, or or anyone else from within Labour or the government has been checking in with you on this, maybe. do you have an indication that they have been paying much attention to the inquiry and how it's progressing?

Peter Garrett (00:04:54)

~ So we've taken an approach to the inquiry to really ensure that it's robust and a credible process to be very open and transparent about both ~ what we're doing in terms of publishing submissions and inviting the government formally ~ to appear or to have agencies or ~ senior bureaucrats or others ~ come towards us and ~ basically ~ explain AUKUS.

And that hasn't happened. it's, ~ I mean, I don't expect the prime minister to ~ be there. Although we did have former prime minister Malcolm Turnbull appear ~ and present to us at our Sydney hearings, which was fascinating, hearing from Malcolm Turnbull ~ with his views about August, which are well known. ~ But the fact remains that the government has chosen not to participate really in any way or in any significant way, feeding into ~ this public inquiry. And that's disappointing.

~ on two levels. The first is it's just basically the invitation's there and you've got plenty of resources at your disposal. It's a massive decision. ~ We ought to be able to hear from the government on this matter. And we've heard from pro-AUKUS voices, by the way, ~ although most of the people that have presented or organizations have expressed reservation or been anti. But the second reason is that there's an element of, ~ I think, not acknowledging the underlying democratic

authenticity of this process, which ~ means that the people, the sovereign people, voters and others, have every right to expect that their governments will provide ~ really decent levels of information, both to explain decisions that are made, but also to allow for those decisions to be interrogated, which is what this inquiry is doing. So it's a matter of some regret ~ that we haven't had that. And I think

The view of the commission is that for an issue that's as big and has such long lasting ramifications as this, way past any time I'm going to be sitting around the planet ~ and all of the leaders ~ and others involved won't be here when orchestra's still under the current timelines rolling out. ~ It's very disappointing.

Crystal Andrews (00:07:14)

I mean, you know the Labour Party and and how it operates. Were you surprised that there was ~ no buy in, no no sort of ~ interest in participating, or is that kind of consistent with what you might have expected?

Peter Garrett (00:07:32)

No, I think Labor has had a ~ generally positive tradition over many, many years of allowing for the ventilation and the examination of ~ big decisions and big issues. And, you know, some people might argue that that ~ labor's been on the wrong side of history on some matters. I would argue that on balance, it's been on the right side of history more than the wrong. And that has involved ~ significant discussions both within

the party in the parliament by way of ministerial statements, whatever it might be, particularly on issues of defence. And it's worth remembering that a majority of labour branches who've

considered this issue have moved resolutions or motions for AUKUS to be either reconsidered or inquired upon or the different wordings that's taken place. ~ And that's a healthy sign ~ of where the rank and file, know, Labour party members are at. But they were not able to have that matter.

sufficiently ventilated at the ~ most recent Labour Party conference in Adelaide. And again, that is, from ~ my perspective, is not in keeping with a better Labour tradition of allowing proper and full and open debate about matters of national significance and importance. ~

Crystal Andrews (00:08:47)

We'll come back maybe to some of the politics of it a little bit later, but I do want to talk about some of the specifics of ~ the information that's come out of the inquiry. I mean, firstly, has there been any testimony or or submissions that you've read that have really surprised you that you didn't expect to ~ to uncover throughout this process?

Peter Garrett (00:09:04)

Yeah, look, there've been a couple of things that have really struck us. One of them is the overall very low levels of understanding that many in the public ~ have about Aukus and you have a genuine need to know more about it and to ask more questions about it. And that ~ in a way ~ is, I think the thing that's most striking is that in an open modern nation where you're committing huge sums of money to

a process like an AUKUS, there ought to rightfully be what's called in the modern terminology, a conversation. So I think that's the first thing is that people don't feel either that they've got enough information, nor had the opportunity to have that conversation. Of the other things that have come through, which have been really striking, I think the testimony by former defense minister, ~ Linda Reynolds in Perth, where she ~ was

very clear that the Stirling base, is a part of the AUKUS arrangement whereby ~ nuclear powered submarines from both the UK and the United States would act in inverted commas rotation through Stirling, essentially meant without ~ any shadow of a doubt that Stirling henceforth is a nuclear target. ~ I don't think any, ~ we'll certainly no sitting defense minister, but I don't think any.

former defence minister has stated that so broadly. think ~ when we're on the Eastern States in particular, ~ but ~ in most of the places that we've had hearings, we've been ~ very surprised to find that there's already ~ quite a lot of activity happening under ~ the banner of AUKUS, if you like, ~ which ~ has involved the introduction of laws, regulations.

matters around planning at state and local levels, sort of setting up the military zones and things of that nature for ~ the eventual ~ assembly of submarines or the visits of submarines, which people have been completely unaware of. They've hardly been informed at all. And ~ the high-handedness of that ~ strikes me as being a matter of some significance. ~ Additionally, ~ particularly in Western Australia, we heard evidence from ~ a former chief medical officer that

Peter Garrett (00:11:21)

The level of planning, preparedness, ~ having strategies and policies and protocols and so on and so forth in place ~ for people who may be within impact zones if there were to be an accident of some kind ~ with a nuclear powered vessel was minimal. We also had the issue raised, which hadn't been on our radar specifically, about what the impact of having large numbers of foreign based troops.

