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SITTING DAYS—2001

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Tuesday, 21 August 2001

The PRESIDENT (Senator the Hon. Margaret Reid) took the chair at 2.00 p.m., and read prayers.

QUESTIONS WITHOUT NOTICE
Environment: Great Barrier Reef

Senator McLUCAS (2.01 p.m.)—My question is to Senator Hill, the Minister for the Environment and Heritage. Does the minister see any conflict between his approval of an environmental impact assessment for seismic testing near the Great Barrier Reef and his obligations under the world heritage convention to protect, conserve and present the world heritage values of any listed site, including limiting off-site impacts to that listed site? Does the minister acknowledge that his approval for an environmental impact assessment creates a public perception that his government is open to the prospect of oil drilling on or near the Great Barrier Reef? If there is no prospect of oil drilling near the reef, Minister, why approve an EIS for testing?

Senator HILL—There can be no prospect of oil drilling on the Great Barrier Reef: it is prohibited by law. Even if it were not prohibited by law, I can assure the honourable senator that it would not occur under this government. We are committed to conserve the values of that global icon and we believe that drilling for oil or gas on the reef is incompatible with the conservation values that we are pledged to conserve. The issue, of course, is whether there should be any exploration for oil or gas beyond the world heritage area. This particular application—

Senator Carr—Is it on the reef or near the reef?

Senator HILL—Nowhere near the reef. This particular application is for an area some 50 kilometres beyond the world heritage area.

Senator Carr—Fifty kilometres—you don’t call that near?

The PRESIDENT—Order! The minister has been asked a question by Senator McLucas.

Senator HILL—It is for an area 50 kilometres beyond the world heritage area—not only nowhere near the reef, not even anywhere near the world heritage area. The application is for approval for seismic work, not for drilling. What this government has said is that, in accordance with the law, if such an application is made, then it must be assessed. I determined, as the honourable senator will know, that it triggers the Commonwealth environment protection legislation, and I further decided that there would have to be a full environmental impact study. Whether the applicant will proceed with that study, I do not know—that is for the applicant to decide. But, if the applicant does, it will obviously be thoroughly analysed in accordance with the obligations that are upon the Australian environment minister under the EPBC Act.

So we are talking about an application for seismic work some 50 kilometres beyond the world heritage area—not for drilling but for seismic work. What we have said is that that cannot be considered without a thorough environmental impact assessment—a process that most Australians would think is more than reasonable. That process will continue. If the applicant wants to pursue the application, then no doubt in due course an ultimate decision would be made by the then environment minister as to whether or not approval could be given for that seismic work.

Senator McLUCAS—Madam President, I ask a supplementary question. Does the minister know that tourism industry leaders have called for a permanent ban on oil exploration on or near the Great Barrier Reef and that the fishing industry in North Queensland has said that the proposal is ridiculous? Why can’t the minister take a principled position which would be supported by environmentalists, the tourism industry, the fishing industry, the Queensland government and all of our community and rule out once and for all any oil exploration on or near the Great Barrier Reef?

Senator HILL—the honourable senator obviously did not listen to the answer. Oil exploration on or near the reef is banned. It is banned. The government support the ban. We will not allow oil or gas exploration on
or near the Great Barrier Reef. We will not allow it within the world heritage area.

Wages: Growth

Senator GIBSON (2.05 p.m.)—My question without notice is to the Assistant Treasurer, Senator Kemp. Will the minister inform the Senate of the coalition government’s success in achieving greater take-home pay for Australian workers? Is the minister aware of any alternative policies?

Senator KEMP—I thank Senator Gibson for that very important question. There is further good news here, and I would like to share this with the Senate. Under the Howard government, real wages have grown by an average of 2.4 per cent a year—a mighty improvement on the 0.4 per cent annual growth which occurred under the previous government. As Senator George Campbell has pointed out in an important article, in some years under the previous government real wages actually fell.

Combined with the growth in real wages, Australian families received a $12 billion cut in income tax last year and home mortgage rates are at almost record lows. All this means that Australian families have more money in their pay packets than they ever had under the previous government. They have more money to spend on education, more money to spend on their children and more money for living expenses. We simply cannot afford to go back to the Labor days of high taxes, high interest rates and low growth of the Australian economy.

All these gains have been made possible because this government has been a responsible manager of the economy and has made Australia the fastest growing economy in the industrialised world in the March quarter. Everyone knows the economy is going well. Even the Labor Party knows it, but Mr Crean and Mr Beazley cannot admit it and they are still running around the country frantically trying to talk down the economy. We in the coalition have been saying that we are sick of them trying to talk down the economy; the Australian people are sick of it. Even the Premier of Victoria, Mr Bracks, has pointed out that the Victorian economy is going particularly well. There was an important statement in the press today. Finally, a Labor frontbencher has said that he or she is sick of the Labor Party trying to talk down the economy. An anonymous ALP frontbencher was reported in today’s Financial Review as saying:

The less you see of Simon [Crean] whining about economics, the better.

I do not know whether that was Senator Cook; he is very famous for certain quotes, so it may well have been Senator Cook. But there is a frontbencher who is in charge of the smallest faction of the Labor Party—the truth in policy faction. Was it Senator Stephen Conroy? The fact is: what this shows is that the Labor Party are once again split; they are in a total shambles. Whatever happened to rollback? They are not allowed to even mention that word. Last year Mr Beazley said that the ALP would not be moving a millimetre on rollback plans. That was a year ago. It now seems they are running a mile from it.

Australian Taxation Office: Rulings

Senator CONROY (2.10 p.m.)—My question is to Senator Kemp, the Assistant Treasurer. Is the Assistant Treasurer aware of a statement made by the Minister for Industry, Science and Resources to the Australian newspaper last week that the government was anxious that the ATO rulings in relation to effective life for depreciable assets would ‘not unduly inhibit’ investment? Has Senator Minchin approached the Assistant Treasurer on this matter, either before or after he made this public statement of government policy? How many ATO rulings are involved and when will the tax office take action to address the problem identified by Senator Minchin?

Senator KEMP—Senator Minchin, I think, would be widely regarded as one of the many distinguished people on the frontbench of our party. One of the things you can say about Senator Minchin is that he is particularly keen to see the development of the Australian economy and particularly keen to see the development of industry. I would have to say that he has been a very effective spokesperson on those matters. I am not sure of the particular article. I may turn to it to
find out whether there is any basis to the article.

You can always be assured that this government will do what is required to make sure there is a sensible and balanced development of the Australian economy. We have never stepped back from that. But, since you are asking me about Senator Minchin, I think it is only fair, as a courtesy to Senator Minchin, to check with him very carefully to see what precisely he did say. That would be appropriate. I mentioned the economy and I mentioned the interest that Senator Minchin has in the growth of the Australian economy. Senator Minchin, along with his colleagues, would take great pride in the very strong growth that we are experiencing in the Australian economy.

Senator Conroy—It’s your portfolio.

Senator KEMP—It is very nice to hear from you, Senator Conroy—and we do like to hear from you—but I wonder whether I may be permitted to answer the question.

Senator Conroy interjecting—

The PRESIDENT—Order! Senator Conroy, you will have an opportunity to ask a supplementary question if the need arises.

Senator KEMP—I might say that on this side of the chamber in recent weeks we have listened very carefully to what Senator Conroy has said on certain key issues and we congratulate him on his frankness. But you have asked me about what Senator Minchin said precisely. I will check with Senator Minchin to see what he has said. If there is any information I wish to share with you, Senator Conroy, I will get back to you.

Senator CONROY—Madam President, I ask a supplementary question. Isn’t it true that the trade-off between the abolition of accelerated depreciation and a lower corporate tax rate was required under the Review of Business Taxation to ensure revenue neutrality? Can the minister provide details of how the government plans to fund Senator Minchin’s proposal and just how much this will cost the Commonwealth’s revenue?

Senator KEMP—We will check with Senator Minchin as to precisely what his proposal is and we will establish the key

facts of the case. First of all, Senator Conroy—

Senator Conroy—He’s not denying it.

Senator KEMP—There is a bit of a problem I have had in this chamber, because Labor senators often get up and assert comments, make accusations and purport to quote articles, and when we go back and check we find they are very poorly based indeed. Don’t you worry about it, Senator; I will check with Senator Minchin. I will see whether he has any comments that he wishes to make on your question, and if he has I will, as I said, consider sharing it with you.

Natural Heritage Trust: Increased Investment

Senator FERGUSON (2.14 p.m.)—My question is to the Leader of the Government in the Senate and Minister for the Environment and Heritage, Senator Hill. Will the minister inform the Senate of new moves by the Howard government to support increased community and business investment in protecting our natural environment?

Senator HILL—Certainly. It is another area of stark contrast. We had 13 years of inaction by Labor on the environment and we have no policies from them in opposition on the environment. In contrast, the Howard government has established an outstanding record in leading and supporting the national effort to restore and protect our natural environment. We delivered in full on our election commitments to establish the Natural Heritage Trust, to provide funding support to community groups around Australia to work on local environmental projects. Already the trust has invested almost $1.2 billion in more than 10,000 locally based projects across Australia, and we have also committed a further $1 billion to continue the trust’s work. As I said, by contrast, the Labor Party can only carp in opposition—they have no policies—and continuously oppose the Natural Heritage Trust, which has delivered sound on-ground outcomes in over 10,500 projects. The Labor Party furthermore refuse to give any undertaking to continue the commitment of the extra $1 billion the Howard government has made towards this invaluable work.
In addition to our investments through the trust we have shown national leadership by encouraging better environmental practices through the taxation system. In 1997-98 we introduced a landcare rebate to assist primary producers on low incomes to invest in works for sustainable land and water management. In July of last year, gifts of over $5,000 to eligible organisations became tax deductible. This included land for conservation purposes, for the first time in this country’s history. At the same time testamentary gifts became capital gains tax exempt, a move which encourages donations of land for conservation through wills. In June of this year we announced further changes to capital gains tax rules to benefit landowners who accept a payment for entering into a perpetual conservation covenant. Landowners will face a reduced tax liability for payments they receive in return for putting parts of their property under a conservation covenant. In some instances the tax liability will be zero.

Last night the Prime Minister announced a new environmental philanthropic measure. The government will amend the income tax law to provide land-holders who donate land for conservation purposes by entering into a conservation covenant with an income tax deduction. All of these measures reflect the government’s commitment to supporting better land management practices in Australia. So if a farmer nearing retirement is prepared to donate land for conservation purposes, the value of that land becomes a tax deduction. If a younger farmer is prepared to dedicate part of his or her land for conservation purposes, the reduction in the value of the land becomes a tax deduction. These are real incentives to allow better environmental outcomes across the country, to enable partnerships to be built between government and farmers, delivering sound economic outcomes in terms of more profitable agriculture while at the same time supporting better conservation outcomes across Australia.

Commonwealth Heads of Government Meeting: Zimbabwe

Senator FAULKNER (2.18 p.m.)—My question is directed to Senator Hill representing the Minister for Foreign Affairs. Can the minister confirm that the Howard government officially supports the calls from two of its backbenchers to ban Zimbabwe’s President Mugabe from attending the Commonwealth Heads of Government Meeting in Brisbane in October?

Senator HILL—What I can say is that the government is increasingly concerned about reports of a deterioration in law and order in Zimbabwe, particularly the failure of authorities to uphold the rule of law, the independence of the judiciary and respect for human and property rights. We are particularly disturbed at continuing reports of attacks on farmers and farm workers and of politically related violence, which is having a damaging effect on stability and safety in parts of the country. I can advise the Senate that Mr Downer has communicated in strong terms the government’s increasing concern about the situation in Zimbabwe to the Zimbabwe High Commissioner to Australia. He repeated our position on respect for the rule of law and upholding human and property rights for all Zimbabweans, black and white.

We want to see a return to a stable democracy in Zimbabwe, and Australia wants to play a helpful role, including support for initiatives by other members of the Commonwealth.

In relation to the Commonwealth meeting, CHOGM, there is widespread concern within the Commonwealth at the situation in Zimbabwe, particularly in the lead-up to CHOGM in October. It is disappointing that Zimbabwe refused to receive the Commonwealth Ministerial Action Group when it met in March. That group, and the Commonwealth Secretary-General, are continuing to explore ways in which they could contribute to an easing of the problems facing Zimbabwe. Mr Downer will attend a meeting of that group in London in early September when the issue will be high priority. Our concern for Zimbabwe is also being taken up through a separate initiative by Nigeria to host a meeting in Abuja, which Mr Downer may also attend following the meeting of the CMAG. Mr Mugabe, I understand, has not yet indicated whether he expects to attend CHOGM. Of course, if he were to do so, it would not be a bilateral visit but as a head of government attending a multilateral meeting.
Senator FAULKNER—Madam President, I ask a supplementary question. Could I just ask the minister for clarity as to whether the government’s concern does go to the extent of banning President Mugabe from attending the Commonwealth Heads of Government Meeting in Brisbane. Secondly, in relation to the issue raised by Senator Hill in his answer I would like to ask, with respect to the question about the rule of law, whether the government supports the suspension of Zimbabwe from the Commonwealth in the event that President Mugabe fails to allow free and fair presidential elections in 2002.

Senator HILL—I have said that if Mr Mugabe comes he will be coming as attending a multilateral meeting rather than coming on a bilateral basis. The government has not considered the matter beyond that.

Senator Robert Ray—So the backbenchers are totally wrong, are they?

Senator HILL—I note the view of Mr Beazley, the Leader of the Opposition, that he should be invited here so that he can be told a thing or two about his behaviour. That is one perspective.

Senator Robert Ray—Two Queenslenders got it wrong!

Senator HILL—Another perspective, Senator Ray, has been given by certain backbenchers on the side of the government.

Senator Faulkner—What’s the government’s?

Senator HILL—He is coming to Australia as a member of the Commonwealth to contribute to a multilateral meeting.

Environment: Greenhouse Gas Emissions

Senator ALLISON (2.22 p.m.)—My question is to the Minister for Industry, Science and Resources. Two weeks ago the OECD said that the best way for Australia to restructure the economy so that we can meet our generous greenhouse emissions commitments was to put in place a domestic emissions trading system or a carbon tax. Is it not time to drag the Australian Greenhouse Office’s domestic emissions trading system out of the too-hard basket and get it under way in Australia now? It is obvious to most Australians that our economy will be the major loser in climate change. Why do you continue to say that reducing emissions will hurt industry?

Senator MINCHIN—I thank Senator Allison for her question. I thank her for referring to that OECD report, which was an outstanding acclamation of the performance of this government in economic management. That report made the point that this is probably the outstanding economy in the industrialised world and that it is likely to experience the strongest growth in the industrialised world over the next 12 months. It commended the government for policies which have been opposed by those opposite, particularly workplace relations reform and particularly tax reform. It was a great commendation of this government’s policies and its achievements.

That report did go on to talk about the whole issue of environmental management, sustainable development and greenhouse issues. Senator Hill, on behalf of the government, made clear the government’s response to those matters when that OECD report was released. He referred in particular to just how comprehensive this government’s response has been in relation to global warming and greenhouse gases. He made the point that we have been an active participant in discussions to ensure that we do deliver for the world a workable protocol that does embrace the world and presents a global solution to a global problem and that we as a government have invested $1,000 million in ensuring that we do play a responsible part in containing greenhouse gas emissions. But we have repeatedly said that we are not going to wreck this economy for the sake of a reduction of greenhouse gases. We have an obligation to the Australian people to maintain living standards in this country and to maintain viable competitive international industries which we have developed in this country.

We believe that you can perform creditably on the international stage in ensuring that we are responsible in delivering containment of greenhouse gases without destroying through mindless policy great Australian industries—for example, the LNG industry, where we gave them the assurances they re-
quired in order to make the sorts of investments that are needed for LNG production. It is true that producing LNG in Australia does produce greenhouse gases, but in so producing LNG you are producing a clean fuel for use in countries like Japan and China which have much more potentially significant greenhouse problems than we do. We are producing clean fuels for those countries, albeit that in producing them in Australia there is an emissions issue.

We gave those companies—in particular, those on the North West Shelf—the sorts of assurances they needed in relation to future policy in this country that we will not unduly inhibit the competitiveness of Australian industries like our great LNG industry. That has given them the confidence to commit to over $2 billion worth of investments in building a fourth train in Western Australia and the associated gas infrastructure. So we are quite unabashed in saying that we are not going to do anything to destroy the competitiveness of great Australian industries in order to achieve our Kyoto protocol commitments, which we believe we can do—unlike those opposite, who are prepared to risk the jobs of thousands of people in manufacturing in this country by the sorts of positions that they are prepared to take on greenhouse gas emissions.

Senator ALLISON—Madam President, I ask a supplementary question. Do I understand the minister to have said that the domestic emissions trading system is a mindless strategy? If so, is the minister aware of an article in the Bulletin of 14 August reporting that the Australian Prudential Regulation Authority, APRA, has approved investments by the Colonial First State superannuation fund in Colonial’s own wholesale geared share fund? Can the minister explain why Colonial First State is able to invest in an in-house fund that borrows money to purchase shares despite an explicit prohibition on borrowing by superannuation funds in the Superannuation Industry (Supervision) Act? Why has APRA approved this high risk investment, an investment that is deliberately structured to prevent any tax compensation being paid to investors in the event of a capital loss?

Senator KEMP—Thank you, Senator Sherry, for that question. As Senator Sherry pointed out, this is a matter which relates to Mr Hockey’s portfolio area. As I would like to give Senator Sherry a comprehensive answer, I will take that question on notice and I will return to the chamber as soon as practicable.

Senator SHERRY—Madam President, I ask a supplementary question. Is this decision by APRA, established by your government, yet another example of this government’s reckless approach to the supervision of superannuation and financial services that has already seen the collapse of HIH Insurance, attempts to reduce the 100 per cent compensation in the event of theft and fraud from superannuation funds and failure to compensate the victims of the collapse of Commercial Nominees Australia?
Senator KEMP—This government has not followed a ‘reckless approach’, as was alleged by Senator Sherry. In fact, Senator Sherry would know that, as a result of the Wallis inquiry, the government ensured that the prudential supervision of funds was upgraded with the establishment of APRA—which, Senator Sherry, you supported, because you believed that this would improve the supervision and regulation of bodies in the area of superannuation and other financial services. So it does not follow that, because of the matters that you have alleged in relation to the first part of your question, the second part of your question is well based. It is not well based. Senator Sherry, and this government has taken a great deal of effort to make sure that we have proper prudential supervision in the area of superannuation. (Time expired)

Environment: Basslink

Senator BROWN (2.31 p.m.)—My question is to the Minister for the Environment, Senator Hill. In relation to Basslink, the proposed undersea power cable between Tasmania and Victoria, does the minister acknowledge that the proponent’s own draft environmental impact report admits that there will be damage to Tasmania’s world heritage via the increased flows in the Gordon River and, in particular, that the flood surges down the famous river will reduce biodiversity, accelerate decline of the riverside vegetation and cause river bank erosion? Given that the world heritage area will be damaged by Basslink, does the minister acknowledge that the world heritage convention, which Australia has incorporated into domestic law, will be contravened by this project?

Senator HILL—I believe that you should consider the evidence before reaching a conclusion. In this instance, the project proponent, Basslink, has prepared the draft integrated impact assessment statement and that document is currently on public exhibition until 31 August. So, while it might be legitimate for Senator Brown for his purposes to draw conclusions from that document, I think it would be inappropriate for me to do so, because obviously there are further processes to be completed. In particular, I will be given advice that takes into account the public submissions that have been made and the proponent will be given an opportunity to revise the draft environmental impact study, and I will then be given ultimate advice and will, from that, draw conclusions. As this is an assessment under the old Commonwealth ES(IP) Act, it will then be my statutory responsibility to give advice to the so-called action minister. That advice will obviously be based upon the conclusions that I draw at the appropriate time, but to draw those conclusions at this stage is, as I hope I have demonstrated, premature.

In relation to the world heritage area, I concede that part of the consideration of this process is any effect upon world heritage values—that is an important consideration within the total environmental assessment—and we are committed, pursuant to our treaty obligations, to protect those world heritage values and, while we remain in office, we will continue to do so.

Senator BROWN—Madam President, I ask a supplementary question. Does the minister agree that the protection of world heritage values means protection of the world heritage area itself? If not, what is his interpretation? Is the minister open to death by a thousand cuts of serial degradation of values on the excuse that they might exist in more than one place and therefore you can knock them out in the Gordon River? Secondly, is the minister not concerned by the fishing industry’s concern expressed yesterday that Basslink will create an electromagnetic fence across Bass Strait with potential interference with fish and whale migration, as well as the release of five tonnes of chlorine from the Tasmanian end of the cable into the marine environment each year?

Senator HILL—The world heritage values are listed—they are on the international record—and it is those values that we will measure the activities against. That is in relation to that part of the environmental assessment. But there are other parts, including the environmental consequences of the underwater cable, being taken into account in this assessment process as well. Conclusions will be drawn at the appropriate time and advice given accordingly.
Taxation: Division 10B Deductions

Senator COOK (2.35 p.m.)—My question is to Senator Kemp, the Assistant Treasurer. Can the minister confirm that 13 days ago on 8 August 2001 the Australian Taxation Office issued a draft determination on the subject of division 10B of the tax act—that is, the division which deals with deductions for movies? I ask whether it is also true that, on the same day, the Commissioner of Taxation issued a withdrawal of that determination which stated:

The issues discussed in the Determination will be canvassed in a draft Taxation Ruling which is in the course of preparation.

Can the minister explain the on-again, off-again approach of the tax office and when we might see the draft ruling which is apparently being prepared?

Senator KEMP—The only on-again, off-again approach I have seen in this parliament is with the Australian Labor Party. The on-again approach in recent weeks was on roll-back. And the off-again: now we read that apparently roll-back is off the agenda. What I am pointing out to you, Madam President, is that we have seen the on-again, off-again approach of the Labor Party, and that is precisely it. The Taxation Office always seeks to provide clear and concise rulings dealing with often complex issues. I will check with the commissioner when he plans to issue the ruling sought by Senator Cook.

Senator COOK—Madam President, I ask a supplementary question. If the minister is going to check with the commissioner, will he also let the Senate know the answer following his check? Is it not true that the recent media attention given to the Australian Taxation Office’s denial of tax concessions for the film Moulin Rouge highlighted pleas from the industry for the Australian Taxation Office to provide some certainty on the application of the concessions? How can the minister justify the ATO’s inability to promptly provide such guidance on these complex provisions and their sloppy mismanagement of advice provision in this particular instance?

Senator KEMP—I totally reject the view that the Taxation Office has been sloppy.

Science: Facilities

Senator TIERNEY (2.38 p.m.)—My question is to Senator Minchin, the Minister for Industry, Science and Resources. Will the minister advise the Senate about what the government is doing to support world-class science facilities in Australia and what benefits this provides for industry and the economy? Is the minister aware of any alternative policies?

Senator MINCHIN—I thank Senator Tierney for that pertinent question—pertinent because, as I hope you all know, Science Meets Parliament Day occurs tomorrow. It is a great day for parliamentarians to listen keenly to what scientists have to say and also to tell them about all the good things the government is doing in relation to science. Indeed, in that vein I announced today the allocation of $155 million under the government’s major national research facilities program, which was part of our $3 billion Backing Australia’s Ability initiative announced in January this year by the Prime Minister. Again, this is further evidence of our strong commitment to building Australia’s science base. The 15 successful projects, which will receive an average of $10 million each, include four facilities in the key area of biotechnology, two each in the areas of information technology, agriculture, manufacturing and pure science, and one in each of marine science, mining and medicine. There was at least one successful applicant in every state and territory. I commend the successful applicants who had to beat a field of 85 projects seeking funding under this program. I think it speaks volumes for the state of Australian science. Of course, we are now in a financial year where there will be record spending on science and innovation. Some $4.7 billion will be spent this year.

The government’s record is strong, but I was asked what is the alternative. That is a very good question. In between talking about rolling back the GST or, on the other hand,
saying that the priority is health or education, there is something apparently called Knowledge Nation that Mr Beazley sometimes refers to, but we simply have no idea from all of this plethora and endless diatribe from Mr Beazley what his policies for science really are. He has had 5½ years in opposition to develop a policy. He had to find Barry Jones a job after they dumped him from the ALP national presidency, so they sent him off to write a report. We saw the noodle nation outcome from that endeavour, but there is still no policy from Labor. This noodle nation report was one of the great all-time debacles for an opposition and a real own goal by Mr Beazley. It was such a disaster that he actually admitted on radio earlier this month that: ‘If it hadn’t been for that little design of Barry’s— as he referred to that monstrosity— it would have been talked about for one day and disappeared.’ What an incredible indictment of your own document—that you reckon it would have completely disappeared in one day had you not put in that nonsensical diagram. We understand Mr Beazley’s office tried desperately to exclude it from the document, but Barry Jones said, ‘No, if there’s no diagram, there’s no document at all.’ Now we are expected to believe that Mr Beazley actually wanted that diagram in the document to make sure it lasted more than one day. It is the most extraordinary, convoluted and idiotic presentation I have ever seen.