~ stationed on Australian soil would mean. Again, to go to the Western Australian base, originally the idea was that, well, the public statement was that there'd be around about 1200 troops that would be provided for there. That figure mysteriously jumped to over 2000 a couple of weeks ago. ~ And the key here, without getting too technical, is that the government maintains that ~ this is just a rotational base. In other words, submarines come and submarines go.

But if it looks like a duck and it quacks like a duck, it's probably a duck and it looks terribly like a permanent base because of the number of ~ service people involved. That's American service people. Because of the provision for housing and infrastructure and so on and so forth that's going to go on there. And for the fact that it's hard to believe given how far away Sterling is from the United States, that any of these submarines, for say, for example, they were to experience ~ some mechanical

difficulties or required servicing or whatever, ~ that it wouldn't be done there. So it's clearly ~ not a transiting base only from what we can see. ~ And we haven't had any evidence or material provided to us from the government to show us that it's not that, apart from an assertion. And I think the question of ~ the safety and the likely impact, particularly upon women in and around those bases, when you look at the experience that ~

populations in other parts of the Pacific, example, Okinawa ~ is one very good example, is something that's been raised for us. Additionally, I think that we've learned much more about the nature of the actual, ~ if you like, agreement between Australia and the US and the United Kingdom, which is just about the worst one sided agreement I think I've ever seen in my life at both as a lawyer and, you know, I thought.

Peter Garrett (00:13:41)

of getting ripped off by multinational record companies was one thing when you look at contracts, but this is a whole new order of magnitude. And former Prime Minister Keating said it straight away. He said, is the worst deal that has ever been done ~ by an Australian sovereign government post settlement. And he's absolutely right. So there are no guarantees in the deal. If there's no fulfillment or delivery of ~ the secondhand submarines that we receive in the first part of the arrangement, then no biggie. ~

there's no guarantee that the AUKUS submarines themselves will arrive. And yet we're bearing the cost of trying to build and spend money ~ in the United States shipyards to get their

submarine building rate up so we can get secondhand subs in the first place. So once we got into the detail of the actual deal, the question was, who signed this? Where was the advice going up to defense ministers and the cabinet and prime ministers that, you know, perhaps we should ~ look clearly at ~ whether Australia's interests are really being properly served and secured.

by an arrangement of this kind. Now we can't tell whether that ~ advice has gone, whether it exists or not. And in the absence of being able to bring forward information ~ which is protected by a privilege or has a security clearance, which of course could happen in the parliament under proper conditions, we're left basically in the dark and just really having to sort of make assumptions of one kind or another, which is not a good place to be for the public when they are asked to.

come to a finding or an understanding about what AUKUS is, and we just don't know.

Crystal Andrews (00:15:11)

Mm-hmm. Yeah, that that is one thing that I that I was wondering whether the, you know, very public nature by necessity, and that is an important principle that underlines all of this, ~ would potentially deter some people, some very informed people, perhaps who have parts of the the puzzle that you might still be missing, ~ that that it might deter them from coming forward with their knowledge because this process obviously being outside of the government and not having some of the protections that might come with the

Royal Commission or or other parliamentary inquiry ~ might leave them a little exposed. Like are you worried that that might leave some some important gap?

Peter Garrett (00:15:49)

Well, we can't really know for sure, but it's likely and you're quite right. mean, we're a constituted inquiry which has no formal legal powers. We can't compel witnesses. We ~ just don't have that authority. ~ So there may well be people who might otherwise ~ come forward. I mean, one of the interesting things about this, Crystal, is that we have former Chief of the Defence Force, Chris Bowrie, sits as a commissioner and there are other senior former

~ military officers who are expressing strong views about this from a point of view, not so much of ~ whether we should have any defence of Australia at all. That's been ~ their profession and ~ their policy guidance and their values set, but whether this is the right thing for us to do. And I think that's the most important question really. The inquiry is not going to, and it can't, ~ come to a set of wide ranging findings about the future of Australian foreign policy or

how the budget should be sort of apportioned in terms of defence spending and so on and so forth. We neither have the resources nor the time to do that. But we can come to a view about whether this particular decision serves any good purpose at all. And there are clearly a number of commentators, ~ senior analysts and others who are raising very, very legitimate questions about whether that's the case or not. Many of them say no.

Crystal Andrews (00:17:11)

The inquiry has received, I think the last that I checked, ~ over seven hundred and thirty written submissions throughout the public hearings. You've I think you've already spoken to about eighty-five, and maybe by the time the Canberra sessions are done, that that number will be close to sort of a hundred people who've presented parts of their submission and had more of a discussion around that. We have ~ a read a question from PJ on this topic, who says that ~ defense is a very wide-ranging, complex and technical sector.

The public absolutely deserves to have their say on AUKUS, especially when it comes to the huge amount of money spent, but not everyone has the knowledge to make informed contributions. How will you approach weighing up all of the ideas, opinions presented, and deciding what gets more significance? And in general, do you think there is a limit on the level of public debate on AUKUS that is still constructive? ~ It's a good question. Like there is a lot of information, a lot of ~ ideas. So ~ do have you thought about

how you will approach that and how the commission tends to approach sorting through all of that for a report.