While we are talking about Mr Beazley and his commitment to science, this is a great opportunity for Mr Beazley—while scientists are in the parliament—to finally have the guts to say where he stands on the new replacement research reactor for Australia, one of our most important pieces of scientific infrastructure, when two of his shadow ministers say they are happy to repudiate a contract which was legitimately entered into. We have two shadow ministers saying that they will turf it out. We never hear anything from Mr Beazley on this very important issue. The lives and livelihoods of 800 scientists and fellow workers are at stake, but still we hear nothing about where he stands on that critically important issue. By cutting revenue with roll-back and by increasing spending on health and education, Labor has only one way to go if it is to fund its commitments to Knowledge Nation, whatever they may be, and that is by raising income taxes. (Time expired)

Imports: Cooked Chicken Meat

Senator O’BRIEN (2.43 p.m.)—My question is to Senator Alston, representing the Minister for Agriculture, Fisheries and Forestry. Can the minister confirm that the Australian government has received an application from a company in Thailand to export cooked chicken meat to Australia? Can the minister confirm that the Howard government has agreed to the importation of the chicken meat from Thailand subject to certain conditions? Can he give an assurance to the Australian chicken industry that these conditions will be fully complied with before any imported product is allowed into this country?

Senator ALSTON—I can confirm that in July this year AQIS did receive an application to import cooked chicken meat from Thailand. The current import conditions were established in August 1998 following an extensive import risk analysis. Cooked chicken meat is permitted from Thailand, Denmark and the USA. To date, there have been no imports. This is the first import application that has been lodged. Under the conditions, chickens must be slaughtered and the meat processed in establishments approved by the Australian Director of Quarantine. The standard of construction and facilities of slaughter and processing establishments must be equivalent to those found in Australian establishments. The conditions also require that the product be subjected to heat treatment to address the risk of introduction of very virulent infectious bursal disease virus, which is a significant risk to the Australian poultry industry. The time and temperature parameters for the inactivation of the virus are based on the results of experiments undertaken at an internationally accredited laboratory, the Central Veterinary Laboratory in Weybridge in the United Kingdom. The next step is for AQIS to undertake an inspection of the plant in Thailand to determine equivalents with Australian production standards and to evaluate the effectiveness of the cooking process.
Senator O’BRIEN—Madam President, I ask a supplementary question, particularly in relation to the last aspect of the minister’s answer. Can the minister assure the Australian chicken meat industry that all Thai farms from which chickens are sourced for export to Australia will first be inspected by a properly qualified veterinary surgeon and cleared of disease? Will the minister assure Australian chicken producers and processors that Thai processing plants and further processing plants are properly inspected and cleared by an independent Australian food technologist prior to any product entering Australia?

Senator ALSTON—I note Senator O’Brien’s gratuitous advice that AQIS should engage the services of a properly qualified veterinary surgeon and other independent experts. I have no doubt that AQIS will, from its experience in these matters, ensure that the people who do conduct the inspections and evaluations have all the—

Senator O’Brien interjecting—

Senator ALSTON—I am saying to you that there is no reason to doubt that AQIS will want to ensure that they have the best quality of advice available and to ensure that they properly undertake the inspection in such a way as to satisfy our very rigorous quarantine requirements. If you want chapter and verse on who they propose to engage, I imagine that they will not be able to give you that advice until they are conducting the investigation, but I will see what information we can provide in advance and see if that might be of assistance.

Commonwealth Heads of Government Meeting: Zimbabwe

Senator BOURNE (2.46 p.m.)—My question is to Senator Hill, representing the Minister for Foreign Affairs, and it follows his answer to Senator Faulkner’s earlier question about Zimbabwe. Is the government actively lobbying to use CHOGM as a forum to require Mr Mugabe to justify his government’s thoroughly indefensible actions? What priority does this government give Zimbabwe amongst all the topics likely to be discussed at CHOGM? What economic, financial and diplomatic actions does the government intend to take against Mr Mugabe to make the consequences of his actions very clear to him?

Senator HILL—I have listed the diplomatic actions that the government has taken in recent times. I have also indicated to the Senate that the Australian government is working with the Commonwealth and with other Commonwealth governments in the lead-up to CHOGM in an effort to influence a change of behaviour of the government in Zimbabwe.

I indicated a little while ago that Mr Downer, as the Australian Minister for Foreign Affairs, will be meeting with counterparts to discuss this issue further under the process of the Commonwealth Ministerial Action Group. There is no doubt that all Commonwealth countries are increasingly disturbed by what is occurring in Zimbabwe—the lack of respect for the rule of law and the violence, which appears to be at least in part state sanctioned—and we share a desire to see a different standard of behaviour as soon as possible.

The big challenge, of course, is how to most effectively lobby or otherwise influence that change of behaviour. As we have heard, some have suggested the best way to influence the behaviour is to withdraw the invitation to Mr Mugabe to attend CHOGM. One could debate whether that would be effective or ineffective—or counterproductive, in fact. It was suggested in an earlier question that if Zimbabwe were suspended from CHOGM it might influence behaviour for the better. But the contrary argument is being put by the Leader of the Opposition and by others in this country that having the opportunity to face to face enter a dialogue with Mr Mugabe could be more beneficial.

These are always the difficult issues that need to be addressed in circumstances such as this, but I can assure Senator Bourne that the government is deeply disturbed by what is occurring, is seeking to use all opportunities that are available to Australia—in diplomatic terms or in other ways—to influence a better behaviour in the shortest possible term in Zimbabwe and will be using the CHOGM process to help achieve that goal.
Senator BOURNE—Madam President, I ask a supplementary question. I thank Senator Hill for that answer. Am I correct in assuming from his answer—and I hope I am—that this government does give a high priority to Zimbabwe as an issue to be discussed at this year’s CHOGM?

Senator HILL—It would be incomprehensible for the problems in Zimbabwe not to be the subject of very serious discussion. The mere presence of Mr Mugabe in the country will ensure that that occurs. As I have indicated, it is a relatively rare opportunity for leaders of democratic governments within the Commonwealth to meet face to face with Mr Mugabe and to press these issues and the importance of the respect of human rights upon him. One can argue that this peer pressure could potentially have more effect than some other measures. Certainly, if Mr Mugabe chooses to visit Australia and to participate in the Commonwealth meeting, Senator Bourne can be assured that the Australian government and Australian leaders will be pressing upon him the need for much better behaviour than that occurring in his country at the moment.

First Home Owners Grant

Senator LUDWIG (2.51 p.m.)—My question is to Senator Kemp, the Assistant Treasurer. Can the minister confirm that an individual who owns their house through a personally controlled superannuation trust is able to access the first home owners grant of $7,000 or $14,000 when they purchase another property directly and claim that it is their first home? How many individuals have successfully claimed the first home owners grant despite owning property through their superannuation fund? How much has this cost the taxpayer? Is it fair that individuals who already own residential property through a personally controlled superannuation fund can claim the grant while those who own one directly cannot?

Senator KEMP—Let me make a few comments initially on the first home owners grant, which has been particularly successful. The word ‘spectacular’ was used here. This has been welcomed by many young people, and particularly welcomed by the building industry. We have seen very strong growth in that sector. The government takes great pride in this scheme. I will seek advice on the matter you have raised with the superannuation fund, Senator, and I will provide that advice to you promptly, as usual.

Senator LUDWIG—Madam President, I ask a supplementary question. I note that the minister has taken the question on notice. Whilst he is having a look at that, could he also have a look at what steps the government has taken to tighten eligibility criteria for the first home owners grant and to check whether applicants own or have owned residential property through a personally controlled superannuation fund? Rather than telling us about the scheme itself, can the minister show us that it is being administered properly?

Senator KEMP—Senator, you should be aware that the scheme is administered by the states. I do not know whether you fully appreciate that. There has been agreement reached with the states, and the states administer the scheme. I think you may have missed a major point. Senator, out of deference to you I will check whether the Queensland government is properly administering the scheme. As a Queensland senator you would have very good contacts in Queensland—and with a name like Senator Ludwig you would have a particularly good range of contacts—so you may be able to check yourself, Senator.

The PRESIDENT—Minister, your answers should be directed to the chair, not across the chamber.

Electoral Roll: Integrity

Senator MASON (2.54 p.m.)—My question is to the Special Minister of State, Senator Abetz. What is the government doing to ensure the integrity of the electoral roll? Would the minister inform the Senate of any opposition to securing the integrity of the electoral roll?

Senator ABETZ—I thank Senator Mason for his question, and I acknowledge his ongoing work on the Joint Standing Committee on Electoral Matters. The electoral roll is a document fundamental to our democratic system. As such, it should be valued by all Australians and not be used as a political plaything for partisan purposes. It is a trag-
edy, therefore, that Labor Party careerists, in their unseemly scramble for office, have seen fit to compromise the roll’s integrity and corrupt its spirit. Presenting identification at the time of enrolment was one of the key provisions of the Electoral and Referendum Amendment Act (No. 1) 1999. This act was passed in the face of Labor opposition.

Senator Schacht interjecting—

The PRESIDENT—Senator Schacht, putting your hands around your mouth and shouting to increase the volume is completely disorderly. You know the standing orders.

Senator ABETZ—It is amazing that the Labor Party always get themselves into a state when we talk about the integrity of the electoral roll. Madam President, I remind honourable senators opposite that both the Shepherdson inquiry and the Joint Standing Committee on Electoral Matters recommended that identification at the time of enrolment should be provided. I am sure that senators opposite would know that—

Opposition senators interjecting—

The PRESIDENT—Order! There are far too many senators shouting on my left.

Senator ABETZ—The people of Australia who are watching this must be wondering why the Australian Labor Party in the state of Queensland. Despite the recommendations, the federal Labor Party and all their state colleagues continue to oppose some degree of identification to ensure that enrolment on the electoral roll has some integrity. As a result of this need for integrity, I indicate to the Senate that we, as a government, will be pursuing the regulations and we will be putting them before his excellency so that they can be promulgated in time for the next federal election. (Time expired)

Australian Taxation Office

Senator GEORGE CAMPBELL (2.59 p.m.)—My question is to Senator Kemp, the Assistant Treasurer. What can the minister say about continued claims from leading taxation industry representatives that the ATO’s running balance account system, the RBA system, is still in disarray over a year after it came into operation? Is the minister aware, for example, of a recent statement by Brian Sheppard, tax counsel for the Institute of Chartered Accountants, who said:

The account statements are difficult to understand and not issued regularly [and], because interest on any debt to the ATO accrues daily, it is near impossible to clear any outstanding balance.

How is it that the Howard government can allow such ongoing failure on the part of the ATO to provide even the most basic information to taxpayers about how much they owe to the ATO or how much they should be receiving as a refund?

Senator KEMP—I thank Senator George Campbell for the question. I am aware of this issue; it is one on which I am having discussions with the tax office. Probably about a year and a half ago there were concerns that the tax office was filing accounts for very
small sums of money. One of the issues that arose then in relation to the running account balances was that people were extremely annoyed to receive very small sums of money on their account and wondered why the tax office bothered to do this and did not wait until a larger sum had accrued. As a result of those complaints, some changes were made. I think that was about a year and a half ago, but perhaps it was two years ago.

Since then, another range of concerns has arisen. You have mentioned some of those concerns in your question. The issue is one that the government is conscious of and that the tax office is conscious of. Let me assure you, Senator, that I am having discussions with the tax office over it.

Senator GEORGE CAMPBELL—Madam President, I ask a supplementary question. Can the minister further comment on a statement made by Michael Dirkis, Taxation Director of the Taxation Institute of Australia, that:

There are now some positive noises but the reality is we’re into month 14 of this new tax system, and it’s only now we’re getting noises. The RBA problems are symptomatic of the failure of the system generally.

Isn’t it true that ministers ignored justified complaints about the RBA right up until they realised that it might hurt the Howard government’s chances for re-election?

Senator KEMP—I gave you some history on this, Senator. As I said, we are aware that there are concerns amongst taxpaying professionals. I can advise Senator Campbell that not only am I consulting with the tax office but the tax office, with a working party, is consulting with other tax practitioners to address the concerns that they have raised. It is not quite as simple as I think you are trying to portray here, Senator. This is an issue which has been of concern. There is a working party looking at these issues to address the concerns of tax practitioners. The government is very keen, as you would expect, to make sure these matters are resolved as quickly as possible and to the satisfaction of all.

Senator Hill—Madam President, I ask that further questions be placed on the Notice Paper.

ANSWERS TO QUESTIONS ON NOTICE

Questions Nos 3695, 3696 and 3715

Senator O’BRIEN (Tasmania) (3.03 p.m.)—I ask Senator Ian Macdonald, the Minister representing the Minister for Transport and Regional Services, for an explanation as to why answers have not been provided to questions on notice Nos 3695 and 3696, both asked on 9 July this year, and 3715, which was asked on 13 July.

Senator IAN MACDONALD (Queensland—Minister for Regional Services, Territories and Local Government) (3.04 p.m.)—I am advised by Mr Anderson’s office that these questions are in the process of being answered. Whilst I acknowledge they are out of time, they are not far out of time, if that is an excuse. I also draw to the attention of the Senate the enormous number of questions asked of Mr Anderson’s department during the course of estimates, which tie up an enormous number of staff. I have advised this Senate before that $84,000 worth of departmental time is wasted on answering estimates questions—

Senator Schacht—Oh, come on!

Senator IAN MACDONALD—Well, $84,000 is a lot of money for one estimates question. Most of them just come in lumps, in writing, usually after the estimates committees have finished. An enormous amount of departmental time is spent answering Labor Party questions, most of which seem to go absolutely nowhere. Eighty-four thousand dollars is just outrageous. It is far more than for any other department. As I say, most of the questions come in after the hearings, and are just lumped on the table.

That is an aside, Madam President. These three questions are all, I think, related to AMSA, which is an independent statutory authority. Mr Anderson’s office has advised me that the answers have been provided, that they are with Mr Anderson at the moment for ticking off and that they should be available for tabling either later today or perhaps tomorrow.

Senator O’BRIEN (Tasmania) (3.06 p.m.)—I move:

That the Senate take note of the explanation.
I note that on this occasion again we have been given an assurance that an answer will be provided if not today then tomorrow. That has occurred before. I take the minister at his word; I note that he is representing the Deputy Prime Minister and no doubt would not make such a promise if he did not have the assurance of the Deputy Prime Minister or his office that that could be the case.

I am aware that these questions are just outside the 30-day period for providing answers as set out in the standing orders. The reason I am seeking those answers at this time is that they are relevant to the circumstances surrounding the loss of the fishing boat the Margaret J and three lives in Bass Strait in April this year. I have been seeking answers to these questions so that those answers could be considered as part of the Rural and Regional Affairs and Transport Legislation Committee inquiry into the role of Australian Search and Rescue in the search for the Margaret J. I note the government again used its numbers on the committee to defer this important investigation, but I am still seeking answers to these questions. I wrote to the chair of the committee, Senator Crane, about these questions on 10 August. I also asked that Senator Crane seek an answer to question 3784, which was not outside the 30-day limit but had direct relevance to the inquiry. I copied that letter to Mr Anderson’s office on that day. I then, through the committee secretariat, put in a request to AMSA for answers to those questions. I wrote to the chair of the committee, Senator Crane, about these questions on 10 August. I also asked that Senator Crane seek an answer to question 3784, which was not outside the 30-day limit but had direct relevance to the inquiry. I copied that letter to Mr Anderson’s office on that day. I then, through the committee secretariat, put in a request to AMSA for answers to those questions. In that letter, I also sought other material relating to the Margaret J, some of which has now been provided. I specifically requested copies of all internal and external emails relating to the lost boat, but they have not been provided. I will continue to pursue that material because it is important that the committee have access to all material held by AMSA or AusSAR relating to the Margaret J.

Question No. 3695 relates to legal opinions provided to both the Department of Transport and Regional Services and the minister, Mr Anderson. My office was advised last Wednesday that the answer to this question had been cleared and would be provided to the table office and a copy faxed to me in Launceston. I was later advised that that answer had in fact not been cleared and would not be available until some time this week. There was a strange discrepancy between those two contacts. The government has in its possession more than one set of legal advices in relation to the Senate inquiry into the Margaret J. I am given to understand that the department has legal advice that gives AMSA little or no comfort as far as cooperation with the Senate is concerned. This is in sharp contrast to the legal opinion from Mr Bell QC that AMSA is relying on to protect it from proper scrutiny by this chamber. AMSA was quick to provide the Senate with the Bell legal opinion because it suited the authority to do so; but, in doing so, it removed any basis on which it can deny the Senate access to other legal advice on the same matter.

That question also goes to the issue of the role of Mr Anderson in this matter. He is, after all, the minister responsible to the parliament for the performance of the Commonwealth search and rescue function. If that search and rescue effort is found wanting, then it is Mr Anderson who should be called to account for that failure in this parliament. However, given that Mr Anderson’s profile is not so much low as subterranean in relation to issues such as the Margaret J, I do not expect him to act to ensure organisations such as CASA or AMSA do the job required of them by their charter. As far as the transport portfolio is concerned, that administrative oversight falls to this place generally and Senator Crane’s committee in particular. Mr Anderson’s advice to the CASA board in 1998 said it all. He told the board its job was to ensure that he was not asked any questions in parliament about aviation safety. All he wanted to ensure was that air safety was not the subject of public debate. In contrast, his charter is that we enjoy a safe aviation system in Australia. Self-interest beats public interest yet again.

Question No. 3696 relates to the search for a yacht off the Queensland coast that commenced on 8 July, and question 3715 relates to a missing motor cruiser called Just Cruising that was travelling from Mooloolaba in Queensland to Swansea in New South Wales. The information I am seeking in rela-
tion to these two matters relates to the role of both the state authority and Australian Search and Rescue. I want to know—and I am sure my colleagues on the Rural and Regional Affairs and Transport Legislation Committee would also like to know—what level of effort was required by AusSAR of the state authority before it involved itself in those searches. AusSAR was advised by the Tasmanian police that the Margaret J was missing on 13 April, and I understand that the police requested that AusSAR take over the search at that time. I am advised that AusSAR told the Tasmanian police it would not take over the search until the state had exhausted its own resources. I want to know whether the same conditions were imposed on the state authorities involved in the search for these vessels as were required of the Tasmanian authorities. I want to know exactly what resources Queensland and/or New South Wales were required to commit to these searches before AusSAR took an interest in the searches. I am further advised that the Tasmanian police search and rescue had exhausted its resources by late on 14 April or early on 15 April and had advised AusSAR accordingly. But, despite the AusSAR advice of 13 April, the authority refused a second request to search the greater Bass Strait area again because it considered the search area to be too large.

I would like to know—and the answers to question 3696 and 3715 should tell me—exactly what the search area was over the period of the search for the missing yacht and what the search area was over the period of the search for the vessel Just Cruising. I also want to know what intelligence was available to AusSAR in relation to the search for the yacht and the cruiser when it took control of, or put resources into, the search effort for those missing boats. I understand that AusSAR told the Tasmanian police on 17 April that, without further information about the whereabouts of the missing fishermen, the search should be abandoned. I want to know what intelligence was available to AusSAR in relation to both these vessels so that we can compare that with the information available to AusSAR in relation to the Margaret J.

Finally, I thank Senator Ian Macdonald for his cooperation in this matter to date. I again note that he is representing Minister Anderson in relation to these matters.

Senator IAN MACDONALD (Queensland—Minister for Regional Services, Territories and Local Government) (3.13 p.m.)—In relation to question 3696 about the yacht sailing off the Queensland coast and question 3715 about the missing cruiser Just Cruising, as I have said before, I understand those answers are on the way. I will make a comment in relation to question 3695 on the fishing boat Margaret J. I heard, and anyone listening to this broadcast would have heard, what Senator O’Brien said about that. This is a matter between AMSA, the Australian Maritime Safety Authority, and the coroner who is inquiring into the tragic deaths of three fishermen from the Margaret J. Senator O’Brien has said now and in other places that this is a political cover-up, that it is something Mr Anderson wants to avoid, that he is embarrassed about it—or words to that effect. As far as the government is concerned, all information that is within the control of the government or AMSA should be made available at the appropriate time to the appropriate authorities.

If the Australian Maritime Safety Authority have made a mistake, then they should be accountable for that. No-one would insist upon that more than Mr Anderson or the government. I am not for a moment suggesting that they have, because I do not know. I am not the judge and jury. The problem here is that there is a coronal inquiry going on. AMSA have evidence from very learned counsel, experienced in the law and these matters, who advises AMSA that under no circumstances should they make this material available before the coronial inquiry. There is no attempt to hide anything. All material, all witnesses, all documents and all tape recordings will be produced for the coronial inquiry being held by a Tasmanian coroner. The truth will come out in the appropriate place—at the coroner’s inquiry—under cross-examination by every party that wants to be represented at that inquiry. That is why AMSA thinks—and, as a private view, I agree—that it is therefore inapropri-
I have not read the opinions at all. Some people have given me some very brief advice about what the opinions have said and I accept what I am told, but there are any number of technical legal reasons why AMSA are advised that this material should not be made available to politicians to play with, so to speak—that is not the QC’s advice; those are my words—before the coronial inquiry. Once the coronial inquiry is completed, it is then open to the estimates committee or any committee to look into it and to question whom they like.

I think it is appropriate in these circumstances that this material not be made available at this time. Having said that, I do not know what Mr Anderson or AMSA are going to do with 3695. If it were me, I would say to you, Senator O’Brien, that I would not be making available any material prior to the coronial inquiry.

Senator Mackay—You always say that.

Senator O’Brien—You always get yourself into trouble as well.

Senator IAN MACDONALD—You say I always get myself into trouble, but I tell you what I think because I think it is inappropriate that politicians should be playing with this. I do not know if you think there is some great political cover-up in this or some vote winning strategy. There is not. It is a tragic incident which should be properly investigated.

Senator O’Brien—I agree.

Senator IAN MACDONALD—I know you agree with me and I know you are genuine about it, Senator O’Brien, but why can’t you wait the two or three weeks? All the material will be going to the coroner—every single transcript, every bit of information. It is all going. It will be there for the public to see, but it will be coming out appropriately. I know that you, Senator O’Brien, would handle the material sensitively. I cannot with confidence say the same for all of your colleagues on that committee.

The DEPUTY PRESIDENT—Would you address the chair, please.

Senator IAN MACDONALD—Senator O’Brien would deal with the material in a way that would not prejudice any inquiries. But I ask Senator O’Brien why it is essential to have it before the proper authorities get it—before the next two weeks. Senator O’Brien, it will all be made available to you and to everyone else. You will be able to question AMSA people to the extent of your ability for as long as you like as soon as it is made available. I know you have some conflicting advice—

The DEPUTY PRESIDENT—Address the chair, please, Minister.

Senator IAN MACDONALD—I know the senator has some conflicting advice, but AMSA appropriately deals with the proper advice of properly trained legal people and they will follow that. I urge them to do so. I think it is very important that this parliament not be brought in any way, even inadvertently, into a situation where the course of justice, the course of the coronial inquiry into this very tragic incident, would in any way be impugned or impacted upon, however slightly. If there is even the slightest doubt that, by doing something in this chamber, we could impact upon what happens at a coronial inquiry, then I think the Senate should err on the side of caution. Having said that, and having given the Senate the benefit of my views—

Senator Hill—Your wisdom.

Opposition senators interjecting—

Senator IAN MACDONALD—My ‘wisdom’, as my leader says. Thank you, Leader. I repeat that in case you did not hear it, Senator Hogg. It is of course a matter for Mr Anderson and AMSA. If the question is, as Senator O’Brien says—and I cannot comment on this because I do not know—that it is simply requesting some of the legal advice, then perhaps that is not so crucial. But I am advised that the advice AMSA and the department have is that it is in the interests of the coronial inquiry and of fairness to all concerned that the less said about this by politicians the better until such time as all
material is made available to the coronial inquiry.

Senator MACKAY (Tasmania) (3.22 p.m.)—The minister has indicated what he asserts it costs the parliament to answer questions on notice from the Labor Party arising from estimates. I notice he is packing up, ready to go. I wish to draw the Senate’s attention to the state of his department in relation to questions on notice—and I advise anybody who is listening that, as I am speaking, the minister is leaving the chamber—which are critical questions on regional Australia.

For those people who are listening, I think it is important that we get on the record what the story is. When I last raised this issue there were 97 questions outstanding in this minister’s portfolio. There are currently 50 questions outstanding in this minister’s portfolio. I would like to advise those who are listening that currently the minister is having a conversation with Senator Crane. He is not listening to what is being said on behalf of the Labor Party in relation to regional Australia. A total of 210 questions were put on notice to the Department of Transport and Regional Services during budget estimates. As of today, 76 remain outstanding—only 26 are in Minister Anderson’s portfolio; the remaining 50 are in Minister Macdonald’s portfolio. Senator Crane knows full well, as does my colleague here, Senator O’Brien, that these questions are now four weeks out of date. The minister has just been completely derelict in his duty. In fact, the chair of the estimates committee, Senator Crane, wrote to the minister a couple of weeks ago in relation to the outstanding questions. The minister has not even given the estimates committee the courtesy of a response. So here we are, a month late, and 50 questions are outstanding.

While we are on the subject of Senate estimates hearings, which I have the dubious pleasure, along with Senator O’Brien and Senator Forshaw, of attending. I would like to indicate what happens. For the people of Australia who are listening it is important that I give a few examples of how Senator Macdonald behaves in estimates committees. The most embarrassing moment that I have had in my five years in the federal parliament here in Canberra was when an AFFA officer agreed to give up his night to come along and answer questions in relation to flood mitigation—an issue which is critical to regional Australia and also urban Australia—his attendance having been cleared with the committee through Senator Ferris, and Minister Macdonald refused to allow this official to sit at the table and answer the questions. He made the official go to the back of the room. He refused to allow the official—I do not think Senator Crane was there—the opportunity to answer the questions. As a result of this, we had to put a lot of questions on notice in relation to flood mitigation.

Senator Conroy interjecting—Senator Hill interjecting—

The DEPUTY PRESIDENT—Order! Senator Conroy and Senator Hill, if you cease your conversation we will proceed more speedily.

Senator MACKAY—Yet another example of Senator Macdonald’s behaviour during Senate estimates was in relation to the Roads to Recovery program. After it was cleared with the Senate estimates committee, the officers involved in the Roads to Recovery program were called to answer questions on Roads to Recovery, which is quite a complicated area and something that the Labor Party were extremely keen to ask a number of questions on. Understand this: the officers involved in Roads to Recovery were there, but Senator Macdonald refused to allow them to come to the table and answer questions. He bluntly refused: ‘You will not come to the table.’ The Labor Party’s only response to that was to put the questions on notice. It is a bit rich for the minister to come in here and talk about the cost of questions on notice—when he himself exhibited really rude and appalling behaviour towards officers who do not have the opportunity to defend themselves here in the parliament, which I am doing on their behalf—and to then accuse the Labor Party of costing taxpayers money.

Let me give you another example. I asked a question in relation to COAG, the regional development ministers meeting that was held
in March. I attempted to find the answers to my questions during an estimates hearing, which is the appropriate place. After some interaction, Senator Macdonald said:

You have been told again the general thrust of the investigatory work being done. If you are desperate to find out, ask some of the state government officials.

Senator MACKAY—That is your response, is it? I have to go to a state government to find out?

Senator Ian MACDONALD—Yes. You are not getting it here. I don’t care where you go.

This is how the minister actually responds during estimates hearings. I would also like to take this opportunity to read out what I thought were some absolutely offensive remarks that Senator Macdonald made with regard to the Clerk of the Senate. I am glad that the Clerk of the Senate is actually here. I raised with Senator Macdonald advice from the Clerk of the Senate that he had provided on a request from me in relation to the contract on rural transaction centres—a $6 million contract which we still do not have a copy of. What is in that contract is becoming increasingly questionable; I have some recent information on that. Mr Evans kindly indicated to me that there was no problem with getting the contract. His advice was that it would not ‘cause the department to breach its legal obligations’.

Senator Hill—Don’t drag Harry into it.

Senator MACKAY—I will take that interjection, because I am taking this opportunity, Senator Hill, to apologise to Mr Evans on behalf of Senator Macdonald for his appalling behaviour and for the appalling way he talks about Mr Evans. I will continue with what was said during that estimates hearing:

Senator Ian MACDONALD—As I have indicated to you before, Senator—this is in relation to Mr Evans, who, as I have indicated, is someone that I have a lot of respect for—

Senator Hill—We all have respect for him.

Senator MACKAY—Senator Macdonald does not. Senator Macdonald said:

I have little regard for Mr Evans’s opinions. We do not pay him—

he must be doing it for nothing; I do not know why you would want to do that job for nothing. Mr Evans—so why it is relevant to this estimates committee I cannot understand—

This is an opinion from the Clerk of the Senate. To continue:

Senator MACKAY—It is relevant in that he is the Clerk of the Senate and he has provided that advice to the committee.

Senator Ian MACDONALD—The committee should talk about it then. Do not ask me questions about the Clerk’s advice; I am not interested in his advice.

This is the Clerk of the Senate, who routinely provides advice to all senators. In opposition, Mr Evans’s advice is particularly called upon in relation to the limited resources of the opposition. To sledge and belittle the clerks of the Senate in circumstances where they cannot defend themselves is absolutely beyond the pale, and I take this opportunity to apologise for Senator Macdonald’s behaviour. I was very embarrassed, everybody was very embarrassed and I am sure that Mr Evans—who does not have the opportunity to get up here and talk about it—was embarrassed.

Senator Hill—What’s the substantive point?

Senator MACKAY—The substantive point, I say to Senator Hill, is that four weeks out of time we have 50 questions on notice still outstanding from this minister’s portfolio—50 out of 97. There are only 24 outstanding from Minister Anderson’s portfolio, which is substantially larger. There are 50 outstanding: almost 50 per cent have not been provided to the Senate.

Senator Hill—Who wrote them?

Senator MACKAY—I say this to Senator Hill: the reason there are so many questions on notice is that Minister Macdonald takes them on notice. Why does Minister Macdonald take so many questions on notice? It is the worst kept secret in the place that he is not across the portfolio.

Senator Hill—Never has there been a minister for regional development more across his portfolio—

The DEPUTY PRESIDENT—Senator Hill! If you wish to participate in the debate,
you will have your opportunity at a later stage.

Senator MACKAY—He is doing it deliberately. I have been to many estimates committees, including estimates committees where Senator Hill has been presiding as the minister, and I have never had any problems with any minister other than Senator Macdonald. He is one out of the box in his behaviour at estimates! Senator Hill has always been helpful; he is one of the better ministers at estimates. He actually has a professional demeanour. But what we have with Senator Macdonald is a minister who is completely contemptuous of the parliamentary process. Given that there are 50 out of 97 questions outstanding, I would have to question his competence in handling his portfolio.

But the most important thing for the people who are listening to this broadcast to understand is that the questions on notice that the Labor Party have asked are about regional Australia. We know how well the coalition is doing in regional Australia at the moment. There are questions on notice about the Northern Territory that we are still waiting on. There are questions on notice about Queensland that we are still waiting on. There are questions on notice about Western Australia that we are still waiting on. They are all about regional programs, and we are still waiting. This is not about treating the Labor Party contemptuously or the Senate contemptuously; this is about treating the people of regional Australia contemptuously. What has the minister got to hide? Either he is completely incompetent or he is trying to cover something up.

I know that Senator Crane has done his absolute best in trying to extract answers to questions on notice from Senator Macdonald. I notice that the estimates committee—including Senator Crane—gets treated contemptuously by Senator Macdonald, and I would ask at this point for Senator Hill, as Leader of the Government in the Senate, to try to pull this minister into line. Let us see whether we can get some answers to questions. Also, I would like you to ask him not to be rude about the clerks and officials, who do not have the capacity to defend themselves, and not to use estimates as a sledging exercise.

Senator CRANE (Western Australia) (3.34 p.m.)—I rise to speak primarily on the Margaret J, but I have to say that that speech was one of the greatest overstatements that I have ever heard in this place. I will say no more on that except that I do not feel contemptuously treated: we have much more important things to talk about in the Margaret J.

The proposed inquiry on the Margaret J came out of a couple of administrative matters during estimates that unfortunately were not dealt with at that time. In my view, they should have been dealt with very quickly as part of the estimates process, but unfortunately—and I am paraphrasing this very briefly because I want to get to the substance of what I want to say—it became an inquiry. The terms of reference of the inquiry have been put down by the committee I chair, the Senate Rural and Regional Affairs and Transport Committee. When we sought to have hearings, there were two requests. The first one was from AusSAR and the other one was from the Commissioner of Police in Tasmania, both asking that the hearing be deferred until after the coronial inquiry. The committee agreed to that on the understanding that the coronial inquiry was to be completed by August and that we would hear the matters in September.

As time went past, the coronial inquiry was not completed—in fact, it has not started. We were going to go ahead with those inquiries, but a series of events started yesterday lunchtime which changed the course of events. First of all, I received a phone call from the senior counsel supporting the coroner. On having received that, I said that I would not act on a telephone call but that, if the coroner were to authorise the writing of a letter to the committee, I would take that to the committee. That happened yesterday afternoon at approximately 2 o’clock—maybe a little later. That was then sent to the committee. The part that I want to get to concerns Senator O’Brien. I am very disappointed in the comments that Senator O’Brien made last night. He tried to infer in those comments that the government mem-
bers of the committee, and me in particular—because he named me—took a political decision in dealing with that. I want to say to the Senate that nothing could be further from the truth; I think it was a very silly comment that Senator O'Brien made last night.

The facts are that when the coroner asked us to defer the matter until after the coronial inquiry was completed, in my view, and in the view of the government senators, this whole matter was lifted to a much higher level. The insinuation that we were playing politics with this is very disappointing indeed. We met and we discussed the whole issue. Last night—it is absolutely true; it was the government members who voted for it—we determined that we should respect that request. We did it for very simple reasons, and I will read from the letter that I sent to all committee members. In that letter I said:

The more I have considered this matter, when set against the Committee's terms of reference, the more I am concerned at the likelihood of a Committee of the Senate placing in jeopardy, or prejudicing, the course of the coronial inquiry.

I go on to say:

I remain particularly concerned that hearings by the Committee may act to prejudice the rights of the deceased crewmen's families.

That is why we voted last night for a deferral of this matter. I think it is incredibly important that this goes down straight on the public record. Much has been said with regard to the opinion given to us by the Clerk of the Senate, Harry Evans. A part of that has been missed out all the time and I want to read that bit from the Clerk into the record, because I think it is absolutely crucial to the position government senators adopted on this. Mr Evans says:

Conceivably—

and this is the second half; I can table the whole letter if it is wished—

this could cause difficulties for the coroner's inquiry. If it became apparent that a witness before the coroner contradicted something said before the committee, it could be submitted to the coroner that the coroner's inquiry could not fairly be completed because of the inability to cross-examine the witnesses on the contradiction, and the coroner might accept such a submission. The coroner would be bound to consider whether the problem was really so great as to be fatal to the whole inquiry.

The risk of this occurring, however, would appear to me to be fairly small.

I agree with that. But we, the government senators, were not prepared to take that risk, because the people whom we would have been jeopardising would have been the families of the deceased men. All we did last night was to defer our role in this—no more, no less. We have already had an enormous amount of information given to us that was requested to be kept in camera. But I think it is very important when we are dealing with people who are unfortunately no longer with us that we put at the top of the list of considerations the families of those people. That is what we on the government side did last night.

The opposition side saw it as an opportunity—and you can read the Hansard yourself—to run the political line. I am very disappointed in that, because, in my nearly 12 years in this Senate, I have never done that on issues such as this, and I do not believe that my colleagues sitting on this side have ever done it. I say that last night Labor Party senators and Senator Cherry from the Democrats made a grave error of judgment. There is nothing that we will not be able to explore by agreeing to the requests of the coroner, and I submit to this chamber that what we did last night as senators of the government was the correct, proper and decent thing to do.

Question resolved in the affirmative.

ANSWERS TO QUESTIONS WITHOUT NOTICE

Environment: Great Barrier Reef

Senator BOLKUS (South Australia) (3.42 p.m.)—I move:

That the Senate take note of the answer given by the Minister for the Environment and Heritage (Senator Hill) to a question without notice asked by Senator McLachlan today relating to seismic testing near the Great Barrier Reef.

It is an answer that millions of Australians will find disturbing, and it is an answer that millions of people around the world would find disturbing. It was a clear abdication of responsibility by the environment minister
this afternoon when asked about drilling and testing near the Great Barrier Reef. There is no greater national icon than the Great Barrier Reef, and there is no greater responsibility on a national environment minister than to protect the reef. Today in question time Senator Hill failed to live up to that responsibility. What was needed was a clear message about the protection of the reef. What we got from the minister was a range of excuses for his decision to allow an environmental assessment on the proposal for seismic testing near the reef.

Today in question time Senator Hill left open a very clear and distinct possibility of mining near the Great Barrier Reef. His answer was a series of excuses for his bizarre decision. He claimed that seismic testing was to be nowhere near the reef. It was going to be 50 kilometres away from the reef—and I will get to that in just a few moments. He claimed that what was involved here was only seismic work. But what we are talking about here is 72,000 blasts of air pressure spread over 50 days. He claimed that he had to take this decision under the EPBC legislation. If that is the case and the legislation is flawed, it is the minister’s legislation and it should be amended. But what we have here in this context is a situation where minister after minister in Queensland has said that this proposal is not on. The Premier has said that it is not on, so there is no need for the minister to invoke some concern about a Queensland government decision when minister after minister—Beattie, Welford, Wells—has said this proposal is not on. What we have today is a manoeuvre which is part of a sting to allow the testing to go ahead and then to try to put pressure on the Queensland government. That is totally objectionable.

The Australian public does not want this proposal. It should not be encouraged. Instead of excuses, what we should have got from the minister today was a clear and unequivocal message that this proposal is not on. The company could save their money. The minister should make it clear that there will be no approval in terms of decision making after the seismic testing and the EIS. If we win government and if the Beattie government stays in office, this proposal will not be allowed.

As I said, the public does not want it. A weekend poll showed that 92 per cent of Australians do not want drilling near the Great Barrier Reef. The minister is essentially playing with fire or, as the *Townsville Bulletin* said:

He is playing Russian roulette with the future of the reef.

This is, once again, evidence of a government out of touch and of a government not listening to the Australian people. The minister says, ‘Oh, it’s a long way away from the reef; it’s 50 kilometres.’ But what we have here is a survey going right up to the boundary of the Lihou Reef National Nature Reserve and within five kilometres of the equally remote Marion Reef. Fifty kilometres is not a long way. The *Townsville Bulletin* also said:

Given the rapid spread of oil due to wind, tides and currents, a spill in that area would be disastrous.

Already within Australia a spill of oil has been seen to travel more than 50 kilometres. How many more *Exxon Valdez* situations do we need to have before governments around the world, including this one, start to appreciate that 50 kilometres is not a long way? The drilling will have a detrimental effect in any event on marine life in surrounding areas.

**Senator Hill**—There is no drilling.

**Senator BOLKUS**—Sorry; the seismic test will have an effect on marine life in surrounding areas. Weather events mean that 50 kilometres means absolutely nothing. When you are talking about migratory whales and other mammals, once again it means nothing. Elsewhere, oil spills have travelled over 1,000 kilometres. Fifty kilometres, Minister, is absolutely no protection. There is a clear question that the minister needs to answer here: if you do not intend to allow this drilling to go ahead—

**Senator Hill**—It is not drilling.

**Senator BOLKUS**—If you are not going to allow this proposal to go ahead, why do you allow the company to have an EIS in respect of it? Why allow a survey if you do
not expect the possibility of approval? That is the question that the Australian public needs answered. The Great Barrier Reef is an international icon. It needs protection. It is an environmental and economic resource. This minister, by giving mixed messages in respect of this particular proposal, is not living up to his responsibilities. We know why the company is going ahead—because it is getting a nod and a wink from the federal government. It has already said it is in discussions with the federal government. That nod and a wink are just not good enough from this minister or from this government. It is a government out of touch. (Time expired)

Senator HILL (South Australia—Minister for the Environment and Heritage) (3.47 p.m.)—They are certainly not getting a nod or a wink from me, and I am the one who required the environmental assessment. I think it is important to separate the myth from the reality in this particular instance. Firstly, what we are talking about is a seismic survey, not drilling at all. This is a company that sought authority to conduct a seismic survey in what is known as the Townsville Trough. That is the first fact to put on the table.

Senator Bolkus—What are they doing it for?

Senator HILL—This is not an application for approval for drilling; this is an application for approval for some seismic work. Even Senator Bolkus would concede that seismic work in itself can in no possible way be any threat to the reef. In a second effort to separate fact from reality, let me say that this is not drilling on the reef, this is not drilling in the world heritage area. This is a seismic study that may come within 50 kilometres of the world heritage boundaries or approximately 70 kilometres from the reef. It is out in the Townsville Trough, 70 kilometres away from the reef. That is the second fact that ought to be put on the table.

Next, there has been no approval given. This is an application for approval. The Commonwealth government is saying, ‘Before this matter can be appropriately addressed we need to know the full environmental consequences in order that best judgments can be made.’ That is what is happening in this instance. The company has been told that if it wants to carry out such seismic work it must satisfy the Commonwealth government that there will be no threat, not only to the reef but also to other values such as marine mammals, migratory birds and the like. If the company wants to proceed with its application it will now have to go through the process of a full environmental assessment study in order to attempt to make its case—the most precautionary option that is open to the Commonwealth government in this regard. The issue is whether there should be any exploration in the Townsville Trough. Could it be compatible with conservation values? That is the question that needs to be determined. Senator Bolkus says 70 kilometres from the reef is too close.

Senator Bolkus—Fifty.

Senator HILL—No, 50 from the world heritage boundaries, and then there are another 20 kilometres to the reef. But what if it was 150 kilometres away; would that be okay? What if it was 250 kilometres away? All of a sudden the Labor Party claims to have drawn a new line on the map in an area beyond the world heritage boundaries that is necessary to protect values of the reef within the world heritage area. But where is this line on the map that the Labor Party has apparently drawn today?

Senator Ian Campbell—It is like drilling in the Pacific Ocean.

Senator HILL—Let us all into the secret.

Senator Ian Campbell—Where is the line?

Senator HILL—The line does not exist. This is political opportunism at its worst. The image that the Labor Party are trying to create is of a threat to the reef when they know that it is not even a drilling application. Furthermore, they talk about a risk to the reef when they know the seismic work is some 70 kilometres away from the reef.

But the important thing to put on the record is that this is a government that is committed to protecting the world heritage values of the Great Barrier Reef. Just look at its record. After all, which government was it in fact that made application for the reef to be
inscribed for world heritage values? It was not Labor; it was a Liberal government. It was the Malcolm Fraser government. Look at what this government has done since it came to office in relation to the reef. Take dugongs, for example, a listed value of the reef. This government instituted the first dugong sanctuaries in the world, and these are already having beneficial effects. Look at what we have done in relation to fishing. Which was the government that went out there and demanded, against the Beattie government, that there be sustainable trawling principles in place? And which government has succeeded? It is the Howard government that has done that. Which is the first government that has seriously tackled damage to the reef from run-off from inappropriate agricultural practices? It is this government, the Howard government. Which is the government that is investing the real money in the crown of thorns starfish? It is this government. Which is the government that is attacking coral harvesting? It is the Howard government.

(Time expired)

Senator McLUCAS (Queensland) (3.52 p.m.)—I support the motion to take note of the answers from Senator Hill to the questions I raised about potential drilling on the Great Barrier Reef, one of the seven wonders of the world and a place of enormous environmental value and enormous economic value to Australians. Let us recall what Senator Hill said. He said in his answer that there was no prospect of oil drilling on the Great Barrier Reef. He said that drilling was incompatible with the values of the Great Barrier Reef. These are really mixed messages that the Minister for the Environment and Heritage is giving the people of Australia. On the one hand he is saying here in question time today that it will never happen and on the other he is saying he is prepared to start the process down that road. He is prepared to approve an environmental impact statement that opens the first door to eventual oil drilling on the Great Barrier Reef. These are really mixed messages that the Minister for the Environment and Heritage is giving the people of Australia. On the one hand he is saying here in question time today that it will never happen and on the other he is saying he is prepared to start the process down that road. He is prepared to approve an environmental impact statement that opens the first door to eventual oil drilling on the Great Barrier Reef. These are really mixed messages that the Minister for the Environment and Heritage is giving the people of Australia. On the one hand he is saying here in question time today that it will never happen and on the other he is saying he is prepared to start the process down that road. He is prepared to approve an environmental impact statement that opens the first door to eventual oil drilling on the Great Barrier Reef. These are really mixed messages that the Minister for the Environment and Heritage is giving the people of Australia. On the one hand he is saying here in question time today that it will never happen and on the other he is saying he is prepared to start the process down that road. He is prepared to approve an environmental impact statement that opens the first door to eventual oil drilling on the Great Barrier Reef. These are really mixed messages that the Minister for the Environment and Heritage is giving the people of Australia. On the one hand he is saying here in question time today that it will never happen and on the other he is saying he is prepared to start the process down that road. He is prepared to approve an environmental impact statement that opens the first door to eventual oil drilling on the Great Barrier Reef. These are really mixed messages that the Minister for the Environment and Heritage is giving the people of Australia. On the one hand he is saying here in question time today that it will never happen and on the other he is saying he is prepared to start the process down that road. He is prepared to approve an environmental impact statement that opens the first door to eventual oil drilling on the Great Barrier Reef. These are really mixed messages that the Minister for the Environment and Heritage is giving the people of Australia.

Senator Calvert—50 metres?

Senator McLUCAS—I am sorry, 50 kilometres. If I have made that mistake, I will correct it. Political leaders in North Queensland are astonished that Senator Hill would countenance such an activity. Even the former One Nation MP for the seat of Thuringowa said that he would be the first person to anchor his boat there and tell them to—he says something different but I will say—go away. He said that he would in fact lead direct action against anything out there. Even Mr Peter Lindsay, the member for Herbert, in January of this year said that he was opposed to the company’s plans, saying that world oil supplies were running out and it was time for a new approach to energy. He said: ‘Let’s take this opportunity to find an alternative. It’s not worth the danger to the reef.’ However, this morning on ABC 4QR...
he changed his tune and said that maybe we should wait and see what the environmental impact assessment process reveals. He has been pulled into line by his bosses.

The other industry that is so important to Queensland, and which this minister should really be adamant about and take note of, is the tourism industry. The tourism industry is the largest industry in Queensland and it is absolutely opposed to any notion of drilling on the Great Barrier Reef. Ecotourism is a very sensitive sector of the tourism market. Perception in that industry is just as important as reality. Perception internationally is that this government is prepared to walk down the path of allowing oil drilling on the Great Barrier Reef, on one of the seven wonders of the world. The tourism industry is clearly saying that you cannot do it.

Senator TCHEN (Victoria) (3.57 p.m.)—
We owe Senator McLucas a vote of thanks. She said that during question time today Senator Hill, in answer to Senator McLucas’s question, said to her firmly and unequivocally, ‘No, there will be no drilling.’ Senator McLucas just then got up and said, ‘I don’t believe him.’ Senator Hill made it very clear that oil drilling is not allowed and is unlawful. I am very grateful that Senator McLucas reminded us that there are good reasons that she does not believe clear statements like this. She comes from a party which makes an icon of the person who made the l-a-w law promise. It is well known that on Senator McLucas’s side of politics something being law does not mean anything. But that is not true with this government. I can reassure Senator McLucas that as long as this government is in place the Great Barrier Reef will be protected, because this government recognises and takes seriously its obligations to the care of the Great Barrier Reef world heritage area. We do that from a position of understanding and knowledge. We do understand and appreciate that the Great Barrier Reef world heritage area is a role model for the protection of the world’s coral reef ecosystems.

While there are clearly issues in the Great Barrier Reef that are being addressed—it being a living ecosystem, there are always changing conditions and it has to be managed—any suggestion that the Great Barrier Reef world heritage area is in danger is plainly not appropriate. I understand that Senator McLucas is acting only in accordance with what her party has been doing for the last five years—continually trying to scare people, trying to confuse facts. For example, in this particular case, Senator McLucas understands very clearly that the application is to carry out a series of seismic tests. Perhaps Senator McLucas misunderstood that ‘seismic’ meant ‘earth shaking’ and was therefore something which would cause a lot of damage. Nowadays, seismic testing simply means sending shock waves which—

Senator McLucas—You blow up a little bomb.

Senator TCHEN—Senator McLucas, there is no bomb involved. If you had listened to Senator Bolkus, you would know that they now use compressed air—no dynamite and no drilling. This, again, is a case of Labor Party senators trying to confuse the issue, trying to frighten people and trying to mix up words. There is no drilling proposed. There are not even any seismic tests proposed on the reef; they are to be done outside the boundary of the reef area. It is not only outside the marine park but outside the boundary of the area which is set up to protect the marine park. It is a good 50 kilometres away from it. So there is not any real threat.

The proposal has nothing to do with exploration as such, it is only for geophysical testing, and it is a long way from any proposal to actually drill on the reef. This government not only has given a reassurance that there will be no drilling on the reef but has continuously sought to improve the management and protection of the Great Barrier Reef. Of course there are challenges which must be met to ensure that the reef stays healthy, and the government is continuing to meet these challenges. Senator Hill has given some examples of that. This government has introduced regulations which prohibit operations for the recovery of minerals in those parts of the Great Barrier Reef region not currently part of the marine park. In addition,
the government has added 18 new inshore areas to the marine park. *(Time expired)*

**Senator HOGG** (Queensland) *(4.02 p.m.)*—I rise to support my colleagues in this debate. The issue that has been lost in this debate is that we are dealing with the world’s largest coral reef ecosystem, which comprises approximately 2,900 reefs, 700 islands and other ecosystems—

**Senator Brown**—Madam Deputy President, I rise on a point of order. Would you inform me, and therefore the rest of the Senate, whether there is a speaking order for this debate so that I can leave and not try to get your recognition or whether there is some other mode of recognising speakers that is taking place.

**The DEPUTY PRESIDENT**—Senator Brown, I draw your attention to a recent Procedure Committee report and also to the agreement that has been reached by senators that speakers will start from the opposition side, followed by one from the government side, another from the opposition, a second speaker from the government and a third speaker from the opposition and that the final speaker will be usually someone from the Democrats, although this is up to those on the crossbenches at the back—the Independents, Greens and Democrats—to work out amongst themselves. It has nothing to do with me.