Peter Garrett (00:18:09)

Yeah, well, I've definitely thought about it. I mean, I've had to put my lawyer hat on ~ and ensure that we address the terms of reference that we have. So we have a terms of reference and it's got six different areas in it, including things like relationship with Pacific and other nations in the region, whether there are cost effective alternatives, ~ impact and issues around the management and containment of ~ radioactive waste, which we haven't discussed yet, which is a huge part of

the problem with AUKUS. ~ And ~ to the question from your questioner, yeah, very, very important for us to be able to present the information in a clear and accessible way, hopefully with not too much jargon and with every single bit of information that we received or submissions that we received or things that were sent to us ~ available and accessible on the website, which it will be for people. You've got to spend a bit of time ~ wading through it, but it's well worth the journey because

I think once people do wrap their heads a little bit around it, ~ then they're in a much better position to ~ be in the convo, but also ~ to come to a view about it. So yeah, that's going to be a big part of ~ our work is to try and make sure that we deliver something which is ~ both very accessible and plain English sort of communication, but has ~ appropriate relevant and factual material ~ and ~ the evidence base if you like.

to sustain what it is we're saying. And we'll work very hard to do that.

Crystal Andrews (00:19:39)

Another reader question from Jeff. And this is more, I think, the the the big broad question around AUKUS. He says, doesn't it begin and end with the fact that these are attack submarines specifically to attack China? It would be suicidal for Australia to attack China or be involved in any way in an attack. And if that is true, aren't all other questions ~ moot? ~

Peter Garrett (00:19:59)

That's pretty much what I said two and half or three years ago and Malcolm Turnbull and others with more expertise have made that same point. They ~ are attack submarines. They may not at all be suited to Australia's defence purposes. They're very big, ~ the SSN AUKUS submarines. And so there's a question as to whether they can actually do any patrolling of any kind around the northern waters of Australia, which generally tend to be shallow.

But more importantly, ~ is this ~ and is AUKUS really just about an integration and a provision for Australia to potentially be drawn into any future conflict between the United States and China? And I think there's a very real and present risk and danger that that's all that AUKUS is. It seems from some of the public statements that we've seen from ~ American military and political figures ~ and from ~ some of the

points of view that have been put or implied by Australian leaders that it's really the base ~ and the basing of submarines to enable their forward projection that underpins the AUKUS rationale. ~ And I think astonishingly and alarmingly a consensus that existed in the parliament ~ since ~ essentially ~ the end of World War II. So that's since 1945 and expressed through a number of white papers since then.

that the primary national sovereign interest around Australia's defense is the defense of Australia. However, that's expressed and it can be interpreted ~ by the different parties when they're in power in different ways and whatever the mix of ~ weapons procurement and defense forces and Navy VS force and so on and so forth. But that was the underlying assumption and pre-sumption. Now that's been overturned ~ in the last decade.

And quite a lot of the rhetoric ~ that you see coming from government now is essentially ~ implying that it's not just about the defence of Australia at all. It's about securing sea lanes or ~ the capacity to work effectively with forward defence and so on. ~ And that is a massive ~ change in Australian defence and foreign policy. And it's something we're very mindful of as a commission of inquiry. To add to that, ~ I think

Peter Garrett (00:22:26)

underlying all of this and that question is that we should have a security policy which properly identifies ~ with expert advice but with public participation what the real risks to Australia are at this point in time and arguably our greatest risks ~ are not ~ China and whether or not China eventually reoccupies Taiwan. Our real risks are much more around matters to do with

climate change impact, the capacity to have the ability to interdict in our own region ~ in a reasonable way, anything that may come to waters, whether it's cyber ~ attacks or ~ espionage

or whatever it might be. ~ And the makeup of AUKUS and the fact that they are essentially attack submarines is completely at odds with that. ~ at first blush and as we consider it more deeply,

It seems that the AUKUS decision leading us in a completely opposite direction to where Australia and Australians have believed we should be in the past. Two other things to add to this quickly. The ratio for submarine deployment is generally considered to be a three in one deployment. In other words, you need three submarines so that for every submarine that or every two submarines generally that you have a dry dock or you have been, you know, repaired, fixed up.

reserviced or whatever, you have one at sea. They're very big, very complex pieces of technology. They're ~ floating nuclear reactor essentially amongst other things. And so we have every likelihood of spending ~ some 370 billion plus dollars, ~ but by 2050, essentially only having two active submarines. ~ Who knows where they'll be and what they'll be doing.

which is an extraordinary proposition and one which we're going to explore very fully in our

Crystal Andrews (00:24:23)

~ Yeah, speaking of that report, let's jump forward. ~ It's the end of October. Maybe I'll give you a little little leeway. It's early to mid-November. Early November. I know how these things go. ~ the report comes out, it it'll contain recommendations. You know, it's this is the result of a very extensive and important process. But realistically, what can the result of the inquiry and and then the report be, given that there is bipartisan support?

for AUKUS in Parliament? Like is there a a practical outcome that you think is actually possible, that you believe is possible? Or is this really fundamentally a important exercise in in public policy debate? Yes, the principle is strong, but is it that and and nothing more?

Peter Garrett (00:25:09)

Yeah, look, we have been asked the question and I think the short answer is it's up to the Australian people, including the parliaments. The process has been fantastic. I mean, it really has been a genuinely really positive and open ~ and instructive process. I'm really, ~ I mean, I've been surprised at the level of participation ~ and ~ the quality of the submissions that we've received and the fact that it ~ is contributing to the debate.