**Senator HOGG**—I was referring to the system and, importantly, the system is not a closed system. To speak of it being 50 kilometres or 70 kilometres misses the point: the sea knows no specific boundaries. Of course, if they got within 70 kilometres of the world heritage area, the next thing that they would seek to do would be to go into the world heritage area itself. We are dealing with a unique system which knows no boundaries and needs protection. The goal of the Great Barrier Reef Marine Park Authority, according to their web site, is:

> To provide for the protection, wise use, understanding and enjoyment of the Great Barrier Reef in perpetuity—

and I think that is the important thing: ‘in perpetuity’—

There should be nothing that intrudes on the area. It is interesting to look at some of the history of the issue of drilling on the Great Barrier Reef. While this issue does not go specifically to drilling at this stage, I will lead into that in a few moments. In the chronology that the Parliamentary Library were able to supply me, I will go back to February 1979 when then Premier Bjelke-Petersen of Queensland stated that no oil drilling would be allowed directly on the reef but that it was all right in many places between the reefs. That view, I believe, is still held by quite a wide number of people in the community—‘between the reefs’! At that stage, a poll showed that 66 per cent of Australians were opposed to reef drilling, with an even higher number against it in Queensland. Of course, my colleague Senator Bolkus has just pointed out that a recent survey showed 92 per cent. In the same year, the then Queensland Minister for Mines, Mr Camm, said that oil exploration on the Great Barrier Reef would come eventually. So there is an expectation on the part of some people that there will be exploration on the reef at some time. Of course, that is anathema to people who see the reef as the wonder that it is.

To get to the heart of the debate here this afternoon, one needs to look no further than the press release of Senator Robert Hill of 30 January this year, when he said in respect of this issue:

> It is clear that the proposed seismic tests will not adversely affect the Great Barrier Reef itself. No drilling will be carried out.

He confirmed that again in question time today. He went on to say:

> The acoustic noise associated with seismic testing will not affect areas of the actual Reef which are at least 70 kilometres away.

He confirmed that again, but that does mean that there will not be whales and other mammals that will be affected by the seismic actions that will take place. The next part of the press statement by Senator Hill earlier this year really gets to the issue and the concern that my colleagues and I have in this particular debate. He says:
However, it seems obvious that seismic activity is carried out only as a precursor to further exploration and production activities, such as drilling.

Senator Hill, in his own press release, gets to the point: if you are going to have seismic testing, why have it? He says in his own press release that the seismic testing is the precursor to further exploration and production activities such as drilling. That is the fear and the concern that we have. Whilst this area is not in the world heritage area, it is adjacent to that area. Nonetheless, it is the precursor, by his own admission in his own press release. The concerns expressed today should be taken seriously. The government should stop any seismic testing proceeding in this area. It should remove any thought that this will happen at any stage. (Time expired)

The DEPUTY PRESIDENT—Senator Brown, the President was given an indication by the Democrats that Senator Allison was going to speak on this matter, or speak to a motion to take note. I am not getting any indication from Senator Allison whether she wishes to do so.

Senator Allison—I did intend to take note, Madam Deputy President.

The DEPUTY PRESIDENT—It would help me if you would rise. Do you wish to speak on this or on another matter, Senator Allison?

Senator Allison—On another matter. That is why I did not rise.

The DEPUTY PRESIDENT—Senator Brown, as you are aware, it is not my decision as to who speaks from the crossbenches, so I will call Senator Allison. First of all, I will put the question that the motion moved by Senator Bolkus be agreed to.

Senator Brown—Madam Deputy President. I rise on a point of order. The matter that is being discussed by the Senate has not been finalised. In that case I should be given the opportunity to speak. Madam Deputy President, you did mention that there had been an agreement made about the order of speakers. I am not party to that agreement: it is not a unanimous one. I still call for you to recognise me and allow me to speak from this part of the Senate on the matter of the seismic testing on the Barrier Reef which has not yet concluded.

The DEPUTY PRESIDENT—If you are going to speak on that matter, I am advised that the debate has not therefore concluded. I call Senator Brown.

Senator BROWN (Tasmania) (4.10 p.m.)—I will be very brief because I hope to give Senator Allison the opportunity to speak on another matter. This seismic testing plan will damage the government more than it will damage the Great Barrier Reef. The people of Australia simply will not allow it to progress. I am surprised that the Minister for the Environment and Heritage, Senator Hill, could say to the Senate, as he just did, that the oil drilling company must satisfy the government that there can be no threat to birds and marine life and so on from seismic testing. He knows that you cannot prove that. He knows that there is worldwide alarm about the impact on whales, for example, who use sound to communicate with each other, right around the globe—certainly for hundreds, if not thousands, of kilometres.

This seismic testing will, until proven otherwise, have an impact on the whales and presumably the dugongs. There is no way the minister can say that there will be no threat to the reef. That is simply like saying that, by building more thermal power stations, we could not in any possible way be a threat to Kiribati. He has to recognise that this global ecosystem is interconnected and we know very little about it. We know very little about the workings of the reef or the impact that seismic testing will have. As other speakers have said, if seismic testing were allowed to go ahead, it would lead to oil drilling. The minister should be saving the company money. He should be saving his own reputation as minister. He should be saving the government from a lot of damage. He should be saving the Australian people from a lot of anxiety and uproar by accepting responsibility and putting an end to this crazy and destructive idea before it gets under way.

Question resolved in the affirmative.

Environment: Greenhouse Gas Emissions

Senator ALLISON (Victoria) (4.12 p.m.)—I move:
That the Senate take note of the answer given by the Minister for Industry, Science and Resources (Senator Minchin) to a question without notice asked by Senator Allison today relating to greenhouse gas emissions and proposals to introduce a carbon tax.

My question was related to an OECD report two weeks ago which suggested that the best way for Australia to restructure the economy so we can meet our very generous—they did not say that but I do—greenhouse commitments was to put in place a domestic emissions trading system, or a carbon tax. I am sure the OECD will be most interested in Senator Minchin’s response and the fact that he suggested that these two options were part of some mindless strategy. They are not part of a mindless strategy. Concentrating on the domestic emissions trading system to begin with, the Australian Greenhouse Office some time ago developed a proposal for Australia to adopt a domestic emissions trading system. They did that because it is a very sensible approach. In this country, our risk is not associated with a carbon tax or a domestic emissions trading system on industry. The big risk to this country is global warming and climate change. Already scientists are saying that we could see anything up to a 32 per cent reduction in rainfall over most of Australia. Our economy will be very severely damaged if that is the case.

Last year, the environment committee conducted an inquiry into greenhouse. We focused on the question of domestic emissions trading—in fact, global emissions trading. It was widely seen by people who made submissions to the inquiry as an ideal mechanism to stimulate markets to reward abatement and to recognise the environmental costs of greenhouse pollution. Emissions trading, people said, would ensure that markets internalise environmental costs and reward investment in greenhouse abatement whilst creating flexibility which ensures that lowest cost abatement opportunities are taken up first and which permits flow to areas where abatement costs are too high. In fact, the committee recommended the early introduction of a national emissions trading system with the aim of building capacity and experience, encouraging the uptake of fuel switching and energy efficiency, and positioning Australia to lead the international debate in the development of a global trading system.

It was recommended that there be a phased in introduction of an emissions trading scheme, with the possible introduction of a voluntary scheme in advance of a mandatory scheme, designed to direct the economy towards meeting Australia’s Kyoto target in the first commitment period and to meeting potentially lower targets in subsequent commitment periods. (Time expired)

The DEPUTY PRESIDENT—Order!
The time for debate has expired.

Question resolved in the affirmative.

PETITIONS
The Clerk—A petition has been lodged for presentation as follows:

Australian Broadcasting Corporation: Independence and Funding
To the Honourable the President and Members of the Senate in the Parliament assembled:
The petition of the undersigned calls on the Federal Government to support:
i. the independence of the ABC Board;
ii. the Australian Democrats Private Members’ Bill which provides for the establishment of a joint Parliamentary Committee to oversee ABC Board appointments so that the Board is constructed as a multi-partisan Board, truly independent from the government of the day;
iii. an immediate increase in funding to the ABC in order that the ABC can make the transition to digital technology without undermining existing programs and services, and that it will be able to do this independently from commercial pressures, including advertising and sponsorship;
iv. news and current affairs programming is made, scheduled and broadcast free from government interference, as required under law; and
v. ABC programs and services which continue to meet the Charter, and which are made and broadcast free from pressures to comply with arbitrary ratings or other measures.
by Senator O’Brien (from 153 citizens)
Petition received.
NOTICES
Withdrawal
Senator ALLISON (Victoria) (4.16 p.m.)—Pursuant to notice of intention given yesterday, I withdraw business of the Senate notice of motion No. 1 standing in my name for 22 August for the disallowance of the Sanctions Amendment Principles 2001 (No. 1), made under subsection 96-1(1) of the Aged Care Act 1997.

Presentation
Senator Gibson to move, on the next day of sitting:
That the time for the presentation of the report of the Economics Legislation Committee on annual reports tabled by 30 April 2001 be extended to 19 September 2001.

Senator Murphy to move, on the next day of sitting:
That the time for the presentation of the report of the Economics References Committee on the framework for the market supervision of Australia’s stock exchanges be extended to 27 August 2001.

Senator Ian Campbell to move, on the next day of sitting:

Senator Ian Campbell to move, on the next day of sitting:

Senator Ian Campbell to move, on the next day of sitting:

Senator Brown to move, on the next day of sitting:
That the Senate—
(a) considers that, as there are viable alternatives to the freeway proposed for the Merri Creek valley in Melbourne between Craigieburn and the Metropolitan Ring Road, the freeway should not be built; and
(b) supports the National Highway funds being spent instead on these alternatives, each of which is long overdue:
(i) improvements to the Hume Highway,
(ii) upgrading passenger public transport, and
(iii) interstate rail freight infrastructure.

Senator TAMBLING (Northern Territory—Parliamentary Secretary to the Minister for Health and Aged Care) (4.16 p.m.)—I give notice that, on the next day of sitting, I shall move:
That the provisions of paragraphs (5) to (7) of standing order 111 not apply to the Customs Tariff Amendment Bill (No. 5) 2001, allowing it to be considered during this period of sittings.
I also table a statement of reasons justifying the need for this bill to be considered during these sittings and seek leave to have the statement incorporated in Hansard.

Leave granted.

The statement read as follows—

Purpose of the Bill
The bill will incorporate in the Customs Tariff Act 1995 tariff alterations that give effect to the Year 2002 World Customs Organization (WCO) tariff changes.

Reasons for Urgency
The International Harmonized Commodity Description and Coding System, commonly referred to as the Harmonized System (HS), forms the basis of Australia’s commodity classification for traded Goods. For imported goods these classifications are contained in the Customs Tariff Act 1995.
The WCO, which sponsors the HS, has requested that signatory parties, including Australia, implement approximately 300 amendments to the HS classifications, which translate to approximately 800 changes to the Australian Customs Tariff, on and from 1 January 2002.

BUSINESS

First Speech

Motion (by Senator Tambling)—by leave—agreed to:

That consideration of the business before the Senate today be interrupted at approximately 6 pm, but not so as to interrupt a senator speaking, to enable Senator Cherry to make his first speech without any question before the chair.

NOTICES

Postponement

An item of business was postponed as follows:

General business notice of motion no. 969 standing in the name of the Leader of the Australian Democrats (Senator Stott Despoja) for today, relating to the introduction of the Republic (Consultation of the People) Bill 2001, postponed till 28 August 2001.

COMMITTEES

Legal and Constitutional References Committee

Extension of Time

Motion (by Senator McKiernan) agreed to:

That the time for the presentation of the report of the Legal and Constitutional References Committee on the Human Rights (Mandatory Sentencing for Property Offences) Bill 2000 be extended to 30 November 2001.

Superannuation and Financial Services Committee

Meeting

Motion (by Senator Calvert, at the request of Senator Watson) agreed to:

That the Select Committee on Superannuation and Financial Services be authorised to hold a public meeting during the sitting of the Senate on 23 August 2001, from 3.45 pm till 6.45 pm, to take evidence for the committee’s inquiry into prudential supervision and consumer protection for superannuation, banking and financial services.

TJUPURRULA, MR TURKEY TOLSON

Motion (by Senator Allison, at the request of Senator Ridgeway) agreed to:

That the Senate—

(a) notes:

(i) the passing on 9 August 2001, of one of the ‘painting men’ from the community of Papunya, Mr Turkey Tolson Tjupurrula,

(ii) that he painted from the mid-1970s until his death, creating a vast body of work which is hung in all the major public galleries in Australia as well as America and Japan, and

(iii) that his work brought him and his community national and international acclaim, and constitutes an invaluable part of the nation’s cultural heritage; and

(b) expresses its sadness at the passing of one of our most respected and revered visual artists and cultural custodians.

FEDERAL OFFICE OF ROAD SAFETY

Motion (by Senator O’Brien) agreed to:

That there be laid on the table by the Minister representing the Minister for Transport and Regional Services by 5 pm on 22 August 2001, the following documents:

(a) a minute (held in file number K97/0097) concerning Black Spot Project reference number N00752, dated 12 December 1997, from the Federal Office of Road Safety and signed by Mr Anthony Ockwell to the then Minister for Transport and Regional Development, Mr Vaile;

(b) question time briefs (held in file number K96/758) relating to Black Spot Project reference number N00752, dated 24 February 1998, from the Federal Office of Road Safety to the then Minister for Transport and Regional Development;

(c) question time briefs (held in file number K96/758) relating to Black Spot Project reference number N00752, dated 26 February 1998, from the Federal Office of Road Safety to the then Minister for Transport and Regional Development;

(d) question time briefs (held in file number K96/758) relating to Black Spot Project reference number N00752, dated 5 March 1998, from the Federal Office of
Road Safety to the then Minister for Transport and Regional Development.

MANDATORY SENTENCING
Motion (by Senator Brown) agreed to:
That the Senate—
(a) congratulates the people of the Northern Territory for their rejection of mandatory sentencing policies; and
(b) calls for the removal of mandatory sentencing for property crimes in Australia.

EAST TIMOR: INTERNATIONAL WAR CRIMES TRIBUNAL

Senator BROWN (Tasmania) (4.20 p.m.)—I ask that general business notice of motion No. 979 standing in my name for today and relating to the setting up of an international war crimes tribunal on East Timor be taken as a formal motion.

Senator O’Brien—No.
Leave not granted.

Suspension of Standing Orders

Senator BROWN (Tasmania) (4.21 p.m.)—I note that objection from Labor. I move:
That so much of the standing orders be suspended as would prevent him moving a motion relating to the conduct of the business of the Senate, namely a motion to give precedence to general business notice of motion no. 979.

I will forgo making further comment on the need for urgency of this motion, because I understand that I will get support for this motion.

Question resolved in the affirmative.

Motion (by Senator Brown) agreed to:
That general business notice of motion No. 979 may be moved immediately and have precedence over all other business today till determined.

Motion

Senator BROWN (Tasmania) (4.22 p.m.)—I now move:
That the Senate calls on the Australian Government to request that the United Nations set up an international war crimes tribunal to bring justice to those responsible for the crimes against humanity committed during the 1975 to 1999 Indonesian occupation of East Timor.

Madam Deputy President, you will be aware that there have been moves within Indonesia to establish a war crimes tribunal for the period immediately before and after the 1999 referendum in East Timor. We know about the awful circumstances of the East Timorese under the Indonesian military, with widespread murder, rape and destruction of property, including some 70 per cent of houses, in East Timor during that period. There has been, in the wake of unsatisfactory moves by the Indonesian government to establish a war crimes tribunal which would bring to justice the people who were responsible for that particular period of bloodshed, growing pressure on the United Nations to establish a war crimes tribunal and, moreover, as my motion indicates, to extend the war crimes tribunal to the whole period of Indonesian occupation of what is now the independent nation of East Timor. I call on the Senate to support this motion, whereby the Australian government would add its pressure to the United Nations to do just that, by drawing attention to the true horror of that quarter century of occupation for the East Timorese and to the war crimes that took place under the Indonesian military and government during that time.

I can do no better than to quote the article in the *Australian* of Friday, 2 February this year, by Fiona Carruthers from Dili, which has the headline ‘Start with 1975 invasion, says war crimes author’. This refers to the call by United Nations war crimes investigator James Dunn, who was the consul for Australia in East Timor before the 1975 invasion, as follows:

As Mr Dunn prepares to hand the UN his report into the violence surrounding the UN-supervised independence poll on August 30, 1999, he is urging the Australian Government to upgrade its role in pushing Indonesia to respect the need for justice. “Australia could encourage the process (of war crimes prosecutions) far more than they have been doing at the moment,” Mr Dunn said in Dili ...

The report goes on to say:
Between 1000 and 2000 East Timorese are estimated to have died during the transition to independence in late 1999. About 250,000 people fled ... and 35,000—or 70 per cent—of their homes were destroyed. “It’s important that those who
planned and organised these brutal operations are brought to justice,” Mr Dunn said. “I address that in my report.”

It went on to say:
While 1999 was a critical year for East Timor, the UN tended to focus on atrocities committed during the independence vote to the exclusion of earlier mass killings, many of which have never been fully investigated.

Further, it said:
Mr Dunn named the Craras massacre of 1983, in which an estimated 700 to 1000 people died, and a mass killing near Bobonoro in 1976, when it is believed more than 1000 people were killed, as two events that UN experts should investigate. “During the Indonesian occupation, some 200,000 Timorese have died.”

Listen to what Mr Dunn then said:
“That is like losing 6 million Australians.”

That is the proportion of the carnage which occurred in East Timor under the brutal military dictatorship of President Suharto. Mr Dunn goes on to say:
“It’s massive in relative terms and if we’re going to make the world a safer place, we have to tackle indiscriminate killing and torture head on.”

Who could countermand that? How can we turn our backs on that quarter century of brutality which led to the deaths of one in three or one in four of the East Timorese population? We cannot do that, and we cannot settle for an investigation set up by Jakarta which limits the time, limits the scope and limits the intensity of the investigation.

There is an alternative, and that is the United Nations. The United Nations investigation into these war crimes must extend right back to 1975.

Supporting this motion will take courage by the Senate and by this parliament, because we all know that our own government record is not entirely divorced from those events. We know that military assistance was given to the Suharto regime by the Australian government—not least in the training of Kopassus. These obnoxious and brutal elite troops, who have operated not only in East Timor but also in Aceh and West Papua, have been implicated in the recent assassination of political figures in Jakarta. We must not, however, become complicit in a cover-up in any way. We must demand the most full and open investigation into those 25 years, and we must do it without fear or favour.

I say to the Senate that, if we do not move to ensure that the United Nations establishes a war crimes tribunal on this matter now, we will get one later. But, if we have one later and Australia has not pushed for a full UN tribunal now, the question will be: why not? The question I would put to anybody who opposes this motion is: why not? The argument may be, “We now have a new president in Jakarta and she is looking at this whole question anew.” So be it, but what Australia should be doing, as part of the community of nations and the civilising process for the human community on this planet, is insisting that, as in Bosnia and Kosovo, the crimes committed in East Timor come under the survey of an international war crimes tribunal. You cannot look at 200,000 people being murdered—with many more having their lives destroyed through rape, physical injury and mental horror—out of a population in East Timor of 600,000 to 800,000 and not have the word ‘genocide’ raise its ugly head in connection with the events in that country.

We must not just have a supportive role in the United Nations establishing a tribunal in this matter but take a leading role in it. My motion is a call to both the opposition and the government to support that process. You would support it for Bosnia, you would support it for Kosovo and you would support it for Rwanda; you must support it for East Timor. If not, why not? I am very passionate about this motion. I think Australia has a real opportunity here to show a better face than it showed through the 25 years of the travail of East Timor. The question is: can this chamber and then the government, which this chamber is calling on to act through the United Nations to establish an international war crimes tribunal, have the courage, the humanity and the quest for dignity that are involved in the imperative that this motion be supported?

Senator COOK (Western Australia—Deputy Leader of the Opposition in the Senate) (4.33 p.m.)—I move an amendment to Senator Brown’s motion:
Omit all words after “That the Senate”, substitute:

(a) welcomes the decision of Indonesian President, Megawati Sukarnoputri, to broaden the scope of the special Indonesian court dealing with human rights violations in East Timor in the period leading up to the 1999 independence ballot;

(b) expresses the view that the successful prosecution of those responsible for crimes against humanity in East Timor in this period would be a major step forward in the promotion of human rights in Indonesia and the securing of justice for East Timor;

(c) further observes that failure to bring to justice those responsible for crimes against humanity can only encourage a climate of impunity and abuse of human rights;

(d) notes the lack of unanimous support within the United Nations Security Council for the establishment of an international tribunal to deal with crimes against humanity in East Timor;

(e) calls on the Indonesian Government to take all necessary steps to ensure that those military personnel and other persons responsible for crimes against humanity in East Timor are brought to justice; and

(f) affirms that in the meantime the question of establishing an international tribunal should remain open.

We think that the amendment I have moved would significantly improve Senator Brown’s motion. We think that so strongly that, were this amendment to be defeated, we would not support the original motion. That will be our position in this debate. I want to say a few words in support of what I have moved. The proper place to begin is in fact at the same place that Senator Brown began in his expression of support for his motion—that is, with a consideration of the absolute horror and disgust that we in the Australian Labor Party and, we believe, that people in the wider Australian community have for crimes against humanity during a period of war or at any time. They are among the most base and reviled types of deprivation of liberty or murder that can occur. We of course stand foursquare with all civilised peoples of the world in rejecting exercises of that sort, and there is no doubt or question about that in our minds at all.

I do not adopt, nor would I express in the same language as Senator Brown, what has occurred in East Timor. What is quite clearly the case is that, in the time leading up to the UN ballot and in the time immediately after the ballot in East Timor, atrocities against individuals and institutions were committed on a broad scale and many people died. Many others were tortured; rape and wounding occurred. People were abducted, people were driven away from their homes and large parts of the community were razed. The infrastructure of the island virtually became non-existent. These are matters that have been considered by the Senate in the past, and in the past we have put on the record at some considerable length our concern about those things and the steps that should have been taken. We have made always, one believes, public and constructive criticism about how things could have been handled differently to prevent the loss of life.

What we are now invited to consider is: what is the correct path to justice? What is the exact nature of the crimes and how can those that have perpetrated them be brought to justice? It is true that the conscience of the world could not rest when war criminals continue to be at large and, for the sake of the future, it is important to deal with those problems of the immediate past. I therefore think that the question before the Senate, despite the massive horror of the crimes and the rejection of that conduct that we have expressed, is: what is the best way of finding justice in these circumstances? I regret to say, but it is true—and I am sure Senator Brown knows this—that the United Nations Security Council currently by any assessment is not of the mind to establish an international tribunal in relation to East Timor.

If that is the case, then even if we were to carry Senator Brown’s original motion—and that is not our proposal at all—it would be a motion that would go nowhere and not result, as a consequence, in any injustices being corrected. On the other hand, we do know that the new President of Indonesia, Megawati Sukarnoputri, has set up a new
process which will broaden the scope of the special Indonesian court’s work in investigating human rights violations in East Timor in the lead-up to the 1999 election. If that occurs, that will be in the longer term interests of the promotion of human rights in East Timor and in Indonesia. We think that the appropriate response is to allow that process to be concluded. We see the development of that process as an important one, though we are not without an opinion about the efficacy of the process. We believe it is an important issue and we believe that Australia should be on the record about it.

As a consequence, in the amendment that I have moved we call on the Indonesian president, and her government, to make sure that all necessary steps are taken to bring to justice those responsible for crimes and human rights violations. We also believe that, if this is done, it will go a long way towards securing justice in East Timor.

In all of these circumstances, we think that a degree of prudence is necessary and we should leave open the question of an international tribunal but, in doing so, hope, expect and express our view quite directly that the quickest way to justice and the best way to justice is for the scope and widening of the Indonesian machinery that has now been put in place by President Megawati to be able to operate. At the end of the day, if this matter can be settled with justice and honour within Indonesia, that is a far better outcome than an international body seeking to impose a standard on that country from outside. Therefore, we welcome what the new Indonesian president has done and hope that that can solve the problem. We express in my amendment precisely those sentiments.

Dealing with these issues in this chamber has become a matter that crops up from time to time. I just want to say a word about the importance of how we confront them. These are matters so fundamental to our civilisation, way of life, expectation of democratic rights and expectation of human liberties and freedoms that, as much as possible, while never retreating from any point of principle, we should try to gather the most significant expression of view to articulate, as completely as possible, a full Australian position. I do not know precisely what the government’s intention is, but I imagine it is not to support the Brown motion. I do not know whether the government’s intention is to support our amendment at this stage, but I certainly do invite the government to consider doing that and, if the vote is called, to vote for our amendment. I think that, in a balanced way, it articulates all of the concerns and would, in a balanced way, express most forcefully a view from this chamber on this matter.

Having said that, I also think it is entirely appropriate that we keep a constructive focus here. Senator Brown’s motion calls for something that we know will not occur and, as a consequence, is not likely to directly and materially affect the wellbeing of the people concerned or the hunt for the perpetrators and the process of bringing those perpetrators to justice. Asking for something that will not occur leaves us to one side in this issue. Supporting a process that will occur and calling for it to be properly implemented gives us a clear stake in resolving the matter. I therefore hope that this does not become one of those debates in which there is an attempt to make populist points against a sober and considered position and to appeal to populist sentiment against a considered position by which a genuine outcome can be more speedily reached.

I direct those remarks to Senator Brown. I do not question his commitment—I sometimes question his method and at times we differ on method. If his method were to simply pursue this issue for the sake of populism, then I think it is the wrong approach. I suggest, and I offer this advice in this chamber: let us try to pursue this issue in the interests of achieving justice for those people who have been injured or damaged or who have lost their lives, and of bringing those responsible to justice. That does require the widest possible unity around a principled position, and I believe our amendment reflects that.

Senator TAMBLING (Northern Territory—Parliamentary Secretary to the Minister for Health and Aged Care) (4.45 p.m.)—This is a most important motion for consideration by the Senate, and I endorse the re-
marks and the tenor of the debate from the other speakers. I am, however, very concerned at the timing of the Labor Party amendment that has been proposed here today. Whilst the government is generally inclined to support it, I note that Senator Cook handed me a copy of this amendment some 15 minutes ago, at the commencement of the debate after Senator Brown had, in fact, started speaking. On the amendment that Senator Cook passed to me, which is actually a copy of a fax, I note that there is a date on the top of 9 August 2001. Similarly, on the copy that was subsequently distributed in the chamber the date on the fax is 8 August, which I note is the day after the notice given by Senator Brown. I find it appalling that the Labor Party would come into this place and put down, some two weeks after it had obviously been prepared, a draft amendment—and this is from a party that is so sensitive to the issue of developing foreign policy on the run. There is a very important sensitivity with regard to the appropriate way in which to consider important matters of international significance and of a foreign policy nature.

With regard to the original motion that was proposed by Senator Brown, let me put on the record that the government places a high priority on human rights in East Timor and has urged the Indonesian government to bring to justice those responsible for human rights abuses in East Timor. In fact, the Prime Minister, John Howard, discussed the issue with President Megawati during his visit to Jakarta on 12 and 13 August. There are two processes under way to ensure such justice: the work of the United Nations Transitional Administration in East Timor, UNTAET, and the judicial system in East Timor, as well as the ongoing process in Indonesia. The Indonesian attorney-general’s department has prepared 12 dossiers for trial, covering 18 of its 22 named suspects, including Enrico Guterres.

In April, former President Wahid issued a decree establishing an ad hoc human rights court to try those accused of crimes in East Timor after the August 1999 ballot. The government warmly welcomes the decision by President Megawati to expand the court’s jurisdiction to include crimes committed both before and after the ballot, which will allow the court to examine crimes in Liquica, Dili and Suai in April and September 1999. The decision sends a strong signal about the President’s commitment to justice.

The government has urged Indonesia to establish the court quickly and to cooperate fully with UNTAET under the terms of the April 2000 Memorandum of Understanding on Legal, Judicial and Human Rights Cooperation. Australia has assisted both the UN and the Indonesian human rights investigations, including pursuant to the UN Security Council resolutions calling for such assistance, and has provided support to the justice sector in East Timor, including the provision of court interpreters and forensic and autopsy assistance. If the Indonesian government does not expose and bring to justice the perpetrators of crimes committed in East Timor, we will need to explore other ways of doing so, including possible international action.

While I have, in the brief period available to me, been able to consider the ALP amendment, I note that it is very important that we concentrate on part (d) of the amendment, that is, that the Senate:

notes the lack of unanimous support within the United Nations Security Council for the establishment of an international tribunal to deal with crimes against humanity in East Timor.

The Australian government certainly notes and endorses those particular remarks. As I said, whilst I am critical of the way in which the Labor Party has processed this matter here today, given the two weeks notice they very obviously had of the matter—and I condemn them for their lack of courtesy and goodwill in seeking to promote this in this way—this is an amendment which the government will support.

Senator BOURNE (New South Wales) (4.50 p.m.)—There are three things to say about this, but I will be brief because we have a first speech coming up. First of all, Senator Brown’s motion relates not only to 1999, which is the period the new President of Indonesia has targeted for what, I think, is a very good thing, that is, her new court dealing with the war crimes and the human rights violations in East Timor leading up to the 1999 referendum. That is something she
should be applauded for and it is something that Indonesia should be applauded for, and I do applaud them for it. I agree with most of the amendment, although I do not see why we need part (d). If we had to wait for the UN Security Council to be unanimous on anything we would be waiting a very long time. I agree with almost all that amendment. I also agree with the feeling behind Senator Brown’s original motion. We have a period here where hideous and horrendous war crimes were committed. I have been through some of the more hideous ones in this chamber. I will not go through them again. They sound so gross as to be impossible but they are not and they happened. Those people will never be brought to justice—never—and it looks like we do not care. We should at least be lobbying to say that these people should be brought to justice.

In many cases, now that East Timorese people are free to say what has happened, they will say what has happened. We are getting an awful lot of evidence coming through to the United Nations now about what happened as far back as 1975. People know who the individual was who chopped off somebody’s head and stuck it on a pole outside a school. They know, and they will give that evidence, but we will never hear it because that tribunal will never happen and those people will never be brought to justice, unless something happens throughout the UN or Indonesia changes completely and decides to bring those people to justice, but I do not think that is going to happen.

Senator BROWN (Tasmania)  (4.54 p.m.)—I do not accept this amendment because it is simply saying, ‘Well, this matter should be left to Jakarta and it should be circumscribed to the events surrounding the referendum in East Timor.’ The opposition and government know that my motion is saying that we should have a war crimes tribunal into the whole of the East Timorese occupation by the Indonesian army. Let me put that in perspective. During the horrific referendum period, 2,000 East Timorese were killed. During the occupation, 200,000 East Timorese were killed. How can we, as a chamber, support a war crimes tribunal into one per cent of the crimes? Are you really satisfied with that? What about the 99 per cent? Is that a matter for us to shrug our shoulders at? You simply cannot say that there is a logic to this, and we cannot leave it to Jakarta. Unfortunately, what is happening here today is that we are seeing that we cannot leave it to Canberra.

The opposition did have their amendment ready a fortnight ago but put it to us at the start of this debate, and they will have to explain that. It looks like political manoeuvring to try and get a result other than through debate and strength of position in this chamber. The opposition are very well aware that one of the reasons that there has not been further progress on this in the United Nations is because Australia has not been advocating with strength, vigour and determination that the UN establish an international war crimes tribunal into the death of those 200,000 people, the ransacking of their country and the indescribable cruelty to which Senator Bourne just referred.

We either support the United Nations option or we become complicit in denying it. Senator Cook and the opposition know that, if Australia were to take a strong line in the United Nations, we would get an international tribunal—that is my belief. On the
issue of East Timor, Australia has huge authority in the United Nations, not least because it was the Howard government that overcame the policy disaster of the previous 25 years and put Australia in the peacemaking and rescue situation, of which so many Australians can be proud. But we cannot leave it at that. We cannot simply shrug our shoulders at the history of the East Timorese travail any more than war crimes tribunals can shrug their shoulders at what happened in those other countries I have mentioned.

I mention in passing—and I do not want to stress this because I think it gets away from what happened to the East Timorese people—that there is a political embarrassment in the body politic here in Canberra about those 25 years. I think that is manifest in the debate that is occurring today. I call for courage to overcome that. If we cannot overcome that, how can we expect President Megawati Sukarnoputri to overcome it in Jakarta? We cannot—yet how much less is the courage required to do the right thing here in Canberra?

Make no mistake about this. Australia is pivotal to getting a United Nations tribunal to look into the whole of that period from 1975—the whole 25 years. I believe that if that does not happen it will be because this chamber, this parliament, this government and this opposition suppressed it. It is not a matter of saying, ‘Oh, well, we have made a decision to go with the Jakarta option.’ It is a matter of denying actively the alternative of a United Nations war crimes tribunal. I ask all those who are going to vote against that option—and it appears the whole of the opposition and the government will now vote against it—whether a massive rape, death and destruction campaign in East Timor is different from one in Rwanda or Bosnia. Of course it is not—except for one thing: it is closer to home.

Through government decree, we have had some involvement in the training and facilitating of troops in Indonesia, not least the reviled Kopassus, and in facilitating the Suharto government through those years. We are seeing a failure of nerve here today and we are seeing a failure of morality of the highest order—a morality which says that when crimes like that have occurred they should be discovered and the people who perpetrated them should be dealt with. We cannot get away from it. By denying a push through the United Nations, with Australia’s pivotal role there, we effectively end up sheltering the people who murdered, raped and destroyed for 25 years in East Timor. That is how it is. Even at this eleventh hour in this debate, I appeal to the government, if not the opposition, to reconsider. It is a very grave matter. If I fail here today, I will not let up on it.

Amendment agreed to.

Original question, as amended, resolved in the affirmative.

MATTERS OF URGENCY

Higher Education: Funding

The ACTING DEPUTY PRESIDENT (Senator Hogg)—I inform the Senate that the President has received the following letter, dated 21 August, from Senator Carr:

Dear Madam President

Pursuant to standing order 75, I give notice that today I propose to move:

That, in the opinion of the Senate, the following is a matter of urgency:

the crisis in Australia’s university system as a result of the Commonwealth government’s funding cuts, as well as the Government’s intemperate attacks on those Vice Chancellors with the temerity to point this out.

Yours sincerely

Senator Kim Carr

Is the proposal supported?

More than the number of senators required by the standing orders having risen in their places—

The ACTING DEPUTY PRESIDENT—I understand that informal arrangements have been made to allocate specific times to each of the speakers in today’s debate. With the concurrence of the Senate, I shall ask the clerks to set the clock accordingly.

Senator CARR (Victoria) (5.02 p.m.)—I move:

That, in the opinion of the Senate, the following is a matter of urgency:
the crisis in Australia’s university system as a result of the Commonwealth government’s funding cuts, as well as the Government’s intemperate attacks on those Vice Chancellors with the temerity to point this out.

One month ago, vice-chancellors from a number of Australia’s leading universities, including Professor Ian Chubb, the current chair of the Australian Vice-Chancellors Committee, conceded that the Australian university system was in a state of crisis. Then followed an extraordinary chain of events, including a denunciation by the Prime Minister in the House of Representatives of those claiming that the education system is in crisis; a confrontational correspondence from the Minister for Education, Training and Youth Affairs to vice-chancellors, attacking the executive of the AVCC; and allegations of incompetence made by a senior bureaucrat. What had Professor Chubb, acting on behalf of the AVCC, said that so got under this government’s skin? Professor Chubb had spoken to the Senate Employment, Workplace Relations, Small Business and Education References Committee about the current crisis. He described it in these terms:

... when you get emails from students asking you about tutorials of 32:1 every second week, when you get lecture classes of 400-plus, when you get practical classes every other week, when your infrastructure is eroding and when you see all your equipment and your capacity to provide the resources you need for the staff to do the work that they want to be able to do slowly but surely degrading, then that does not make me—or a majority of my colleagues—very happy at all.

What was the result? With such unambiguous advice being voiced by Australia’s most eminent university administrators, did this government take notice? Did it take it all seriously? Of course not! As with so many other matters of national importance that are now under intolerable strain, this government has gone, yet again, into a state of denial. More particularly, the government has sought to obscure the crisis by means of intimidating letters and outright abuse.

The minister, Dr Kemp, has written to Professor Chubb, personally undermining him. He has done so by (a) claiming that Professor Chubb is unrepresentative of vice-chancellors, (b) accusing him of undermining the efforts of his colleagues, and (c), ironically, saying that Professor Chubb was damaging Australia’s international reputation. This has become Dr Kemp’s standard ploy in attempting to fend off well deserved criticism. But we cannot defend the quality of education in Australia if no-one can talk about it. The best defence for education is to identify the weaknesses and mistakes in current policy and seek to remedy them. This does not appeal to the minister at all. There is an analogy that can be drawn here. A view is held by some overseas that Australia is tainted by racism. This does not mean that issues of reconciliation and concerns about injustice should not be raised. In fact, the opposite is true: we have an obligation to ensure that these issues are no longer a cause for international concern by addressing such problems head on in this country.

When Professor Chubb made his comments, he was supported by a number of other vice-chancellors, none of whom, either then or since, has disagreed with his description of the current state of universities as being in crisis. Why then has Dr Kemp seen fit not only to send an intemperate letter to Professor Chubb but also to gratuitously circulate that correspondence to other vice-chancellors? This is nothing more than a blatant attempt to intimidate anyone who speaks out against the ill-considered policies of this government. Such crude efforts will and must fail.

Not being satisfied with that, Dr Kemp has sent one of his public servants into the higher education inquiry to tell the vice-chancellors and the rest of the country that the earth is flat, that black is really white and that there is not, and never can be, a crisis in higher education. Can the minister deny this? Whether the hapless public servant got his orders confused or otherwise is a moot point, but what resulted was a blast of ill-considered vituperation and bile? There is no point in seeking to rebuke the vice-chancellors, because the evidence is overwhelming. Rather, the minister has adopted the coward’s way by misrepresenting his opponents and demeaning their motives and by using a public servant as his surrogate.
This government, of course, is attempting to rewrite history. From its perspective there can be no crisis. It is a reality that cannot be admitted at any cost.

There has been some response from the government, however feeble. If you cannot find a conspiracy, then you find a fall guy. Therefore, we have a problem which is represented by the vice-chancellors, as was said before the Senate inquiry, as ‘looking for an easy way out’, as failing to address their ‘management responsibilities’ or, to use the pseudoscientific language adopted for the occasion, ‘There is probably an inverse relationship between those who make those allegations and their management competence.’ In other words, although there can be no crisis, the government has no confidence in those who administer many of our largest universities and who spend hundreds of millions of dollars of public money every year. If critical pressures do exist, then the vice-chancellors who speak up are suitable scapegoats and such pressures ‘reflect the inadequacy of the management of the universities to deal with the problems they have’. That is the government’s response to this criticism. This is a government that has lost control of higher education policy. In the face of policy failure, we now hear a familiar refrain of denial: there is no university crisis, the problem being only one of incompetent administrators.

The question I asked Professor Chubb, which sparked this spurious outrage on the part of Dr Kemp, was whether the Australian Vice-Chancellors Committee believed that the tertiary education system—I emphasise the word ‘system’—was in crisis. This is the question that the government has been so desperate to avoid. This is the question that it wishes to avoid answering at all possible costs. What are the characteristics of the tertiary education system that give rise to such concern? In recent years, we have seen staff-student ratios explode from 14.6 in 1995 to the current level of 18.8—an increase of 28.8 per cent. The deleterious effect of stress, of reduced student access to teachers and of a general decrease in the quality of the education experience has been profound. In regard to IT, we have seen the inability of institutions to recruit sufficient staff become a national problem, with resulting ratios approaching 50 in some areas. We have been watching an alarming decline in the number of teachers in key areas. Since 1995, chemistry is down by 23 per cent, physics by 29 per cent and mathematics by 24 per cent. The slash and burn approach of this government has resulted in the erosion of basic infrastructure.

Under this government, the cost of up-to-date equipment has risen while the funding provided for universities has fallen every year. Exacerbating such cuts, the real purchasing power of grants has fallen a further four per cent since 1996, with no remedial action even contemplated. There has been a considerable and unchecked decline in the capacity of university libraries to either serve the student population or fund sufficient purchases to keep these libraries up to date. All this is clear evidence of the decline in quality as a result of this government’s policies. We have seen the size of lectures and tutorials—already too large—grow even larger. For example, more than 100 students were recently turned away from an accounting lecture at the University of New South Wales when chronic overcrowding became a health and safety issue. There are too few facilities already overstretched, with too few staff and no money to address the problems—further evidence of a crisis. It gives the lie to the allegation of incompetent management. We have seen an explosion in the rate of casualisation of staff and the consequent effect on teaching quality.

These are the consequences of an education system in crisis. What are the indicators? A simple thing to look at is the number of students seeking university entry. That has begun to fall. The international comparisons are poor and getting worse. Morale among staff and students is low and continuing to fall. Under these circumstances, how can any minister, however myopic, be so blind to the continuing decline in quality and assert that there is no crisis? We have seen the overwhelming evidence of this decline put before the Senate inquiry. How does the government respond? By seeking to intimidate vice-
chancellors and any other critic who seeks to come forward.

If we look at the cause of this crisis, we see that the responsibility has to be levelled directly at this government and at this minister. The approach taken by the government has been to cut $3 billion from university funding. If funding had been maintained, if the government had continued the policies of the previous government, we would have seen student numbers increase by 54,000 publicly funded places this year. The government has reduced funding for universities every year it has been in office. Universities now face a situation, as Professor Chubb in a memo to the members of the council pointed out, where student fees and charges have increased from 19 per cent of total revenue in 1996 to 31 per cent of total revenue. Total revenue of Commonwealth government spending has fallen from 61 per cent to 47 per cent in a period of only five years. The six per cent direct cut from Commonwealth funding made in 1996 has had a devastating effect on educational quality. Funding for 2002 is set at $4.223 billion compared with $4.875 billion in 1996. On DETYA's own figures, we can clearly demonstrate the decline in federal government grants, yet the minister, the Prime Minister and others now claim that there is more money available. The truth could not be further from those facts because there is a decline in government grants. Any claim that there is additional money has to be seen entirely in the context of increases in fees and charges and HECS payments being made by students.

What we see is below average investments per tertiary student, a fall in the number of Australian students at our universities and a slashing of the number of research training places at universities, all of which reflects directly upon the government's policies. When we see these things, a state of crisis in Australian universities is quite clear and demonstrable. We see a crisis both created and compounded by a misdirected education policy established by this government.

Dr Kemp, in his own cabinet submission, pointed out:
... already eight institutions appear to be operating at a deficit and some regional campuses are at risk... [H]igher student staff ratios, less frequent lecture and tutorial contact, the persistence of outdated technology and gaps in key areas of professional preparation are fuelling a perception of declining quality.

We have seen that this government has almost exhausted the short-term benefits gained by using HECS levies as a substitute for direct Commonwealth grants funding. This government has, as a result, pushed to force universities to raise more and more of their revenue from private and commercial sources. We are seeing a faltering strategy that has imposed a type of double jeopardy on universities. Not only has it failed to provide sufficient alternative revenue but also the manner in which these strategies have been pursued has the potential to damage the ethical and civic framework in which our universities currently operate. The examples are numerous. I need only mention the vicissitudes of Melbourne University Private—with which the Senate is familiar—for others to appreciate just how dangerous the strategies could prove to be.

DETYA has admitted that university operating surpluses have been declining in recent years, a fact linked to the unsuccessful nature of this government's push for the substitution of public expenditure by private revenue. The department has also admitted that it is unaware—as are many universities—of the true costs of many universities' commercial and fee paying programs. The best it can say is that it is 'pretty confident'. I would like all senators here to recognise that the government simply run on the position that they do not know the answers to what is actually affecting the costs of universities at the moment—and they certainly do not have any clear understanding of the implications of their own policies.

What we have effectively seen is a government that seeks to blame the messenger. When the vice-chancellors come forward and point out that the education system is in crisis, this government seeks to intimidate and to abuse. It effectively seeks to disguise the true impact of its policies by running misleading and erroneous claims in the media and through the universities. We have seen Professor Chubb have the courage to put
forward a view that he should not be con-
demned for. (Time expired)

Senator TIERNEY (New South Wales) (5.17 p.m.)—In this MPI debate we actually have a repeat of a national debate that Senator Carr and I took part in at the ANU a few weeks ago, and I am delighted that I can now put on the public record a response to the nonsense that Senator Carr has been trotting out. It is a huge pity that, with a high quality university system such as we have in this country, Senator Carr is trashing our reputation internationally by the way in which he points out, for pure political advantage, what he sees as major problems with the system.

Let me rebut what Senator Carr has been saying today. He seems to err mainly when he makes the claim that, if there are any perceived problems in higher education, they all seemed to start in 1996. That is demonstrably not the case. If you have a look at what has happened to our higher education system, to have any sort of perspective on it you really have to go back to 1987 and the Dawkins reforms and the traumatic effect they had on the entire higher education system.

We have been picking through these matters in a higher education inquiry over the last six months. This inquiry has gone for 13 days in terms of its hearings and has received 363 submissions. Despite how Senator Carr tries to make out that the whole system is in crisis, that is not the picture that emerges. If you asked the people who appeared before the committee when the golden age of our university system was, they would have difficulty answering the question.

Some of the things that Senator Carr was pointing out in his speech, such as lectures being overcrowded and tutorials having up to 30 students, I can remember being exactly the case when I was at university in the 1960s. Senator Carr is trying to make out that practices that occur in universities are recent. They certainly are not recent; they are very longstanding.

Senator George Campbell—They just reappear under your governments.

Senator TIERNEY—It is interesting that you say that. I do not think you were in this place for over 13 years when we had the rather appalling record of the last Labor government in higher education. I cannot remember Senator Carr jumping up in 1995 and saying that the system was in crisis. Boy, was it in crisis at that time! It was in so much crisis at the end of 13 years of Labor rule that, in response to increasing salaries in universities, all they could offer was that universities should take out a loan to pay their salary increases and, presumably, pay it back five years down the track. That is how bankrupt your policies were.

Let us have a look back a few years into the Hawke-Keating government. Let us go back to 1991 and have a look at what was happening to the shortfall in places in the university system. You were turning away 50,000 students each year from our university system. That is how hopeless the Labor government policies were in the early nineties. Students were banging on the gates and they could not get in under you. You came up with some rather strange policies to try to correct the situation, but by the time you left government you certainly had not succeeded. It is absolute humbug to suggest that any perceived problems started in 1996. You have got to go back to the Dawkins reforms of 1987. Let us see what Mr Dawkins actually did to our system at that time. He radically restructured the whole system. He abolished the binary system. He created 20 new universities without proper resourcing—

Senator Carr interjecting—

Senator TIERNEY—Boy, Senator, if you think that there is any sort of crisis now, you ought to go back then when suddenly institutions—for example, in Ballarat—were told, ‘You are a university but, sorry, there are no extra resources or dollars. Just change the sign on the front and you are a university.’ That was the approach under your government. What an absolute disgrace. Who introduced the HECS system? Who went off full budget funding and created a system of student paying fees? That was John Dawkins, Labor minister, 1987. He introduced and expanded that system.

Senator Forshaw—Are you going to roll it back?
Senator TIERNEY—No. We are just telling you where it all started, Senator. It started under your government.

Senator Forshaw interjecting—

Senator George Campbell interjecting—

The ACTING DEPUTY PRESIDENT (Senator Hogg)—Order! Senator Tierney, you are being called to order. Senator Forshaw, Senator George Campbell, let Senator Tierney go ahead.

Senator TIERNEY—Thank you. That was also the minister who then clawed back—what a great term, ‘claw back’; it is very visual—research funding out of the universities and created the ARC grants and other central mechanisms. We have no problem with having these central mechanisms, but he did not put any extra money into them. He just clawed it back out of the universities and created that centralised type of system. He moved from a total budget system to an off budget system. We have to ask ourselves: with all these changes, with the government at the time trying to grapple with the problems of expansion, what did it deliver? It delivered 50,000 people still trying to get in the gates of a university. It delivered rapidly rising average lecture sizes and average tutorial sizes. This was all happening under the last Labor government.

Also, new blocks were placed in the way of universities at this time in the way they restructured. We had network universities—for example, the University of Western Sydney and the University of New England. These were very costly administrative arrangements, which they were not given proper funding for. One of these universities to this day carries a very large debt as a result of this. There was no special provision for the multicampus nature of universities, particularly for regional universities at that time. For example, Charles Sturt, which was carrying out its activities across 700 kilometres from Albury up to Dubbo, did not get any additional funding. The changed role of staff in these new institutions—the CAEs becoming universities; teaching institutions becoming teaching research institutions—did not mean that they were given any upgrade in funding. Indeed, for research institutions there was a small program of infrastructure called mechanisms A, B and C. These were phased out. The inadequate funding that was put there was phased out after three years.

That is what happened under Labor; that is their record. It was interesting that Senator Carr in what he had to say today made no reference at all to those points. He tried to point out that any perceived problems started in 1996. If there are any problems in the system, the whole foundation goes back to the restructured nature of the university system that started back in 1987. Despite that, we have a system today which is delivering. It has extra numbers, despite the sorts of figures that Senator Carr was quoting. It has delivered extra funding of $9.5 billion—up $1.2 billion since 1995. Public funding per student is $12,000—higher than in 1995. But the really scary thing for the university system is what is going to happen if Labor get back in.

I would like to dwell on something called Knowledge Nation. What does that mean? The vague platitudes of Knowledge Nation say:

The only way forward is for Australia to become a courageous and effective Knowledge Nation in which everyone participates and shares the benefits.

Boy, does that tell us a lot about education policy! What does that exactly mean, Senator Carr, for higher education? Where are the programs in Knowledge Nation? Where are the costings? It is a vague wish list which has one underlying assumption—in unlimited resources. The whole thing is a total nonsense. The ALP has no concrete plan for higher education, and in the diatribe delivered here today by Senator Carr you did not hear one word on what Labor would do if it gets into government. Where is your blueprint?

Senator Forshaw—Why don’t you call an election?

Senator TIERNEY—You have been in opposition 5½ years. You have had 5½ years to come up with a plan. The ALP is still a policy-free zone, and this debate is clearly demonstrating that.