And the debate was already there, but it's contributing to that debate. Once we've had an opportunity to consider all of the submissions clearly, and we will make findings, ~ then ~ it'll be up to ~ all of us ~ who care about these things in whatever capacity, whatever roles we have to play ~ to decide ~ what we think ought to happen next and what can happen next. And I think that at the very least, this public inquiry will provide the tools.

and hopefully some understanding and some potential directions for discussion and participation by Australians generally ~ in the life of the nation. ~ I mean, we haven't discussed ~

the issue around nuclear waste, but there's a very important question with the AUKUS submarines, which hasn't received that much publicity. And that is that they essentially ~ run on and produce highly enriched uranium, in other words, weapons grade.

uranium. ~ And the safeguarding and infrastructure safety requirements for managing that waste and our relationships, ~ know, the Nuclear Non-Proliferation Treaty and the International Energy Agency and so on and so forth are of a dimension that we have never contemplated before. And by the way, neither has any other country because the Americans themselves haven't been able to find a permanent underground safe repository for their nuclear waste.

And yet we, under this AUKUS deal, are essentially inheriting that problem with secondhand submarines, whether they're really ours or not is an open question. And the cost, the social cost, not only the issue for First Nations people who've traditionally had a history of people trying to or doing things on their land ~ and thinking, it's okay, know, ~ there's no one who lives out there. And more generally ~ for the potential locations for the submarine bases for AUKUS.

Peter Garrett (00:27:33)

is a massive and significant issue, which is going to affect communities in a very direct and real way. ~ our findings at least, ~ and our recommendations will provide people with a toolkit of sorts and an information base, ~ which they can hopefully draw on and use ~ as the debate unfolds. It's not going to go away as a debate, can't. It's far too important and far too significant. And hopefully we will have provided some useful guides for people in a credible process.

that's listened to the Australian people ~ and pointed the direction for them to consider in the future.

Crystal Andrews (00:28:09)

Mm. I I I know that it's been made clear by the inquiry that they'll provide a copy of the final report to the government, but it sounds like no no commitment from the government side yet that that they will have their own hearing or presentation from you to go through it all. It's this is this is for the people to Yeah, okay. Yeah.

Peter Garrett (00:28:26)

No, doesn't look like that'll happen. But look, ~ the part of your earlier question, Crystal, was absolutely spot on. know, there's a bipartisan, this is on the major parties. Yes. There's a bipartisan position in the parliament ~ that, hey, there's nothing to see here. You know, this is all good. And this is like we're defending Australia. What's the problem? I mean, I never thought I'd hear a former Liberal Prime Minister, as I did with Malcolm Turnbull, make the observation that really the only ~

person in the parliament who was providing any level of scrutiny or ~ raising these issues in any meaningful way happened to be a Green Senator, David Shoebridge. But that's true.

Shoebridge has been one of the few politicians in the parliament ~ who's been able to ~ raise

these questions. And so long as that bipartisan torpor ~ exists, the Australian community is very poorly served.

whether you support the Labour Party, the coalition, you remember you or not, whatever, former minister as I am, we are very poorly served when the parliament doesn't do the job that it's elected to, as it's quite often done in the past, and interrogate, examine and stress test ~ under scrutiny decisions of this magnitude.

Crystal Andrews (00:29:40)

Well, Peter, I can guarantee you that there will be one group that will absolutely read this report, cover to cover, every single word. That's gonna be crikey. We are watch watching and following this very, very closely. ~ so it's been, yeah, a real pleasure to to get your insights today. And maybe we'll come back to you with some more questions once we've once we've got that final report in our hands and and have something more to go on. Peter Garrett, thank you so much for your time today. Thanks for

Peter Garrett (00:30:06)

still and it looks like we might be having a good chat in a couple of months time. look forward to that.

Crystal Andrews (00:30:10)

Rex Patrick, welcome to Cut Through. Fantastic to have you on the podcast today.

Rex Patrick (00:30:15)

It's great to be here and great to be talking about AUKUS.

Crystal Andrews (00:30:18)

Yes, you have been a very vocal critic of AUKUS for for years. ~ and you discussed your submission to the the public inquiry at a hearing ~ back in Adelaide. It w would have been one of the one of the first public hearings ~ back in July. Maybe that's where we can start for those who are perhaps not already across the details of your submission. Maybe you can sum up the the crux, the core of your

of your argument against this AUKUS arrangement for new listeners who are who are just coming to this.

Rex Patrick (00:30:49)

Yeah, sure. It's worthwhile stating at the start that ~ I'm a former submariner. I've also been to sea on nuclear powered submarines, ~ so I know quite a lot about this topic. I'm not anti-submarines in any in any way, ~ but I look at this ~ particular project ~ from a ~ a total perspective. ~ things that concern me ~ are not the capability itself, ~ but rather the the absolute cost.

\$368 billion for a single ~ capability for the Australian Defense Force. ~ I look at the opportunity costs, ~ meaning that ~ whilst we're spending that very large amount of money ~ on submarines, ~ we're not spending money on other capabilities ~ that ~ that the Australian Defense Force needs ~ and would otherwise make our Defense Force a lot more flexible.

and ~ have an ability to respond to a a much greater range ~ of potential conflicts or incidents. ~ the the ~ other concern I have about ~ AUKUS ~ is the risk associated with the project. ~ I watch people all the time talking up the strategic value of having ~ nuclear-powered submarines, but none of that matters if

the United States and the United Kingdom cannot deliver submarines to Australia under this programme. And that is my great fear. ~ We're spending all of this money and we may end up with no submarines ~ to ~ provide our submariners to do the work that they need to do ~ in the defence of our country. ~ a final concern I have ~ is just generally around ~ transparency, but ~

One of the areas where this is greatly highlighted is in relation to what is Australia going to do with the ~ spent nuclear fuel from ~ these AUKUS submarines. ~ The government's actually done some studies on this, but they're simply refusing to release this information and talk to the public about it. ~ In general, this is a project that ought to be discussed. ~ It's a huge amount of public money. It's got great national security importance.