Senator STOTT DESPOJA (South Australia—Leader of the Australian Democrats)
While this motion deals with the issue of a crisis as a result of declining resources for our higher education sector, it also specifically deals with the issue of how this government copes with dissenters—in this particular case, people who dare to criticise openly and honestly the difficulties that we are facing in our higher education institutions. I do not believe that Senator Tierney in his contribution today even attempted to address that issue. The Democrats certainly believe that it was a point well worth bringing to the chamber.

The Democrats support the opposition's motion before us. I have to say that, while we support the opposition's motion, there were a number of factors in Senator Tierney's address that I did agree with. While we are all very pleased to have a contemporary history lesson in the chamber on higher education, there are a number of factors in Senator Tierney's comments and perhaps in Senator Carr's comments—certainly those in relation to the opposition's history on higher education resourcing—that basically add up to a very sorry legacy for both the old parties.

Yes, we know what happened under the binary divide and about its replacement with a unified national system. Some of us were there reading the green papers and the white papers and watching the transition to which Senator Tierney referred, looking at the good points, the benefits, as well as some of the less impressive areas, including the lack of transition resources supplied by the former government. Yes, the former government did introduce fees in the form of the higher education administration charge. Yes, Senator Tierney, they did introduce HECS and they did increase HECS repayment rates. They reduced thresholds, they increased the rates above CPI levels and they deregulated the postgraduate sector. And then what did this government do when it got into office?

I acknowledge Senator Tierney's point that Senator Robert Hill—then opposition education spokesperson—was very quick to criticise, to acknowledge the difficulties that the sector was facing. Indeed, I recall a quote in 1995 from Senator Hill when he drew the chamber's attention to the crisis in our higher education institutions. He said:

The government is not prepared to face up to its own responsibility. It is its policies ... that have resulted in this crisis in higher education, the deteriorating quality in degrees and the anger that is being expressed by students and their teachers today.

That quote was in relation to a national day of action. So what do the government do? Far from addressing this acknowledged crisis—and again Senator Tierney has put that on the record today in both his address and his interjections—what do they do? They deregulate the undergraduate sector. They start charging fees and charges—up-front fees that we know are a psychological and financial disincentive, particularly to disadvantaged groups that want to participate in higher education. Do they do anything about income support? Absolutely not. They do little, in collusion with the current opposition. They have done very little to remove the disincentives that currently exist for students to participate in higher education.

It is quite fortuitous, or maybe ironic, that today is the first of the Science Meets Parliament days. Indeed, I have just been at the National Press Club where scientists were asking, 'What can we do to get more people to enrol in undergraduate courses, in science based courses, and to undertake science based careers? How do we get better teachers, in particular science teachers?' One of the obvious areas where we could be providing some form of incentive—or at least removing a disincentive—would be to get the science out of that second tier of HECS. This government once pledged to examine the impact of that HECS band on enrolments in science based courses and, of course, it has not done so. However, I do welcome the comments by Senator Grant Chapman today at the National Press Club when he acknowledged that maybe this was an issue that should be addressed. It is the first public concession I have heard from the government in five years that maybe it should be doing something about the issue of HECS payments.

This government has ripped public funding out of educational institutions at all lev-
els but in particular at higher education levels, Senator Carr has referred to some of the figures, and I find it extraordinary that Senator Tierney has the gall to come in here today and argue that somehow there has been an increase in public funding. Certainly Dr Kemp makes much of the fact that the cutbacks in public funding to universities—

Senator Ellison—There has been: 4.4 per cent.

Senator STOTT DESPOJA—Let me finish, Minister. Dr Kemp has said that, since the cutbacks to public funding for higher education, since 1996, total revenues going to universities have increased. Yes, they have—the Democrats acknowledge that. However, what this government does not acknowledge is that the increased resources from private sources have not replaced the diminishing public resources and they have not gone to the core activities of teaching, learning, scholarship and fundamental research. Rather, those increased revenues from private sources have primarily gone into marketing, recruitment of international students, commercial research, offshore campuses and other activities that are on the margins. So, despite the claims of total increased resources, the decline in public funding has resulted in closures, cost shifting to students, increasing staff-student ratios, cutbacks to libraries and significant casualisation of the academic labour force. On that note, I acknowledge Senator Tierney’s comments about the former government’s idea of how to cope with the supplementation of staff salaries. It was an inadequate solution, but I do not think that this government has attempted to do, or has done, any better in that regard. We certainly still have some of our key academics being paid only 75 per cent of the salaries of comparable American academics, for example.

The damage that has been wrought as a consequence of the changes to public funding and the cutting of resources has been particularly acute in the core enabling disciplines of physics, chemistry, mathematics, philosophy and history—disciplines which are so crucial for critical thinking and performance. Anyone who is conscious of the Science Meets Parliament events today and tomorrow would recognise that these are core components of a creative and innovative society.

We have had many submissions to the Senate inquiry, as both Senator Tierney and Senator Carr have pointed out. In the past five months, we have heard not the glossy circumstances to which Senator Tierney was alluding but evidence of a crisis. We have heard that this crisis is manifest in the declining access and participation of equity groups, the scandalous and inequitable state of student income support, worsening staff-student ratios, crumbling infrastructure, diminished quality of the learning and teaching experience, and uncompetitive salaries that are leading to the brain drain of some of our best academics and researchers. We have heard of the depersonalisation and casualisation of university staff and an overemphasis on narrow, vocational courses at the expense of broader education.

This government’s persistent denial of a crisis—and we have heard it from Senator Tierney today on behalf of the government—is not substantiated by the facts. The crisis is not simply anecdotal but the facts we have heard from vice-chancellors, organisations like the AVCC and the National Tertiary Education Union, student representative groups like CAPA and NUS and people right across the board. It represents a serious abrogation by the government of their responsibility to the future wellbeing of the Australian community.

Dr Kemp is well aware of the fact that our universities are in crisis. His infamous leaked cabinet submission in 1999 painted a disturbing picture of higher education including, and particularly in relation to, regional campuses. He pointed out that they were at considerable risk and that they were on uncompetitive salaries. This came from Dr Kemp himself. Let us not forget that his cabinet proposal urged an additional $800 million investment in higher education. There was nothing fundamentally wrong with Minister Kemp’s description of the state of higher education; we agreed with his description of higher education in that leaked document. His agenda failed, however, be-
cause his solutions were inept and politically untenable.

As I have acknowledged before, this is not the first time that the coalition have talked about the crisis in higher education in this country. They did so in 1995, and yet in the last five or six years they have done nothing to address that. In fact, they have compounded it with specific policy decisions that have—

Senator Carr—Six per cent cuts.

Senator STOTT DESPOJA—Six per cent cuts—whether it be operating grants, whether it be to infrastructure, whether it be in relation to staff and academic salaries or whether it be in relation to fees and charges. When Senator Tierney stands up and accuses the former government, which I also do, of introducing fees and thus being responsible for this spiralling decline, he fails to acknowledge that his government has distorted the HECS system and has now made it incredibly difficult, particularly for disadvantaged students, to pursue an education.

The nonsense that we have heard from the government today denies the reality of the crisis. It is even worse than that. This government has gone on and made it worse by slurring the President of the AVCC, Professor Ian Chubb and other senior vice-chancellors who have had the temerity to give the Senate committee an honest and substantiated appraisal of what is going on in our higher education institutions. While there may be a certain facile skill in blaming the victim and shooting the messenger at the same time, it is an undeniably irresponsible characteristic of this government—it is typical—whenever there is the faintest whiff of criticism. (Time expired)

Senator BRANDIS (Queensland) (5.38 p.m.)—I suspect that the worst possible time to have an inquiry into university funding is a matter of months before a federal election. Inevitably, the inquiry becomes overtaken by partisanship, by political point scoring and by the desire of opposition senators to raise political issues to beat the government around the head with rather than to inquire into where the needs really lie.

In saying that, as a member of the committee as well, I acknowledge the absolute sincerity with which, it appears to me, Senator Carr and Senator Collins have pursued their interests in this matter. There is no question whatsoever about the sincerity and the intensity of Senator Carr’s commitment to this issue. However, unfortunately—as in everything else Senator Carr does—the sincerity of the commitment becomes mired by the ideology. Let us consider what is common ground between the government and the opposition—and, for that matter, the Australian Democrats. All of us are committed to the notion that Australian universities ought to be places of excellence in teaching and in research. All of us are committed to the view that Australian university funding should be greater, not less, than it is. All of us are committed to the proposition that equality of opportunity, or equity of access to universities, should be a fundamental principle of the system. All of us are committed to the view that the burdens placed upon students in making their contribution to the cost of university funding should be kept at the lowest feasible level. But where we part company from the Labor Party, and where we in particular part company from the approach taken at the committee hearings by Senator Carr, is this: we on the government side are eager to explore the options of getting more money into universities from other revenue sources.

In the United States and, as we recently heard in evidence at our hearings in Sydney, in Ireland—to take them as good examples—the elite universities have been enriched and nourished by the infusion of private capital from philanthropic institutions, from corporations and from centres of research excellence in the private sector. I do not believe for one moment that the opportunity to enrich Australian universities and the opportunity to broaden the funding base to increase the amount of money going into Australian universities from private capital has been exhausted or even explored to a sufficient degree. So it is facile and it is false—and I can understand that there is an election around the corner and Senator Carr wants to make some political points and engage in a bit of point scoring about his pet issue—to
say that there is a crisis in university funding because public funds have been maintained at constant levels. It is not a six per cent decline, Senator Carr. The level of operating grants paid by the Commonwealth under the Higher Education Funding Act have remained constant in real terms since 1996, but the amount of private capital going into universities has increased. University revenues in this country from all sources have, during the life of the Howard government, increased in real terms by some nine per cent.

That is not what we hear from the Labor Party. It is not what we have heard from Senator Carr and Senator Collins at the higher education inquiry. There is this assumption that the only legitimate source of funding for universities is public funding, and that is false. That assumption, if it were to be adopted as policy, would pauperise Australia’s universities. Look at the great universities in the United States. Look, for example, at Stanford University, which is an outstanding example of partnership between private capital and public funding to create one of the world’s greatest research institutions. That is the vision of the Australian university sector which the Howard government embraces—a vision of Australian universities which are funded to a greater extent, not a lesser extent, and which have more revenue, not poorer revenues, but in which the funding stream comes from a greater variety of sources than the public sector.

Let me turn to the equity issue. The less reliance you place on opportunities to explore the introduction of private capital into university funding, the greater the risk that you will impose more burdens on students. The HECS system, which was introduced by the Labor government and has been maintained by this government, is still in international terms a system of funding for students which guarantees equity. It means that anyone, regardless of their socio-economic status, regardless of their background, as long as they achieve the entry standards, can be the beneficiary of an interest free loan which is then repayable years into the future at a time when they have the capacity to pay, and not before. There was no inequity in the concept of the HECS scheme when it was introduced by the Labor government, nor as it has been continued by this government.

I ask you, Mr Acting Deputy President, if universities need more funds, if we do not want to impose any greater burden on students—and we do not, for obvious equity reasons—and if the Commonwealth contribution is being maintained at real levels but there is private capital, particularly for the research capacities of universities, that can be attracted to universities as it is in the great research universities, particularly in the United States, is that not a line of public policy that any responsible government would wish to pursue? Please, Senator Carr, do not give us the socialist rhetoric. Let us not have the zero sum game between private capital and public capital. Universities are great public institutions. They work for the public good.

Senator McLUCAS (Queensland) (5.46 p.m.)—There is a crisis in higher education in Australia, and it is time that the Prime Minister admitted it and it is also time that Dr Kemp admitted it. They also need to admit that it is as a result of this government’s policies that we are in this situation. It is not just me saying this. We have people such as Professor Ian Chubb and the other vice-chancellors supporting the notion. And what is Dr Kemp’s response? To shoot the messenger. Dr Kemp does not do it himself; however, he sends in his first assistant secretary in the higher education division of the Commonwealth education department, Mr Mike Gallagher, to do the job. In response to a question from Senator Carr on 13 August following up the position that both vice-chancellors had put to the Senate committee inquiring into higher education—and that is that the university system is in crisis—Mr Gallagher said:

It is an interesting thesis, but there is probably an inverse relationship between those that make that allegation and their management competence. If there are critical pressures on universities, they reflect the inadequacy of the management of the universities to deal with the problems they have.

Shooting the messenger. According to Catriona Jackson of the Canberra Times, Dr Kemp subsequently wrote to Professor
Chubb’s colleagues expressing his displeasure at Professor Chubb’s comments. She said:

Several Vice Chancellors have since been notably cautious about using what some now call the ‘C’ word.

The ‘C’ word. Is that ‘C’ as in crisis or ‘C’ as in censure? The answer is both. Vice-chancellors are speaking about a crisis while the Howard government at the same time is trying to censure them. This is so typical of this government. According to the government, universities are no longer about education; universities apparently are about management. When eminent people raise concerns about education this government accuses them of being poor managers. Doesn’t Dr Kemp understand that this managerial approach to higher education is the reason that we are having this discussion? It is so typical of the government to shoot the messenger when real issues are raised.

The crisis in higher education is a direct result of this government’s policy. It has cut funding to higher education to the lowest levels in history. This has undermined the ability of universities to conduct sound research and their ability to teach effectively. Professor John Quiggan, Australian Research Council fellow of the department of economics at the Australian National University, expressed this succinctly in his submission to the inquiry when he said:

Although the causes of this crisis are complex, the most important single factor is poor government policy. Not only have governments reduced expenditure on education relative to GDP when a rational assessment of our economic needs would dictate higher expenditure, but the diminished resources available to the system have been, to a significant extent, dissipated in the pursuit of ideological agendas and managerial fads.

What is particularly concerning is not only the decline in funding to higher education in Australia but also the change in that funding mix. We all know that this government is driven by economic ideology, education policy included. So, when universities raise more money through HECS or foreign students, they cut back the public contributions to higher education. We are hearing of the Americanisation of the health system under way by this government. Dr Kemp obviously has the same ideological approach to higher education. Professor Simon Marginson, director of the Monash Centre for Research in Education, in his submission to the Senate inquiry stated:

Whereas governments provided 90 per cent of funding in 1983 and 70.3 per cent in 1989, by 1998 its share was 51.9 per cent.

Dr Kemp no doubt thinks that 50 per cent public funding for higher education is too much. Dr Kemp is leading us down the American path, and Senator Brandis in his contribution earlier today seems to think that this is a good idea.

The Howard government’s pursuit of an economic rationalist university system has been particularly damaging to the sciences and humanities in our universities. We have seen the expansion of business and economics schools at the expense of other disciplines. These faculties more easily attract wealthy fee paying students, particularly overseas students. This, though, has often occurred at the expense of opportunities for domestic students. When you place managers in charge of universities they chase dollars, not learning.

Unfortunately, this is also the case in Queensland, where our universities in order to continue to operate have had to increasingly market themselves overseas. The Queensland government has said that 15,000 funded places are required now in order to maintain current participation rates and accommodate predicted growth. This is a crisis in my state. Proportionally, Queensland is second only to Tasmania as having the lowest number of postgraduate places in the country. This is exacerbated in high growth areas like the Gold Coast. This crisis does not stop with research and teaching; facilities are also suffering under this government’s misdirected priorities. James Cook University’s music school in Townsville has two grand pianos sitting directly under a leaking roof. This might not be a problem to Dr Kemp, but he does not understand North Queensland and our tropical climate.

Funding cuts are also putting pressure on the quality of education delivered. We have seen a substantial increase in student numbers during recent years with no corre-
sponding increase in staff numbers. How do you make more money? You increase the student-staff ratio. Do not worry about the quality of the education your system is providing. Profit is the key performance indicator in Dr Kemp’s education system. The National Tertiary Education Union branch from the University of Sydney in its submission to the inquiry stated:

Funding is clearly inadequate to meet demand. Effects are visible through staff shortages:

- Students are queuing for up to 7 hours to obtain information or vary enrolments.
- There are insufficient staff within Faculties, Schools and Departments to provide students with advice concerning their courses and units of study.
- There is severe overcrowding in classrooms, to the extent that Health and Safety requirements are not being adhered to and students are not receiving a sufficient level of individual attention from teachers.

If this is the case at Sydney university, how do you think universities in regional and rural Australia are faring? They are in crisis, Dr Kemp. We are seeing an expansion of the managerial sector in universities under the Kemp ideology. Professor Quiggan in his submission points out that a study by Marginson and Considine in the year 2000 of 17 universities found that the total number of deputy vice-chancellors and pro vice-chancellors had risen from 19 in 1987 to 69 in 1998. He goes on to say:

Allowing for three personal support staff for each senior manager, the additional employment associated with these extra managers is around 600 positions, or about the number of academic staff in a medium size university.

Dr Kemp is complaining about managerial competence, yet he has invested heavily in it. The fact is that he is missing the point. Universities should be about education, not management. This ideology has also had a significant impact on research at universities. Academic staff are increasingly having to shift their focus from research to teaching in order to raise necessary funds. Research has also become more outcomes focused to service economic rather than educational needs. This has meant a decline in the level of research carried out at universities. It has meant a decline in the level of groundbreaking research at universities.

Research is a cooperative endeavour. Science today is built on the knowledge of those who have come before us. The current research paradigm, however, limits the ability of scientists to undertake research that has no immediate monetary outcome. There has been a real decline in blue-sky research not only in our universities but also in our research organisations, including CSIRO. The frightening thing is that research generates real jobs and real income in Australia. Labor look forward to a time when they can return education to its important place in our community. Kim Beazley is committed to building a knowledge nation. Labor know that the crisis in higher education has to be averted, and we will work to that end.

Senator FERRIS (South Australia) (5.56 p.m.)—The urgency motion moved by Senator Carr this afternoon, like those previously moved by Senator Carr and others opposite, fails to recognise the tremendous progress that has been made in the tertiary sector since 1996.

Senator Carr—Is that what you call it?

Senator FERRIS—Senator Carr, I would like you to listen quietly while I explain it to you. As Mr Gallagher said just a couple of days ago—and I think Senator Carr would remember Mr Gallagher; he is a senior bureaucrat in the Higher Education Division of DETYA—those who claim there is a crisis in the tertiary sector are simply looking for an easy way out and are not facing up to the management responsibilities that they have. Mr Gallagher is right when he says that there is no crisis in the tertiary sector. The situation we have here—which for political reasons Senator Carr seems happy to exploit—is one where certain individuals are finding it difficult to adjust to a new, open and more market based environment. While it is inevitable that there will be some tension during this adjustment process, those who are throwing around the word ‘crisis’ are simply looking for scapegoats, often to cover up the difficulties that they have experienced during this time of change.

Senator Stott Despoja—Like six per cent cuts.
Senator FERRIS—Senator Stott Despoja, I do not believe that there was anybody on our side of the chamber interrupting you when you were speaking, so I would be very grateful if you would give me the same courtesy. Senator Carr is also unaware that the most recent statistics from the OECD show that our investment in university education makes up 1.09 per cent of GDP. This figure is not only higher than the OECD average but a higher proportion of GDP than in both the United Kingdom and Germany.

One of this government’s key education policies has been to encourage universities to seek much greater private funding to complement the amount they receive from the Australian taxpayers. This approach has strengthened the independence of universities and allowed them access to far greater amounts of revenue. Indeed, the total funding that our nation’s universities will receive from all sources in 2001 is estimated to be a record $9.5 billion. This is around $1.24 billion more than was available to universities in Labor’s last year in government just five years ago. Why is Senator Carr so reluctant to acknowledge this increased funding? Why is Senator Carr also not applauding the fact that there are now 30,000 more undergraduate students in our university system than there were five years ago when Labor lost power?

University offers this year have risen by 2.3 per cent compared to the previous year, with the number of unsuccessful applicants dropping by 14.4 per cent nationally. Australian universities are in fact enjoying high enrolment numbers and expect that applications will actually reach more than 580,000 full-time places by the year 2003. This is a 30 per cent increase in enrolments since 1995—not a bad rate, I would have thought. Despite this, those opposite have consistently argued that our changes to the HECS system would mean fewer people would be able to go to university. If Senator Carr was so committed to dealing with the alleged ‘crisis’ in higher education, where was his support when we announced an additional $1.32 billion over five years, including the doubling of Australian Research Council grants as part of Backing Australia’s Ability plan?

Senator Bourne—Hear, hear!

Senator FERRIS—I am delighted to hear the Democrats supporting that increase. This year, the government is providing 100,000 full-time graduate opportunities for students in regional Australia. Last year, 5,258 more students from rural and isolated areas accessed higher education than under the Labor Party in its final year in office. These are statistics that I have not heard from Senator Carr and his colleagues.

The irony of Senator Carr’s position is that it was his own party that put this more market based approach to our university sector into play. Senator Carr conveniently forgets to mention that it was his government that introduced fee-paying HECS. If there is a so-called crisis in our higher education system, how does Senator Carr respond to the regular surveys of graduate satisfaction that have been carried out by DETYA that show that graduate satisfaction is at 91 per cent—the highest level since those surveys were taken? I would respectfully suggest to Senator Carr that he could more usefully be applying his education focus if he were to have a word with his leader, Mr Kim Beazley. It is worth recalling that when Mr Beazley was the education minister he said: ‘We’re going to have to cap university expansion. We’ve got too many universities in this country. We don’t need any more.’

While universities are undergoing record expansion under this government, Mr Beazley when he was the minister said:

We are approaching the limits of our capacity to continue to expand publicly funded university places.

It is hard to believe that a responsible federal minister would make remarks such as these. How could he deny a tertiary education opportunity to so many hundreds of young Australians and students from overseas? This government has placed a priority on tertiary education, on tertiary places for rural, regional and city based students and for students from overseas, and will continue to do so, unlike the Labor Party, where Mr Beazley said, when he was given the portfolio, ‘I’ve lost motivation and energy because there is less to do in this portfolio.’ Our minister does not have that attitude and our government
does not have that attitude. Thousands and thousands of young Australians have benefited as a result.

Question resolved in the affirmative.

Motion (by Senator Carr) agreed to:

That the resolution relating to Australia’s university system be communicated by message to the House of Representatives for concurrence.

FIRST SPEECH

The PRESIDENT—Before I call Senator Cherry, I remind honourable senators that this is his first speech. I therefore ask that the usual courtesies be extended to him.

Senator CHERRY (Queensland) (6.04 p.m.)—I am proud, humbled and a tad overwhelmed to be rising to make my first speech in this chamber. I have sat in this chamber off and on for seven years as an adviser in the back stalls, advising Democrat senators. I have to say that the chamber looks an awful lot different sitting here in its bowels.

It being my first speech as a law-maker, I wish to acknowledge that we meet on the traditional land of the Ngunnawal people. They, like the Mununjali and Jagara people, the traditional owners of my family’s land in the Kerry Valley outside Beaudesert, lost their land in an undeclared but relentless war of conquest by our forebears. That war was wiped from our history books by the legal fiction that was terra nullius. The consequences of that dispossession stayed in the political too hard basket for generations until the Mabo High Court decision in 1992 overturned the fiction of terra nullius.

As law-makers, we are yet to come to terms with the full consequences of this. If Australian sovereignty was based not on the occupation of a vacant land but on the conquest of its first peoples, then, like most wars, a settlement of the terms of peace and a statement of the respective rights of victors and vanquished should be expected. Like the conquered first peoples of Canada, the United States and New Zealand, the first peoples of Australia are entitled to a treaty. A treaty would set the firm legal basis on which real and lasting reconciliation could be built. To use the wonderful words of the Aboriginal poet Oodgeroo Noonuccal, incidentally a former Queensland Democrat candidate:

For there are ancient wrongs to right, men’s malice to endure, a long road and a lonely road but oh, the goal is sure.

I wish to add my name to that of all the other Democrat senators in committing myself and my party to the cause of reconciliation between black and white Australia and to the cause of underpinning that with a definitive treaty.

I also wish to acknowledge the enormous achievements that seven generations of migrants have made in building our nation. Australia is one of the world’s multicultural success stories. We have absorbed dozens of nationalities and melded them into a single nation based on the principles of tolerance, the fair go, democracy and diversity. My father’s English family arrived in the Darling Downs area of Queensland in the 1840s. My mother’s Irish family arrived in the Beaudesert area half a century later. I am very proud of the fact that my family has been farming the Kerry Valley now for four generations.

From my parents, Cliff and Joan Cherry, I inherited a deep sense of the value of community. I grew up in a small country town called Boonah in south-east Queensland. My parents were involved in pretty much every community group going in the town. For them, community was not about receiving; it was about giving. Australians are losing that sense of community. For our society to stay civil, we need to put the ‘give’ back into ‘give and take’.

Margaret Thatcher captured the mood of the harsh economic rationalism of the last decade when she declared, ‘There is no such thing as society.’ I am a Democrat because I believe that our society, our civility as a nation, our sense of community, should not be sacrificed at the altar of economics. I trained as an economist; I should admit that. Economics is not a religion. It is merely a tool to achieve an end, and that end is a stable and prosperous civil society. For 20 years in this country the interests of the markets have been placed ahead of the interests of Australian society. That has shaken the very basis of Australia’s sense of community to its core. Nobel Prize winning economist Amartya Sen...
has been very critical of the blind pursuit of economic growth without seeing human freedom as the real end objective. Development should be seen ‘as a process of expanding the real freedoms that people enjoy’. He writes:

Development requires the removal of the sources of unfreedom, poverty as well as tyranny, poor economic opportunities as well as systematic social deprivation, neglect of public facilities as well as intolerance or overactivity of repressive states.