Rex Patrick (00:33:13)

and yet we've seen a parliament that has refused to do an inquiry into it ~ and a government that is refusing to release information. That doesn't go to the tactics of how to operate a submarine, but simple things like what are we going to do with the waste?

Crystal Andrews (00:33:28)

~ We did put out a call to Crikey readers to find out the questions that they that they wanted to know about AUKUS and that point of the nuclear waste and where it will go, that came up time and time and time again. You know, usually I'll I'll name the question from the specific reader. and in this case there were there were too many readers making the same point that they that they really want to know how this waste is going to be handled. As you mentioned, you've been trying to get some inroads into this outside of the

the public inquiry process as well. How successful have you have you been in in turning up any clarity on this Rex and why do you think it's been so ~ closely held, I suppose?

Rex Patrick (00:34:07)

~ I have been ~ trying to get access to what it is that we're going to do with this nuclear waste through freedom of information requests. ~ there's a report that was written ~ back in 200 ~ 23 ~ that ~ goes to all of the criteria necessary to to to store ~ nuclear waste, how to dispose of it and so forth. And the government has claimed that that is a cabinet document. I'm now currently in the federal court.

Arguing that position. I've also made other requests around ~ documents that flowed into that particular report. And indeed, I've been successful in getting the Administrative Review Tribunal to release ~ or order that information to be released to me. ~ But this is such a radioactive hot potato ~ that the government has then also appealed that decision to try and prevent or overturn.

the release of ~ the order to release those documents. ~ So ~ it's it's quite an amazing situation. I've got two matters in the federal court ~ to be heard ~ by ~ judicial officers over ~ the way you know what it is we're gonna do with ~ AUKUS nuclear waste. I mean this is information that ~ both the tribunal and now the Federal Court of Australia has said involves a matter of ~ significant public interest.

And yet we can't see any information that relates to it.

Crystal Andrews (00:35:40)

What is the argument that the government makes against releasing that information? Is it is it sort of this ~ callback to a national security, you know, that that's too sensitive to release on national security grounds, or are they arguing something else?

Rex Patrick (00:35:52)

Well, ~ they're simply arguing the word cabinet. They say that it's a cabinet document and ~ the information feeding into it is also has a cabinet aroma about it and as such ~ we can't see it. Now, of course, Anthony Albanese, as the Prime Minister, can simply make a call that says this information is to be released. So it's not that this information is ~ military sensitive, ~ it's simply that

the government wants to preserve a cabinet ~ claim over these documents, a claim that they are quite entitled ~ to simply stand up and say we're gonna release this information. ~ You might recall ~ during the voice ~ there were concerns about ~ legal advice associated with the voice. ~ and even though the government normally doesn't ~ release legal advice, they chose to do so.

The Prime Minister can release this information, ~ but is stubbornly refusing to do so, despite the the the national interest in doing so.

Crystal Andrews (00:36:59)

It's interesting because it's not the defense against releasing this type of information that I would have expected ~ them to make. And I think for a lot of people listening, you know, might feel the same way. There are some ~ typical arguments that are that are made in this space that you would think, okay, yeah, I can understand, you know, they they're gonna say it's national security or commercial and confidence sometimes that gets thrown out. This might be jumping the gun a little bit, but how confident do you feel that you'll be able to get some of the details out one way or another? Well

Rex Patrick (00:37:26)

I'm relatively confident, having taken some legal advice, that my appeal will ~ yield some success ~ in terms of information released. ~ in terms of their appeal, well, I've actually sat before a tribunal, I've argued the issue, ~ I've cross examined witnesses, and I have one access to ~ the ~ documents. I suspect when I get into the court I will simply remount those same arguments.

and hopefully this information will get released. But again, ~ I'm not asking for the the missile launch codes on on a submarine. I'm not asking for the tactical ~ maneuvers to be employed when avoiding ~ being hit by a torpedo. I'm simply asking what happens to the waste after you've taken it out of the submarine at the end of its life? What are you gonna do with it? And ~ it's quite disgraceful i in my mind

that the government is being so secretive about the

Crystal Andrews (00:38:26)

It certainly seems to be a ~ a theme of the the entire AUCA steel. We'll keep track of your of your efforts on this, but I'll I'll keep the questions flowing. We've got some other ~ quite interesting reader questions. One here from Davo about the submarines and the technological runway of the subs that we're looking at. He asks, what are the chances that new technology within 10 to 15 years will make crude submarines detectable from the air or even satellites?

rendering their ability to move and hide obsolete. ~ And there's a similar question from Brian who also says, I understand that there is technology around now that can detect bow waves of whatever sneaks along the bottom of the ocean. In 40 years' time, this technology will be far outdated, as will the subs. Sadly, the war in Ukraine has shown how quickly battlefield tactics can change. And Humus shows that might is not always best. Rex, do you do you have any insight for for people wondering about whether the

the submarines that we're due, quite separate to the question o about whether we'll we'll end up with them or not, ~ could be maybe not the strategic asset by the time that we get them that we that we expect. ~

Rex Patrick (00:39:35)

Look, it's ~ it's always a difficult proposition. ~ ever since the Cold War back in the 1960s, scientists have been trying to solve the dilemma of ~ the the fact that submarines can't easily be found. The problem is that radar doesn't work underwater, ~ light doesn't penetrate water very well. ~ mostly you rely on things like sonar or sound signals. ~ even

~ bow wave detection. I mean in theory that works, but once you s get a few waves on the ocean, it becomes much, much harder ~ to to to detect ~ than it might say for example ~ in very, very calm waters. So ~ it's not as easy as people might think. However, ~ one of the things that you can do in circumstances like this, being prepared for changes in technology, ~ is to not embark on

long-term, highly expensive monolithic programs, ~ we could spend ~ \$30 billion instead of \$368 billion ~ buying ~ 20 highly capable off-the-shelf submarines that could be built in ~ here in Australia ~ and that leaves us with \$336 ~ billion dollars to spend on ~ other capabilities. So you end up hedging your bets.

and that in fact is what we should be doing. ~ looking at a modest submarine program, ~ using submarines with a proven capability that could be German submarines, could be French submarines, ~ could be Japanese submarines. But we can also spend money on the sorts of things that we're learning out of ~ both ~ Ukraine and the Iran war.

Crystal Andrews (00:41:21)

There's another question here that I think is kind of coming to this same theme question from Jack. ~ Is there a strategic deployment for these submarines other than to protect Taiwan? And I think that's part of ~ part of the argument that you've made in your submission as well, that Australia as a sort of middle power in the global conflicts that AUKUS is ostensibly to play a major role in, ~ that maybe this isn't the smartest ~ move for us to make, ~ regardless of whether it makes sense for

the US or the UK or or other kind of bigger countries. Is this really just about Taiwan and just about ~ some sort of posturing against China? Well the

Rex Patrick (00:42:00)

First thing I'm gonna say is that most people don't understand what what it is that submarines do. ~ we saw recently where ~ a US submarine sank using a torpedo an Iranian frigate. And people ~ rightly stated that that's quite an unusual thing to happen. We we don't actually use our submarines ~ to sink ships very often. ~ what they are used for all of the time is to collect intelligence. They can turn up into an area.

remain undetected. They can listen. They can look through periscopes and optronics masks, they can ~ suck in all sorts of electronic signals, ~ and no one knows they're there. That's one of the real purposes of most submarines. And unfortunately for us, ~ because we've got such a big gap between our Collins class submarines, they're aging and getting harder and harder to maintain at sea and ~ the future arrival of ~ a US ~ or a UK submarine.

We're actually eroding that sort of capability right now. So you know, just ignoring the strategic elements of this, ~ and focusing on the real impacts, ~ the choices that are being made by defense are undermining our security. Now, in terms of will a submarine assist us in in ~ a conflict with Taiwan, ~ putting aside the choices to whether or not we should be involved in that, you know, the answer's probably yes.

But that only is the case if we can get these submarines. I see lots and lots of strategists talking up the benefits of having nuclear-power submarines, but ignoring completely the reality as to whether or not we could actually get them. We've got a defense department that spent four

billion dollars ~ not buying French submarines. We've got a defense department that bought Sea Sprite helicopters they but they couldn't get w to work, ~ that bought

MRH 90 helicopters ~ that they also couldn't get to work, ~ that have engaged in a whole range of programs where they've spent taxpayers' money and we've got ~ almost nothing from that expenditure. It's no good just talking about the strategy and the benefits of a capability if you can't actually deliver that capability to the men and women of the Australian Defense Force to operate.

Crystal Andrews (00:44:22)

What happens if that is not delivered? As a as a lot of people think we may not end up with ~ with any submarines for Australia to use. Is there anything to indicate should a, you know, worst case scenario eventuate? ~

what the out for Australia would be, what the contingency plan might be. In your mind has there been much much thought ~ put

Rex Patrick (00:44:54)

The Australian Defense Force rarely has a plan B because they know that if it's a plan B, ~ then the government might exercise it. So they simply st steadfastly state ~ that there is no other solution. And it's actually deceptive ~ and ~ it undermines our national security. Look, in terms of ~ these submarines, the the reality is the United States, which is to supply

The first three, possibly five of our nuclear-powered submarines, is unable to meet their own requirements to deliver submarines. They need to hit two submarines per annum in terms of their build to be able to meet their own needs, two point three submarines per annum to meet their needs and AUKUS's needs. ~ And right now, and for the last decade, ~ they've only been able to produce one. They simply can't produce enough submarines.

to be able to satisfy their own needs. They're never going to be in a position to be able to hand us ~ submarines. And the UK, ~ their submarine industry is one big cluster fiasco. They have always been late. They have always been over budget. And we've just been through a a a a period of time where the U United Kingdom can't put

Any of its nuclear-powered submarines to sea. So the situation we have is that we've got this all eggs in one basket solution, a \$368 billion ~ program ~ that's in play. All eggs in one ~ in in one basket, except the US hens can't lay enough eggs and the UK chookers headland.

Crystal Andrews (00:46:30)

Yeah, it it I mean, I I'm sure people who are listening who are in the know, ~ there are a lot of people who are in the know who who follow Crikey's coverage on this topic probably won't be surprised by by that answer. but I I dare say, you know, the the purpose of this inquiry was that it is public. In my conversation with Peter Garrett, like that was one of the the main themes, is it's

important to have this conversation publicly ~ and to air some of these important points that might seem like

~ quite obvious or or a given to people like yourself who have intimate knowledge of these industries, but to air that out to the public to make the point that this is how these decisions have been made. And it is in some ways not atypical. It's not unusual that, you know, we'd be going ~ all the way in on this without necessarily a backup plan. On the flip side of that, there is a question as well asked by by another crikey reader, Alex, are there any elements of the AUKUS arrangement that

do have merits and that are worthwhile pursuing, that are important, maybe that should be preserved and protected. Or is it really the case that just every element of this, because of the way it has come about, is tarnished? Can you can you find any ~ any positives to pull out for us, Rex? Yeah.