That means a quality free public education and health system that delivers freedom of opportunity. It means a legal system that respects and defends basic freedoms, a government dedicated to promoting the freedoms of all of its peoples and a social safety net that delivers freedom from need. It means recognising and minimising the full costs to the environment so that future generations of Australians enjoy the freedom to live in a sustainable environment without debilitating environmental repair bills.

These are the core beliefs of the Democrats—socially sustainable economics, environmentally sustainable economics, and an emphasis on defending and restoring freedom. These are the fundamentals on which Australia’s sense of community, social cohesion and long-term economic prosperity should be built. Unrestrained economic rationalism pits individuals against individuals, towns against towns, countries against countries in an unrelenting race to the bottom. The winners are those who can compete, such as increasingly larger transnational corporations. The losers are ultimately the poor, the uneducated, the marginalised, the voiceless and, too often, those living in rural areas.

My predecessor, Senator John Woodley, was a tireless campaigner for these groups, for the true Australian battlers. His compassion, his fierce commitment to social justice, and his humanity will be greatly missed in this house. On behalf of the Queensland division of the Democrats, I wish to thank John Woodley for his wonderful work for the party and for Queensland, and wish him and Marie well in his well-earned retirement. One of John’s last campaigns was to support struggling dairy farmers facing hardship because of the national competition policy inspired deregulation of the dairy industry. This was a classic case of short-term economic objectives being placed ahead of the long-term sustainability of rural communities.

A recent ACCC report on dairying claimed that consumers had been the winners from dairy deregulation because of a fall in the retail price of milk since full dairy deregulation in July 2000, but the report ignored the fact that milk prices had risen by more than inflation in the previous four years during which retail prices were progressively deregulated. Since 1995, the retail price of milk has risen by 14.6 per cent and the price of other dairy products has risen by 24.3 per cent, but the price paid to dairy farmers for milk at the farm gate in the same period fell by 10.8 per cent. What sort of an economic policy allows very large increases in retail prices paid by consumers when the return to the rural producers on the same product is falling? What is happening to the agricultural, the processing, the wholesaling and the retailing sectors of our economy to produce such a perverse result?

But wait, it gets worse. The retail price of bread has risen by 17.3 per cent since 1995 while the prices paid to wheat farmers have fallen by 19 per cent. The retail price of lamb has risen by 10 per cent while the price paid to graziers has fallen by 16 per cent. The retail price of pork has risen by 17 per cent, four times faster than the prices paid to pork producers. The retail price of fruit has risen by 17 per cent while prices paid to fruit growers rose by only 3.6 per cent. The retail price of vegetables has risen by 23.5 per cent while prices paid to growers fell by nine per cent. Ask the Tasmanian potato growers what they think about that one. The retail price of eggs has risen by 16.4 per cent while producer prices fell by 13.5 per cent. Are Australian eggs so much better packaged today that they are worth 16 per cent more than they were worth five years ago? These prices are evidence of serious market failure. It is a market failure that is beggaring our rural communities. It is also costing Australian consumers on the most fundamental of commodities—the food they eat.
I was first attracted to this issue by complaints from families about the rising price of food which, of course, was being blamed on the GST. The Democrats are very proud of the fact that we got the GST taken off food groceries. Research by the ACCC, Econtech and the Australian Consumers Association shows that the introduction of the GST did not affect food grocery prices as predicted. So why did food prices rise five per cent in the last year, one to two per cent more than the underlying inflation rate? Why did food prices rise faster than the inflation rate in three of the four years preceding the GST, despite national competition policy inspired deregulation? Why, according to the World Bank, were Australian consumers already spending a higher proportion of their income on food than the consumers of the US, Germany, the UK, Canada or Hong Kong? Why such a raw deal for consumers and producers when Australia is one of the most efficient food producers in the world, with one of the lowest levels of agricultural subsidies, and when prices paid to farmers were falling sharply? QUT economist Mark McGovern has been tracking this trend and he writes:

This paradox warrants investigation. What happens between the farm gate and the consumer plate?

The declining bargaining power of rural producers, evidenced by the recent Tasmanian potato growers’ protests, needs to be carefully analysed. Is it related to the fact, as Dick Smith points out, that 85 per cent of the food in our supermarkets comes from foreign owned food manufacturers or imports? Is it related to the dominance of the Coles-Woolworths-Franklins supermarket oligopoly with an 80 per cent market share of the food groceries market?

Choice magazine’s supermarket price survey recently reported that ‘there is hardly any difference at all between the three major chains’. In fact, the two major chains have reported strong increases in revenue and profitability. A recent ACCC survey showed that returns on assets and equity for Australian supermarkets were rising when returns on US and UK retailers were falling.

Nothing is more fundamental than the price of food. Australian households spend some $44 billion a year on food. Food makes up a quarter of the spending of low income earners. When social security payments are indexed only to CPI, are payments adequate to keep low income Australians out of poverty when food prices keep rising faster than CPI? What is happening to the fattening margin between prices at the farm gate and the consumer plate?

This looks like a real scandal, a scandal that affects every household in Australia. We are all paying more than we probably should for food, and we need to know why. In the United States, where similar trends are evident, the questions are now being asked. The US Senate and the new agriculture secretary Ann Venneemann are considering proposals to apply antitrust laws to the agribusiness sector, to address the consolidation of ownership, and the imbalance in marketing power that that creates.

That debate is yet to start in Australia. I believe that a full independent inquiry, maybe even a royal commission, is needed into food prices. That inquiry needs to look not just at the economic issues of the widening margins but also at the social impacts that falling producer returns are having on rural communities. The hard questions are yet to be asked. The hard questions need to be answered. I see part of the role of the Australian Democrats as asking the hard questions no-one else is prepared to ask, as representing the minorities that no-one else is prepared to represent, and as presenting forward thinking policy solutions that no-one else is yet prepared to consider.

Australian business is constantly exhorted to adopt world best practice in business and economic policy. The Australian Democrats believe that governments should be adopting world best practice in public policy as well. The triple bottom line of balancing environment, social and economic needs is now world best practice in public policy. Best practice is no longer small government retiring from the field of policy and leaving it to the market. Best practice is now about governments investing heavily in quality public education systems; public health systems; state-of-the-art infrastructure; research and development; environmental repair; and
proactive industry, social and regional initiatives.

Best practice is not about government doing it all on its own. Rather, best practice is about putting in place the appropriate carrots, and the appropriate sticks, to ensure that private sector investment is directed towards national policy goals. Best practice is the sort of proactive government action that lifted countries like Ireland, Finland and the Netherlands from double-digit unemployment and high debt to the top five on the World Competitiveness Index in a decade. Leading economist Peter Brain argues that Australia needs to learn from overseas economic success stories by recognising the key role that the public sector should play. He writes:

Securing the future will require a government leadership role, an operational performance and public integrity to match the Dutch; a creativity in the approach to industry development policy to match the Taiwanese, and a vision adopted for the development of industry, and its complex, flexible interactions with the community to match the Americans.

I believe that Australia should not settle for an unemployment rate of seven per cent as the best we can do, as this government has done. Ireland has an unemployment rate of 3.8 per cent; the Netherlands, 2.3 per cent. Employment growth is achievable if we give greater priority to people in the setting of national policy objectives. At present, Australia has seven unemployed persons for every job vacancy. No amount of Job Net-work matching, of training programs or of breaching can change that cold, hard arithmetic.

I believe that employment must be given at least equal, and occasionally first, priority over fighting inflation in national economic goals. That might occasionally mean bucking the financial markets. But, as a key architect of financial deregulation Fred Argy has said, if the government makes it clear it is pursuing achievable and reasonable longer term goals, a little bit of short-term market criticism is manageable.

Above my desk is a photograph of Franklin Delano Roosevelt, a hero to my father and a continuing inspiration to me. Roosevelt showed that politics can change people's lives for the better, that there is more to governing than just managing, and that having the courage to push through a change agenda against overwhelming odds can prevail. In his final year, he said: The only limit to our realisation of tomorrow will be our doubts of today. Australia needs to broaden the boundaries of acceptable political debate. We need to shed our economic rationalist straitjacket and catch up with the cutting edge policy debates now occurring in other parts of the world. We need to overcome our doubts about our national direction and boldly confront the future with clear, agreed national goals, backed up by properly funded, and directed, public and private investment. We need to put our people and our natural environment first and foremost in national goals, and use the economy as a tool to achieve those goals rather than the other way around. That way, we can ensure that there is a bright tomorrow for the next generation of Australians.

The Democrats are a party with our eyes fixed firmly on tomorrow. That is why I am so proud to stand with this party today as its newest senator. I wish to thank the many people who have contributed to getting me here, especially my mother, Joan, and family, who are here today and who have always been there for me. To my long-suffering partner, Nicky, her extraordinary mother, Pam, and her family: I thank you for your understanding, for your long years of work in defence of human and indigenous rights, and for opening my mind to the importance of these issues.

To the Queensland Democrat division, particularly Marianne Dickie, I thank you for the great confidence you have placed in me. And to my staff, Kate, Rose and Heather, and the staff of the Senate, thank you for all your wonderful help to date, and a heartfelt apology for all the stress and angst I am sure to cause you in the future. Finally, to my Democrat Senate colleagues, thank you for welcoming me, and for keeping up the good fight against such overwhelming odds. The Democrat senators are all in my view exceptional people, and I am very proud to have taken a seat with them.
The Democrats are a small party, run almost entirely by volunteers. But with the declining voter share of the two major parties, I believe the Democrats are set to play an increasingly important role in the realignment of Australian politics. Slowly, we are moving away from the tired two-party system to a system where more voices are being heard, and where governing will require greater emphasis on consensus building, and listening to community concerns.

It is an exciting time to be starting my work as a new Democrat senator. I look forward to the challenge ahead of helping to change politics, and of developing a new politics where the long-term gets a mention, and where the voice of the community rings louder than the voice of corporate cronies. As Margaret Mead once sagely commented: Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has.

The speeches read as follows—

INTERNATIONAL MARITIME CONVENTIONS LEGISLATION AMENDMENT BILL 2001

FINANCE AND ADMINISTRATION LEGISLATION AMENDMENT (APPLICATION OF CRIMINAL CODE) BILL 2001

First Reading

Bills received from the House of Representatives.

Senator HILL (South Australia—Minister for the Environment and Heritage) (6.24 p.m.)—I indicate to the Senate that the bills which have just been announced are being introduced together. After debate on the motion for the second reading has been adjourned, I will be moving a motion to have the bills listed separately on the Notice Paper, I move:

That these bills may proceed without formalities, may be taken together and be now read a first time.

Question resolved in the affirmative.

Bills read a first time.

Second Reading

Senator HILL (South Australia—Minister for the Environment and Heritage) (6.25 p.m.)—I table revised explanatory memoranda relating to the bills and move:

That these bills be now read a second time.

I seek leave to have the second reading speeches incorporated in Hansard.

Leave granted.

The International Maritime Conventions Legislation Amendment Bill 2001 will amend four Acts. Taken by themselves, each of the amendments contained in this bill is relatively insignificant. However, taken as a package, they represent an important updating of the four Acts. I will consider each Schedule of the bill in turn.


In brief, the 1976 Convention allows a shipowner or salvor to limit the total amount of damages they can be required to pay for damages caused by the ship, the shipowner or the salvor in accordance with limits set out in the 1976 Convention. Liability limits increase with the size of a ship. The 1976 Convention has been amended by a 1996 Protocol to increase liability limits and to provide for a simpler method for future increases to liability limits. The bill will amend the LLMC Act to implement the 1996 Protocol.

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The amendment to the LLMC Act is expressed to commence on a date to be proclaimed. Proclamation will not occur before Australia has become a party to the 1996 Protocol and the Protocol has taken effect internationally. The passage of this legislation is one of the domestic requirements before Australia becomes a party.

The 1996 Protocol will not take effect internationally until ninety days after at least ten countries (Russian Federation, the United Kingdom, Finland and Norway) were parties. By reversing the effects of twenty years of inflation, the increase in liability limits made by the 1996 Protocol will provide a reasonable level of compensation in the case of an accident involving a ship while not making the limits so high that shipowners will not be able to obtain insurance coverage.
Schedule 2 of the bill will amend the Protection of the Sea (Powers of Intervention) Act 1981 to revise the list of chemicals in respect of which the Australian Maritime Safety Authority may take “intervention action” on the high seas, in the exclusive economic zone or in the territorial sea. Such action may be taken to prevent or reduce pollution if a chemical has escaped, or is likely to escape, from a ship. The intervention action may range from moving the ship to another place to, in an extreme case, sinking the ship.

The revision to the list of chemicals is in accordance with a Resolution of the Marine Environment Protection Committee of the International Maritime Organization, taking into account new chemicals now being carried by ships in bulk. Schedule 3 of the bill will make a number of amendments to the Protection of the Sea (Prevention of Pollution from Ships) Act 1983 (the Pollution Prevention Act) which gives effect to the operational provisions of the International Convention for the Prevention of Pollution by Ships, commonly known as MARPOL. I will briefly refer to the more important of the amendments to the Pollution Prevention Act.

The requirement to include the text of Conventions in Schedules to the Pollution Prevention Act has been removed. There are fourteen Schedules which contain the original MARPOL Convention of 1973, the Protocol of 1978 and eleven separate amendments to that Protocol, and the Protocol on Environmental Protection to the Antarctic Treaty. The inclusion of amendments to MARPOL in Schedules to the Act does not provide an easily understood version of the text of MARPOL as in force in Australia at a particular time. Further, the inclusion of the text of the Conventions in the Schedules is misleading as it can give the false impression that this is the latest text of any amendments – that is not so. The removal of the Schedules will not disadvantage users as the text of MARPOL is readily available in written form from specialist maritime booksellers and in electronic form.

Requirements relating to the disposal of garbage have been inserted in Annex V of MARPOL. The new sections 26FA to 26FD will give effect to those requirements. Australian ships of 400 tons or more which are certified to carry 15 or more persons will be required to have a shipboard waste management plan and to carry and maintain a garbage record book. These provisions are designed to complement existing provisions restricting the disposal of garbage from a ship and are intended to ensure that the oceans are not polluted by ship’s garbage. In addition, every ship of 12 metres or more in length will be required to display placards to inform passengers and crew about the restrictions that apply to the disposal of garbage from the ship.

Incident reporting requirements are being expanded to require ships of 15 metres or more in length to report any incident that affects the safety of the ship or results in an impairment of the safety of navigation, thereby having the potential to result in pollution. This is an improvement over current arrangements where incident reports are required only when the master determines that there is a probability of pollution.

Members of the Australian Federal Police are routinely appointed as inspectors under the Pollution Prevention Act during investigations into marine pollution incidents. Inspectors have a number of powers (including going on board a ship, inspecting any part of a ship and requiring a person to answer questions) for the purpose of ascertaining whether the Pollution Prevention Act has been complied with and, in the case of a foreign ship, whether MARPOL has been complied with.

The definition of “inspector” is being amended to include a member or special member of the Australian Federal Police. The amendment will reduce administrative procedures at the time of an incident by removing the need for the specific appointments of AFP members as inspectors.

Occasionally, when marine surveyors from the Australian Maritime Safety Authority are conducting ship inspections, it becomes clear that the amount of waste on board the ship at that time – such as oily waste or garbage – is such that the ship would have to discharge some of the waste at sea before reaching its next port of call. The bill includes amendments that will enable surveyors, where it is reasonable to do so, to require waste to be discharged from the ship to a suitable discharge facility. This is another small but important step to help reduce the amount of waste discharged from ships into the oceans. There are waste reception facilities at more than fifty ports in Australia, although not all facilities can accept all types of waste.

Some of the offence and penalty provisions of the Pollution Prevention Act are being revised. One of the most significant of these changes relates to the disposal or discharge of, for example, oil or garbage, into the sea. Currently, it is only the master or owner of a ship who can be prosecuted for an offence. The relevant penalty provisions have been rewritten to provide that any person whose reckless or negligent conduct caused a discharge is guilty of an offence. Where a discharge is not the result of reckless or negligent conduct, the owner and master will be strictly
liable but, in that case, the maximum penalty is lower. There are a number of defences set out in the relevant provisions of the Act. For example, there is no offence if a discharge occurs for the purpose of securing the safety of the ship or saving life at sea or the discharge occurs in accordance with the strict conditions set out in MARPOL.

Finally, I mention the amendments to the Submarine Cables and Pipelines Protection Act 1963, set out in Schedule 4 of the bill. That Act gives effect to Australia’s international obligations to make it an offence if a submarine cable or pipeline is damaged by an Australian-flagged ship in the exclusive economic zone or the high seas. The amendments included in this bill reflect the wording of the United Nations Convention on the Law of the Sea, to which Australia has been a party since November 1994. In its present form, the Submarine Cables and Pipelines Protection Act reflects the wording of the redundant 1958 Convention on the High Seas. The amendments simply include a specific reference to the exclusive economic zone in the Act and do not have any effect on the application of the Act.

FINANCE AND ADMINISTRATION LEGISLATION AMENDMENT (APPLICATION OF CRIMINAL CODE) BILL 2001


The Bill makes amendments to those Acts to reflect the application of Chapter 2 of the Criminal Code, which contains the general principles of criminal responsibility, to offence provisions under all Commonwealth Acts from 15 December 2001. The Bill follows on from the Government’s decision to harmonise all Commonwealth Acts with the Criminal Code on a portfolio by portfolio basis to provide greater consistency and clarity of criminal offences in Australia.

Schedule 1 amends existing offence provisions under the various Commonwealth superannuation Acts to ensure that they will operate in the same manner when Chapter 2 of the Criminal Code applies or in a manner which is consistent with Commonwealth criminal law policy. The proposed changes involve imposing the lighter evidential burden of proof on a defendant and expressly stating time limits to satisfy requirements under offence provisions in the Acts. The proposed amendments will not introduce any new criminal offences under the various Commonwealth superannuation Acts.

The Bill will also update maximum penalties in the various superannuation Acts to ensure that they are appropriate and conform with the principles of the Crimes Act 1914. Changes proposed in this respect include converting penalties from a dollar amount to penalty units.

Schedule 1A of the Bill proposes amendments to the Commonwealth Electoral Act 1918 and the Referendum (Machinery Provisions) Act 1984 to ensure that the offence provisions under these Acts continue to operate in the same manner when the Criminal Code commences. Further, the Bill will repeal a small number of offences from the Referendum Act that can now be adequately prosecuted under the Criminal Code. The Bill will restructure certain offences in both Acts to clarify the interpretation of those offences. The proposed amendments will not introduce any new criminal offences under either the Commonwealth Electoral Act or the Referendum Act.

Schedule 2 of the Bill proposes amendments to the Public Accounts and Audit Committee Act 1951 and the Public Works Committee Act 1969 to provide for the application of Chapter 2 of the Criminal Code to these Acts. A number of minor amendments to sections in these Acts, which contain descriptions of specific offences, are included so that these offences continue to operate in the same way but also comply with the Criminal Code.

Debate (on motion by Senator Ludwig) adjourned.

Ordered that the bills be listed on the Notice Paper as separate orders of the day.

CYBERCRIME BILL 2001

Report of Legal and Constitutional Legislation Committee

Senator McGAURAN (Victoria) (6.26 p.m.)—On behalf of Senator Payne, I present the report of the Legal and Constitutional Legislation Committee on the provisions of the Cybercrime Bill 2001, together with the Hansard record of the committee’s proceedings and documents presented to the committee.

Ordered that the report be printed.
ENVIRONMENT AND HERITAGE LEGISLATION AMENDMENT BILL (No. 2) 2000 [2001]
AUSTRALIAN HERITAGE COUNCIL BILL 2000 [2001]
AUSTRALIAN HERITAGE COUNCIL (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2000 [2001]

Second Reading

Debate resumed from 9 August, on motion by Senator Ian Campbell:

That these bills be now read a second time.

Senator COONEY (Victoria) (6.26 p.m.)—The Senate is debating the Environment and Heritage Legislation Amendment Bill (No. 2) 2000 [2001], the Australian Heritage Council Bill 2000 [2001] and the Australian Heritage Council (Consequential and Transitional Provisions) Bill 2000 [2001]. I read the titles of those bills out because they are evocative titles that point the way to a very important debate in this chamber. These bills attend to the great matters of the hearts and souls of Australians. They deal with Australia’s environment, with Australia’s history and with the monuments that are in Australia.

It is proper to pause in that context to acknowledge the considerable speech of Senator Cherry and to take the occasion to call to mind former senator John Woodley, whom Senator Cherry replaced. Senator Woodley was a man of great heart, of great soul and of great compassion. He was a person of considerable eloquence and of great courage. I would like to put that on the record.

The Environment and Heritage Legislation Amendment Bill (No. 2) 2000 [2001] deals with the machinery of the way things of great value to Australians are to be saved. It amends a piece of legislation that we put through earlier in this parliament, the Environment Protection and Biodiversity Conservation Act 1999. The act seeks to preserve the animals, the birds and the other living life of Australia, including its plants.

A great tragedy occurred in Australia in the 1930s, when the thylacine, the Tasmanian tiger, was ‘squandered’. I do not think there is any other word I can use for what happened. The thylacine was a great symbol of a great state and it has now disappeared. It need never have disappeared. Think of the snaring that took place. It is just a tragedy. There was a bounty put upon the thylacine. It is disastrous for Australia that we in the 21st century are without a great symbol of Tasmania, a great symbol of Australia. The thylacine is no longer with us because we, as a nation, squandered it. It is a tragedy, and the thylacine is only one of many animals that we have let go.

It is not only animals but also buildings that have disappeared. Keeping the Tasmanian theme going, in 1833 or 1834, the Henty family sailed from Tasmania. Senator Mackay, one of the great Tasmanian senators, is here, and she would remember this. The Henty family sailed over from Launceston and founded the first town in Victoria, Portland. Beautiful buildings were built there. Some of them still remain, thank heavens, but some were pulled down in the 1950s. It is a great shame. When we go down there, we see buildings, yes, but not the buildings that could have been preserved had things taken a different course in the 1950s. Another great town in Victoria is Beechworth. It is full of historical buildings. Ned Kelly, that great icon of Australian life, was held prisoner in the jail there for a while. And there is the courthouse there and so on. They have been preserved, but it is dreadful to see places which are now empty of great monuments that were previously there.

The legislation we are discussing here seeks to set up a scheme that is going to preserve these great traditions of Australian history. The big thing about this debate is that it is not about, as people call it, the bottom line of the economy. It is proper that that should be so. When Banjo Paterson wrote The Man from Snowy River, he was not concerned that the colt that got away was worth $1,000. That was put there just to indicate that the colt was a very valuable colt. What he was concerned to show was that great spirit of Australian life: the spirit of adventure and the spirit of going down the mountainside with considerable courage, with calculated risk, with pride, with skill, with
drive—the sorts of things we like to think are part of the Australian spirit. There is an Australian spirit which it is absolutely essential to preserve, to develop and to nurture. Australia is a proud country and we look to these monuments to point to that. With Senator Mackay here, I am reminded that Tasmania is full of great buildings, great traditional houses, beautiful rivers and great mountains, particularly down the west coast, where a lot of my forebears came from—down around Zeehan, Macquarie Harbour and Strahan. There are also the great rainforests down there which we must preserve.

I have been talking about the natural environment we live in and the great buildings we have. But there are also great historical institutions that ought to be preserved. I would like to mention several. I see the Deputy Clerk, Anne Lynch, here, so we will start off with Ballarat, a great Victorian town, where the Eureka Stockade took place on 3 December 1854. The great Peter Lalor led a multicultural force against men purporting to be representatives of law and order. Ballarat is famous not only for Eureka but also for its buildings, including a fine art gallery. There are some beautiful buildings there.

Senator Lightfoot—And Geoffrey Blainey.

Senator COONEY—And Geoffrey Blainey. Can we mention great people from Ballarat and nearby? Of course, there was Geoffrey Blainey. John Curtin, who became perhaps our greatest Prime Minister, was born nearby, in Creswick, as you would know, Senator Lightfoot. There are others as well.

Senator Hill—Mr Ronaldson, the Chief Government Whip in the other place.

Senator COONEY—Yes, and I would pay tribute to him. I also mention that Joe Ragg, my son-in-law, comes from Ballarat. And, talking about my son-in-law, I mention that it is my daughter Megan’s 30th birthday today.

The ACTING DEPUTY PRESIDENT (Senator Chapman)—I do remind Senator Cooney of the importance of maintaining relevance to the bill.
symbols of the place that have been built by our forebears. I look at Tasmania—I am fixed on Tasmania but that is where I was born—and the great convict history of Australia that Marcus Clarke wrote about in *For the Term of His Natural Life*, which no doubt everybody has read. All these things I think we feel pride in. We are uplifted by them—the soul soars up; the heart rises—because they are things that we see as symbolising what Australia is all about. They give us encouragement to go on as a decent and united community, with the great aspirations that we want. These are the things that are perhaps not debated in this chamber as much as they should be. In here we usually talk about interest rates, about how much money we are going to give a particular group, about how much money we are going to collect and about how much money we are going to spend—all of which is essential, because without a reasonable amount of income things will become uncomfortable. These bills are about—and we will get into the technical matter when we go into committee—something more important than just the accumulation of wealth. These bills are about the accumulations of great memories, the accumulations of the soul, the aspirations we have and the accumulations of those humanising factors that we all so strongly believe in.