Rex Patrick (00:47:44)

So d just to be clear, AUKUS has two pillars. The first pillar is to acquire nuclear powered submarines for the Royal Australian Navy. And the second pillar is one of technology advancement between the US, the UK, and Australia. ~ And there may well be ~ great opportunities and benefits in pillar two. ~ But in pillar one, that is the submarine ~ acquisition.

The difficulty there is we're paying so much money and we expect to to have in response to that that expenditure, to ~ the resources that are being applied to this, ~ submarines turning up ~ in 20 33, 2034, ~ and they're just not likely to turn up. ~ we we've got this huge program. Defense keeps telling ~ the public that ~ our 10-year warning cycle has disappeared.

our geostrategic situation is changing and we must react quickly and yet they embark on this program that ~ f first seas submarine arrive ~ in the mid ~ twenty thirties. Maybe this is like having this is like ~ you know, the the best possible football team turning up after the grand final's been played. You know, that's the kind of thing the the situation we find ourselves in.

~ we we need to be nimble, we need to be acquiring capabilities that ~ that we we want to have online in the next couple of years, and that just is not happening. What's happening is we've got so much focus on pillar one, we've got so much focus on trying to get these submarines that there are other capabilities where the Navy is canceling or the Defense Forces canceling programs. They they call it reprioritization, ~ but

to the people who have some of these contracts, there there's no question they're being cancelled. Huge ~ problem is we siphon money away from other capabilities. ~ You know, the sort of things we're seeing in the Ukraine, like drone capability, things like munition shortages that are arising now. We're just not solving those problems ~ because everyone is focused on this one ~ singular monolithic program.

Crystal Andrews (00:50:00)

So it's just it's just too big. It's sucking up too much of the the energy and the the attention that, you know, maybe should be better balanced, I s I suppose is what you're saying.

Rex Patrick (00:50:08)

Well, I'll go as far as to say that this is a national security disaster. ~ that we we expect our government to ~ as a matter of ~ f fundamental priority to make sure Australians are safe. And what they're doing through this programme is actually undermining our national security. Now we know we've got people that are saying, ~ look, it's okay. This is really just a funding mechanism to get the US into Western Australia and that's a good thing ~ and so forth. But

Actually, no, it's not. Not when you're paying the sort of money that that we are. Look, if if the obje object is to have a US base ~ out of Western Australia, just declare that as the object and allocate resources commensurate to that ~ to that objective, not ~ spending hundreds of billion or hundreds of billions of dollars or allocating hundreds of billions of dollars to a submarine capability that we just will never get.

Crystal Andrews (00:51:03)

It. I'd like to finish Rex by talking about ~ the the public inquiry process a little bit. I mean, firstly, how have you found participating in it and and having a chance to make your submission and then have that discussed, have that aired out? I know a lot of the details of your submission have been followed by various media as well. So yeah, just in general, have you found the process? Well well

Rex Patrick (00:51:25)

Start off by saying, ~ and as you know, I'm a former senator, in the forty fifth and forty sixth parliament of which I was a part, we always had inquiries running into naval shipbuilding of one sort of ~ or the other. When you've got a significant national ~ defense project ~ running, ~ the parliament ought to be keeping a watch on it. And they have refused in this instance to do so. So good on the the Peter Garrett's of this world for ~

striking up this inquiry. ~ look, I've made submissions, but there are lots of other really good, really interesting submissions and they're available on ~ on the inquiry's webpage, ~ which just sort of brings the point that this is about getting into the public domain all sides of the argument. You know, ~ and and you know the inquiry has done that. The person who appeared in Adelaide before me was Christopher Pine. You know, ~ he's a he's an interesting character.

but has a very ~ strong interest in AUKUS moving forward, a a a strong financial in interest, ~ and so said very, very positive things about it. ~ people get to listen to what he's had to say, they get to think about his perspective, ~ then they get a contrasting perspective from me. ~ but that's what's happened all the way through this process. I think the inquiry's done a really good job to make sure that they didn't just get the get one side of the argument. They've given lots of opportunities

~ for people with different perspectives to ~ contribute. ~ and you know that's of real benefit to the Australian public. Shame ~ on the Parliament, shame on the Senate for not conducting an inquiry of this nature into this ~ program. I think the inquiry is ~ yeah ha has been of great service to all Australians.

Crystal Andrews (00:53:17)

Yeah, one thing that ~ I think has been quite interesting ~ for me is is just how much it has brought out the shared sort of interest and and shared criticism from ~ people who you might think would be on other topics very politically diametrically opposed. There have been people fronting up to the inquiry or making submissions who, you know, are from more liberal type camps, labor type camps, people from environmental.

~ groups, people from defense backgrounds such as yourself. Is there anyone who you have been surprised to hear sort of in your corner also as a as a critic of AUKUS that you might not have expected to to be as invested in this process? Look up

Rex Patrick (00:53:58)

I ~ I ha you know, having been a senator and watched these processes, ~ you know, I I've seen ~ all sorts of ~ inputs being put from all sorts of different quarters. ~ What I'm enjoying about some of the inquiry submissions is and and you know some of the evidence that's been given is that ~ even where it differs to someone like mine, ~ people are respectful and will refer to some of the stuff that, for example, that I've put forward ~ about

Trying to realize the project as opposed to the theoretical theoretical aspects of it. There have been some great submissions where I've learnt a bunch of stuff ~ and I've spent my entire life working in this area. And ~ you know, in that regard, it it's been been ~ very useful. Look, I think ~ we can say lots of different perspectives, some in some instances from surprise surprising quarters, ~ but overall.

That's exactly the sort of thing you want to have happen ~ in an inquiry like this. Let the information flow and then let the consolidation of that information land where it lands.

Crystal Andrews (00:55:05)

That brings us to the big question about all of this, which is something that I that I put to ~ Peter Garrett as as well, whether there is a practical ~ outcome that we can expect from the inquiry with that with that final report coming, I think, in ~ late October or or early November. Completely agree with you that, you know, the the the exercise of having this discussion is

In a very transparent and and public matter is so important. And I think is something that a lot of people in Australia just in general are are crying out for and want to see more of, particularly respectful, ~ informed ~ discussion of of big, expensive public policy. But there's this big question of the government is not.

involved in this. There's obviously no obligation for them to even read the report if they're not interested in it and they don't want to. So Rex, I'd be interested to know from your perspective, what do you think is an ideal outcome? What would you love to see be the outcome of this inquiry once it's all said and done and the final report is out there? And then what do you think will be the likely outcome that that we will practically see at the end of all of this?

Rex Patrick (00:56:14)

Right, so what I'd like to see is a report that is that's that's balanced and and tries to summarize all of the inputs. ~ W you know, ~ pointing out the good sides, ~ pointing out where caution is required, pointing out all the trappings, ~ and then laying out some cold hard rec recommendations based on the facts. I'm sure that that's the sort of thing we're going to see. The question that flows from that is, you know, what

regard will people like the government have to these sorts of inquiries? ~ well the answer to that, ~ again, I'm experienced in this in the Senate. We we run many, many inquiries in the Senate or when I was in there, and the Senate still does. ~ and the government doesn't always listen to the outcomes of those inquiries either. But what happens is ~ you have people coming forward giving evidence

It gets recorded and put into a report, often with the submissions attached to it ~ or or available if people want to go and get further information. And I can recall many times as a senator when a topic got raised, I would look to my staff and say, Hey, there was a Senate inquiry into this three years ago. Get it out. Let's put it on the table, because all the facts will be there. ~ And you know, the ability to then access some of the people that had

made submissions to those inquiries. So ~ even Senate inquiries, you know, people used to say to me, Well, we did that inquiry and nothing happened. And the answer to that is that's wrong. What happened was you educated a whole bunch of senators, ~ and in three years' time when the issue arises and there's a piece of legislation going through the parliament ~ or some aspect of ~ that particular topic that's being considered.

That report will get dragged out. And ~ my hope is that this will sit on the on the public record. And whenever AUKUS is talked about, there's a ready reference for people to go and have a look at and to discuss. Look, this is all part of a element of politics where public pressure ~ forces governments to to act in particular ways. ~ unfortunately in in the defense area we see politicians are always dazzled by the

Rex Patrick (00:58:29)

gold epaulettes of our senior military ~ personnel. And that's a hard ~ sort of ~ nut to crack really. But ~ ultimately getting this information out into the public and then having the public use it to talk to their own ~ representatives, to talk to the community, to build up ~ a campaign ~ against ~ this sort of capability as I've been trying to do ~ you know ~ these

~ reports are invaluable.

Crystal Andrews (00:58:59)

And I suppose, you know, particularly when it comes to discussion of defense decisions, defense policies, the public can feel a little intimidated by navigating those conversations and having those conversations because it can be quite complex, quite technical. ~ the the coverage of these issues is often framed that way as well. Like this is for a a small group of people to hash at and discuss, not for everyone. So it has it's certainly been interesting to see just the volume.

of submissions, many of those coming from general members of the public to this inquiry. I can imagine for someone like yourself is quite encouraging to say.

Rex Patrick (00:59:36)

Yeah, again, I I just think the whole ~ process has been a good one. Look, I've seen some really unusual things happen, like the then chief of navy, now chief of defense force Mark Hammond, who's a friend of mine, ~ coming out saying, Hey public, would you stop talking about AUKUS? You know, it's just like, well, you know, you know what, Mark? If you can find someone else to fund your submarine program, ~ then you can ask people to go away and be quiet. But this is a publicly funded project.

It is for significant public purpose ~ and we do have to have these debates. ~ and look, in general, I I've always found that defense ~ people, people working in that particular industry are highly respectful of the sorts of discussions ~ that are taking place. So ~ I would hope that people don't fear either making submissions to the inquiry or indeed using the inquiry's outcome in their own advocacy.

Crystal Andrews (01:00:31)

Yes, well once that report is out, we are very eagerly awaiting it and perhaps we'll have you back to discuss some of the the recommendations and the the information contained therein. But for now I'll leave it there. Rex, thank you so much for for joining me today and and sharing your insight on all of this. I really appreciate it. ~ If you enjoyed this episode of Cut Through, please don't forget to subscribe and leave a rating or review for the podcast. Cracky is one hundred percent independent, which means your support powers our journalism.

Rex Patrick (01:00:48)

You're most welcome.