Whether you are looking at the Sydney Harbour Bridge—we from the south have to concede the great buildings of Sydney—or the Opera House, whether you are walking along Macquarie Street where you see historic buildings such as the Parliament House, the hospital and the old convict barracks and so on, whether you go to the Blue Mountains to look at the natural beauty there or whether you go further south to Victoria to see its beautiful Parliament House—as you would know, Mr Acting Deputy President—particularly the Legislative Council chambers or St Patrick’s Cathedral or St Paul’s Cathedral—

The ACTING DEPUTY PRESIDENT—What about the MCG?

Senator COONEY—Thank you. That is of course an icon—

Senator Mackay—Don’t mention the Melbourne Club.

Senator COONEY—The Melbourne Club is a nice building. The MCG is certainly an icon, together with the National Tennis Centre and Flemington racecourse and the other racecourses for that matter. These are all symbols with which we identify, of which we are proud, and which we would like to see preserved. God forbid anybody would try to destroy or in any way damage these great attributes of ours. This is what this legislation is all about. I might have a go at this when we get to the committee stage debate, because a lot of this regulation is left to subordinate legislation and many a judgment falls upon the minister. The minister is from South Australia, which has some great icons, but is he on his own able to grasp the whole broad breadth of this and take into account the matters that should be preserved? He will preserve a lot, but will he preserve it all? He is always gracious in his discussions, and we will discuss this during the committee stage.

Senator Hill—You cannot preserve it all. That is part of the challenge.

Senator COONEY—I understand that you cannot preserve it all and that judgments have to be made. Talking about the MCG, the Long Room and the old Members’ Stand are about to go. I understand that there are judgments to be made. I think it is going to be a crucial issue as to who makes that judgment.

Senator Hill—I would preserve the Long Room.

Senator COONEY—I understand that, Senator Hill. We really do have to have it right. I understand that not everything can be preserved, but what ought to be preserved must be preserved. Every now and then there are some real problems. In recent years, there have been problems to do with the Great Ocean Road along the southern coast of Victoria. That has become an icon and it is another place that I would like to see preserved. There are places that, unless you knew the history, you might not preserve. There is a church in Ballarat—since I see the Deputy Clerk, Anne Lynch, here—called St
Alipius. I have driven past St Alipius on several occasions and I took it to be just a parish church. But Anne Lynch tells me—and I accept it because it is very important—that that was where Peter Lalor was taken after he was wounded at Eureka. So what looks like just another church is a historic building because that is where the great leader Peter Lalor was taken after his wounding.

I could and, in a sense, should go on but time has caught up with me. We will not go into Henry Lawson, because I notice that following me is Senator Hutchins, who is a great New South Welshperson, and he will talk about him. (Time expired)

Senator RIDGEWAY (New South Wales—Deputy Leader of the Australian Democrats) (6.46 p.m.)—I am also mindful of the time as I rise to speak about the Environment and Heritage Legislation Amendment Bill (No. 2) 2000 [2001], the Australian Heritage Council Bill 2000 [2001] and the Australian Heritage Council (Consequential and Transitional Provisions) Bill 2000 [2001], and in particular about the implication of the bills for the protection of indigenous heritage. To begin with I must say that I agree with and echo a lot of the sentiments expressed by Senator Cooney. I also want to take this opportunity to congratulate Senator John Cherry on the connection that was made with this in his first speech, and to acknowledge the work undertaken by former senator John Woodley in relation to heritage issues in this country. This is something that he has been involved with and has had a personal interest in for quite some time, and that has been most appreciated by indigenous people across the country. I know that he was directly involved not just with issues that arose in relation to the Native Title Act, which is impinging on in terms of understanding the possible consequences of the amendment bill, but also issues relating to the Aboriginal and Torres Strait Islander Heritage Protection Act and various inquiries that have gone on for quite some time to try to define and come up with answers on the appropriate balance and the appropriate context in which to acknowledge things concerning heritage and, more particularly, indigenous cultural heritage in this country.

So this is of particular importance to me and, as part of the debate on this issue, there is an amendment that I have circulated. I have tried to raise some issues that perhaps this chamber, and the government more particularly, ought to take on board as part of our considerations in arriving at a final destination that achieves some outcomes that indigenous people are seeking. This is not to the detriment of anything else. I think there is certainly worthwhile merit in what is being sought through this bill, but at the same time there is still a range of outstanding issues or unfinished business in relation to the amendment bill that we are considering.

It is most important in that context to say that we have had difficulty in coming to some common understanding about how best to deal with the protection of indigenous heritage in this country. The usual debate that accompanies this, about the responsibilities of the federal government and state and territory governments, is something that has not aided or assisted in this case.

The ACTING DEPUTY PRESIDENT (Senator Chapman)—Do you wish to move that amendment before we move on to the next part of Senate business, Senator Ridgeway?

Senator RIDGEWAY—I will hold off on that until we resume the second reading debate.

Debate interrupted.

DOCUMENTS
Consideration
The following government documents were considered:


ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Chapman)—Order! It being 6.53 p.m., I propose the question:

That the Senate do now adjourn.

Tasmania: Online Access Centres

Senator WATSON (Tasmania) (6.53 p.m.)—I rise tonight to speak about a very successful community project which is funded through the Networking the Nation general fund and which has been running in Tasmania for just over three years, namely, the Tasmanian online access centres. The first two centres were opened in northern Tasmania in May 1998. With the recent opening of the Kingston centre near Hobart, there are now 64 online access centres operating in Tasmania. This completes the establishment of the Tasmanian Communities Online Network, which provides Tasmanians in rural and remote areas local access to, and training in, the use of information technology and the Internet.

These are community based and managed facilities, are often housed in a library or school building and have at least two multimedia computers, a printer and a scanner. Users have access to a variety of software applications, can open email accounts and search the vast resources of the Internet with some one-to-one assistance from a friendly coordinator and trained volunteers.

From the start, usage of online access centres has a record of continual increase. As at 30 June 2001, 345,000 Tasmanians living outside metropolitan areas have easy access to an OAC located in their community. This represents about 75 per cent of all Tasmanians. Almost 36,000 Tasmanians have registered as users with about 12,000 registering in the past year. Over 525,000 one-hour bookings of computers have been made, and 925 volunteers have contributed over 140,000 hours of support to the centres.

With some 36,000 registered users, these OACs are assisting to nurture a network of rural and regional communities that are vibrant, diverse and connected to each other. Support for initiatives such as Seniors Week, regular statewide chat sessions and organised online gaming tournaments for youth are fostered, bringing communities closer together. These OACs provide Tasmanians with the opportunity to access government and business services, communicate with business and government and participate in decisions that affect their lives.

The importance of these centres is further reinforced by the fact that, in 1999, according to the Australian Bureau of Statistics, Tasmania was ranked the lowest of all states in the home ownership of computers and in the use of the Internet. As information technology skills increase in importance, this trend could have resulted in a considerable socioeconomic disadvantage, especially in rural and isolated communities. Consequently, the continued operation of these OACs provides a direct and effective means for addressing the needs of these communities into the future. That is a great initiative of the coalition government.
All centres provide business access training and support, including training in the use of spreadsheet and accounting software, and support with desktop publishing and researching product and other business information is regularly provided.

This is a unique partnership with the Tasmanian central portal and Telstra in providing Tasmanian micro-business with a low cost entry into the world of e-commerce through the local centre. To date, over 100 businesses have used this webpage hosting service provided through the centres, which has enabled the centres to establish another income stream by providing such a service. Centres have also established partnerships with a diverse range of businesses which have resulted in, for example, the King Island centre providing ‘The Beef Group’ with access to the centre to use email, et cetera.

The Redpa centre is now hosting stock auctions. The Tasmanian company Roberts is a partner of Calm Services, which runs online stock auctions enabling farmers to sell their cattle without hauling them to a market.

These Tasmanian online access centres are also involved in strategies that have arisen from a number of government policies and projects such as indigenous participation in online learning, online access for people with disabilities, Seniors Week and Adult Learners Week.

From the beginning of the project, partnerships with local government have been formed as councils have enthusiastically supported their local centres. Some councils have had annual reports or websites produced by the centres. These centres continue to assist many small tourist operators right across Tasmania. A major initiative in this area involves the development of a tourism portal in the Meander Valley. In a joint approach, three centres in the region were granted $90,000 through the Commonwealth Department of Industry, Science and Resources to showcase the Meander Valley region, with a comprehensive coverage of all tourism aspects, and to support businesses so that tourists could undertake a virtual tour of the region’s attractions prior to visiting the area.

Centres have also been active in promoting cultural and community events in their areas, such as the Meander River Festival, the Deloraine Craft Fair and the Taste of Huon. The website of Campbell Town Arts Festival led to a number of local artworks being purchased by overseas collectors. In addition, some centres are active in producing community newspapers and newsletters.

A culture of lifelong learning is being fostered as members of rural communities use the facilities to access education and training, such as Tasmanian TAFE and Open Learning courses, to email tutors and to chat with other online students. Many centres have dedicated homework support sessions and study circles supporting students of all ages. Other clients use the vast resources of the Internet to research local history, genealogy, arts and crafts, and for a myriad of other purposes. One centre runs a personal computer club which lasts for 10 weeks each school term. This involves students from grades 10 to 12 teaching students from grades 5 and 6 how to use computers. Another centre offers Internet classes to mothers in the community.

Recently, the Scottsdale Centre hosted a day for 10 intellectually disabled participants from a nearby day care centre. Ten OAC volunteers provided one-to-one assistance in web surfing, emailing, scanning, printing photographs and listening to music. One of the visitors, a 60-year-old man who never usually speaks, was chatting with everybody by the end of the session.

The centres also host professional training sessions. To date, over 19,500 Tasmanians have undertaken more than 4,300 training courses in the use of computers and the Internet. This has enabled many to find meaningful careers and has increased their knowledge and understanding of the opportunities presented by the new technologies. A partnership with Hobart College provides local delivery of a nationally accredited IT qualification throughout the state. A significant number of people undertaking this training have subsequently found paid employment in the IT sector. That is good news.

In conjunction with TAFE, online access centres deliver one-to-one training to mem-
bers of the community to access government services and payment of bills facilities through the Service Tasmania Online web site. Centres are widely used by people seeking employment. Centres have also been used by the Work for the Dole program, giving participants the opportunity to study for a certificate in information technology. Centres host activities of interest to young people, such as surf competitions and other sporting events. An increasing number of these centres are setting up clubs for children to introduce them to computers and the Internet.

Throughout the state, centres have been actively involved in promoting health programs and healthier lifestyles in their communities. Centres provide access for ethnic communities to information resources such as newspapers in their native languages. Other migrants use the centres to access information resources placed on the web by the migrant resource centres. Older persons and recent retirees have been enthusiastically using these centres. Many use the technology to email their family and friends or to access courses from the University of the Third Age.

You can see that these online access centres are not just 64 venues with computers. They are all, in their own way, contributing to the community of Tasmania as a whole. They provide computers, training and assistance to people of all ages and interests. It must be said that the Tasmanian Communities Online Project, with its original funding from this government, is truly a success story for all Tasmanians who participate in the many and varied services that these centres provide. I trust that the communities that have benefited from such centres will continue to grow as their centres expand, improve and provide even better windows to the fascinating and remarkable world of information technology, 21st century style.

Valedictory: John Woodley

Senator RIDGEWAY (New South Wales—Deputy Leader of the Australian Democrats) (7.03 p.m.)—I rise on this occasion to speak belatedly of the contribution of former senator John Woodley to parliamentary life as well as to the life of the nation. One of the unfortunate things about the departure of former Senator Woodley, an esteemed person and someone who embodies the idea of complete integrity, is that he never got the chance to make his final speech. On this occasion, the night of the first speech of the new senator from Queensland, John Cherry, it is also appropriate to acknowledge John Woodley. In that sense, I want to make a few remarks about him. First of all, he was born in Brisbane in 1938 and spent most of his time in and around rural Queensland. He regards himself as belonging to the bush, and he continued to display that attachment in his contribution to national life. He was elected to the Senate for Queensland in 1993 and, as we all know, finished up recently. He first became a member of the Australian Democrats in 1991 and he continues to be one. He was, at one stage, the state president of the Australian Democrats in Queensland, and he was the national ombudsman from 1988 to 1991.

However, his public life was much more than just a list of what we would regard as political achievements. Not only was he a minister of the Methodist and Uniting churches from 1962 onwards but he was the Director for Social Responsibility of the Uniting Church and later the chaplain at Queensland University of Technology. Many things influenced his life, most of all the impact of what he saw as the growing disadvantage amongst people out there in the bush, and he continued to articulate a need for the parliament to focus its attention on addressing the circumstances in rural and regional Australia. When you look back at his first speech, it is not surprising that one of the things he spoke highly of was not just the context of rural and regional Australia but the treatment that people on the land were getting from banks. Many years ago he raised the issue of the relationship between banks and banking services and those on the land, and he advocated that these things needed to rise higher on the national agenda and to be dealt with in this parliament. Of course, we now see that the issue of rural and regional Australia and the question of banks and service provision are most topical.
John would agree with me that, when reflecting on his achievements during his time here and acknowledging his contribution, much of what has come to shape him as a person is his story of what he calls ‘side-tracks and gullies’. In particular, it was most informed by his upbringing and roots in rural Australia, his lifelong ministry and a questioning of the self. When he became the Director for Social Responsibility, I think he came face-to-face with many questions about prejudices, stereotypes and evangelical conservatism. But, most of all, he has had a capacity to rise above the self-informing new beliefs, far beyond a simplistic understanding of human nature.

He maintained a fundamental belief in measuring ourselves and the nation by the way that we treat those at the bottom of the heap. In today’s language, we would call that social justice, but unless you internalise those beliefs and live them out, in my view, you are untrue to yourself and untrue to the nation and the office that you serve. Certainly, John can leave this parliament feeling completely satisfied that he has filled his brief about himself and contributed greatly to the nation.

What makes a person great is not so much their list of achievements in life but the journey they take, the friends they make along the way and the simple changes they make in people’s lives. That is what he sought to do—to make that very simple change in people’s lives—understanding that life itself and the human condition are far more complex. It is not a case of looking at problems and trying to come up with very simplistic or popular answers. I think that John was true to himself but that, most of all, he will now have the time to devote many years—which previously were sacrificed—to his wife, Marie, and to his family and his grandchildren. He has probably got the better deal compared with us who have to continue on here. When John made his first speech, he said:

... beyond viewing humanity as the sum of each individual, and beyond humanity a concern for the earth and every living thing on the earth.

These things, I think, have been borne out. I had the occasion to first meet him in a more formal and serious sense during the Mabo debate in late 1993, although we had met earlier as members of the party. Most of all, he impressed upon me the need for compassion and understanding in dealing with complex issues and the relationship of legislation to behaviour and the circumstances of people out there on the ground.

It is not surprising when we consider the story that he has contributed to national life that he has made 1,788 entries to Hansard in his time here. I would put down probably four things that informed his capacity to perform effectively as a senator. They would be truth and universal justice, an understanding of the notion of what citizenship is, the need for cultural diversity in dealing with the question of relationship between peoples and the human condition. In relation to truth, understanding that there was a need for the factual basis of knowledge and truth as an essential precondition to positive change, others saw, through the process of trying to analyse our past during his time on the Council for Reconciliation, his great humanitarian and compassionate effort towards indigenous people in this country. We praise him and thank him, for he saw it as a process that others might know something of the facts concerning themselves and how they treated indigenous people and the less powerful in this country.

Understanding that there was a need to be a modern day humanitarian, I think he embodied universal justice in the sense of overcoming that evangelical conservatism about what he had been taught as a young man and what he had learnt through the journey of life. Lastly, what he thought about citizenship in terms of the need for equal rights in all actions, protections and opportunities and how to extend that was shown by his leadership role on the Senate Rural and Regional Affairs References Committee, certainly with the work he did in relation to family and aged care and, most of all, in relation to reconciliation. On behalf of indigenous people across the country, I can say fairly that we appreciate and acknowledge the support that he has given. And we acknowledge the sacrifice that his wife, Marie, has had to make along that journey. Most of all, he is some-
one who will be welcome continually within any community across the country because he has made a difference in the lives of many people. We want to put it on the record that that is a part of his contribution to national life. We in this place will also remember that contribution and will see those themes as something we can all emulate and aspire to as part of our senatorial and official roles.

Woods, Mr Donald

Senator BRANDIS (Queensland) (7.12 p.m.)—This evening, I would like to say a few words in tribute to Donald Woods, the South African journalist who became a significant figure in the campaign against apartheid during the 1970s and 1980s and who died in London last Sunday. Most people in the West probably first came to hear about Donald Woods through Sir Richard Attenborough’s 1987 film Cry Freedom. That film depicted an only slightly sensationalised version of the story of how a white South African journalist from a comfortable middle-class background was transformed from a liberal critic of the apartheid regime to a committed political activist who moved national and, ultimately, international opinion against that regime and, by doing so, helped to hasten its end.

Donald Woods was born in Elliotdale, in the Transkei, on 15 December 1933. His early life followed an essentially conventional path: he was educated at private schools and at the University of Cape Town, where he read law. As he records in his appropriately titled autobiography, Asking for Trouble, it was during his time as a law student that he underwent what he described as a ‘period of inner turmoil’ as he came first to question, and then to confront, the racist assumptions with which he had grown up. By the time he had graduated, he wrote, he had come to the realisation that apartheid was ‘a great obscene lie’.

In 1957, at the age of 23, he stood for parliament as a candidate of the white liberal United Party and was heavily defeated. As was the fate of many white liberals, he was calumnised by his peers and colleagues for breaching ‘white unity’. That willingness to take a stand in defiance of the expectations of his race and his class was one of the emblems of his career. Unattracted by a career in law, he was beckoned by journalism. He pursued that career in England and in North America. He visited Little Rock to study racial segregation in the American South. Interestingly, his impression of racial segregation in 1950s America was that it was more brutal, although less entrenched, than in his homeland.

Returning to South Africa in 1960 just after the Sharpville Massacre, he became a journalist on the East London Daily Dispatch, the newspaper at which he enjoyed the chief part of his professional career and whose editor-in-chief he became in 1965 at the age of only 32. From that vantage, he became an increasingly strident critic of the National Party, of apartheid and of the then Prime Minister, John Vorster. Yet he was still only a commentator. It was his friendship with Steve Biko, whom he first met in 1973, which marked the turning point in Woods’ life. Biko was at the time the leader of the Black Political Consciousness Movement, a voice for moderation in black politics, and a young political leader of the greatest stature, described by some as a future Prime Minister. Woods’ friendship with Biko gave him a richer feel both for the complexities of black politics and the moral ambiguity of the position of the white liberals. And it was Biko’s murder in police custody in 1977 which radicalised Woods, transforming him from a commentator to a campaigner.

From that time the growing stridency of Woods’ challenges to the legitimacy of the apartheid regime, together with his pursuit of the circumstances surrounding Biko’s death, led to a banning order being placed upon him by the South African government, designed to silence him. It had the opposite effect. As he wrote in Asking for Trouble:

The irony was that the South African government’s ban on me, which sought to stop me from writing, to confine me to my home and to prevent me from communicating publicly, in fact caused me to write more than ever and to communicate with a greater mass of people than ever would have been possible had I been left alone. It has seemed, in the circumstances, an appropriate response to such a ban.

It was also at this time that he and his family were subject to harassment and physical
violence at the behest of the security police which led at one point to the serious injury of his five-year-old daughter. Those events led to the flight from South Africa of Donald Woods and his family. They escaped under cover of darkness, Woods himself disguised as a priest, and made their way some 300 miles overland to Lesotho. From there, they settled as refugees in Britain.

From his new base Woods became a key contributor to the growing international movement to bring about the end of apartheid. He became an effective critic of the approach of the Thatcher government, which called for the relaxation of sanctions against the apartheid regime. He became the first private citizen ever to address the United Nations Security Council. His work as campaigner and publicist materially contributed to the international pressure which ultimately, with the accession to the South African presidency in 1989 of F. W. de Klerk, brought the evil system of apartheid to an end. That work was recognised in many ways, among them the conferral of honorary degrees by universities in the United States, South Africa and Britain, and his appointment as a Commander of the British Empire in the millennium honours list.

There are many kinds of heroes and there are many different kinds of courage. The particular kind of courage which Donald Woods’s life exemplified was the courage which emboldens a man to take a stand against all of the prejudices and comfortable assumptions of his own background, to set himself in defiance of his own social group and to risk liberty and even life simply because he believes something to be wrong and seeks to set it right. It was the kind of courage of which Robert Kennedy spoke in his celebrated address to the South African people in June 1966—words which are often quoted in political circles but cannot be quoted often enough:

Few are willing to brave the disapproval of their fellows, the censure of their colleagues, the wrath of their society. Moral courage is a rarer commodity than bravery in battle, or great intelligence. But it is the one essential, vital quality for those who seek to change a world which yields most painfully to change.

Those words could well stand as the epitaph of Donald Woods. I salute the memory of a valiant man.

**Youth Participation in Civic Affairs**

**Senator LUNDY** (Australian Capital Territory) (7.19 p.m.)—I rise tonight to discuss the important issue of youth participation in civic affairs in Australia. As shadow minister for youth affairs, I have been fortunate to attend many youth forums, festivals and consultations across the country. This has enabled me to witness first-hand the energy, creativity and talent of many young Australians, as well as the anger, confusion and sense of hopelessness amongst others. As a policy maker, I consider both of these experiences to be valuable and urge my parliamentary colleagues to use those experiences to inform them and see how young people are faring in their own backyards. Unlike Labor, this current government has failed to understand that communities are stronger and more cohesive when all members are included, recognised and feel able to participate in the life and decisions of the community. This means the inclusion of young Australians in both decision making and community affairs across a wide spectrum of issues.

Young Australians have been disproportionately hurt by the Howard government’s mean and ruthless five-year policy agenda which has seen funding slashed to many of the services provided for those most in need and, more often than not, in favour of the big end of town. Young people have experienced first-hand the effects of various coalition policy blowtorches applied to key areas of youth concern, including income support with the Youth Allowance, education, labour market programs, health programs and the environment. Many of these issues affect young people directly. They affect their personal experience. Also, the issues where the coalition has so dismally failed affect those areas that young people find themselves increasingly passionate about, such as the environment.

Young people have seen the coalition defund their national youth peak body, AYPAC, for being critical of government policies. This obviously has had a detrimental impact
on the way young people see themselves valued by government or, indeed, in this case with this cut, not valued. The Youth Roundtable, the government’s alternative to the youth peak body, has turned out to be an expensive, part-time and inappropriate replacement. I want to make it clear that I am not reflecting negatively in any way on the Youth Roundtable members, or indeed on some of the erstwhile efforts of many of the facilitators and coordinators who have supported the venture. Rather, I am observing the fact that this is not a replacement in structure or nature for AYPAC. I stand by my comments when I have described the Youth Roundtable as a very expensive Liberal Party focus group.

There have been various articles and public statements made by past Youth Roundtable members which vindicate this view. I would like to quote from an article in the Adelaide Advertiser written last month by a past roundtable member:

Two years down the track, those who attended the first Roundtable, and I am one, would like to know what impact our recommendations have had, if any.

It is insulting and discouraging to be asked to give an opinion, spend a lot of time and energy providing a considered response, including practical recommendations, only to have those opinions taken no further.

It is no wonder that young people become cynical. Even those most active and keen to involve themselves in such a process are now somewhat disheartened and tainted by virtue of having put up their hands in the first place, and that is very disappointing. It does not have to be this way. Through consulting with young Australians around the country, we have been told that they have been finding that life has been getting harder. Young people have told us that they are passionate about issues like the environment, reconciliation, globalisation and the republic. Young people have told us that they want school to be more relevant to the job marketplace and to independent living. They have told us that they want permanent full-time jobs and better access to education and training that will improve their career prospects and opportunities.

Young people have told us that they value their family and their friends. They have told us that they feel alienated from the political process and want more meaningful opportunities to speak directly to government and have their views heard and, indeed, considered. Finally, young people have told us that they find the vast array of government programs and services difficult to understand and access and that they want better information about what programs and support services are available to them. This is what young people have told us. It is not rocket science. It is a reflection on the real-life experience of so many young people, yet these fairly clear messages are continually falling on deaf ears.

It is interesting to note that young people have told us specifically that they perceive themselves as having been the biggest losers under the Howard government and that they are seeking in public office holders what they perceive Mr Howard to be most lacking in—that is, they value vision and they are looking for strong leadership. An alternative Beazley government will listen to and take into consideration the views of young Australians and will invest in the future by developing a Knowledge Nation. The whole concept of the Knowledge Nation is about creating an improved environment where we value the individual and collective contributions of all Australians. It is about improving living standards and creating a long-term sustainable future in terms of providing both education and jobs. Those young people who are just trying to scrape together enough money together to pay rent, to eat and to put petrol in their cars are not seeing any vision being expressed by the Howard government.

There are, however, two strong and consistent themes emerging from various outcome statements and reports from the youth consultation processes that I have received and been involved in. Firstly, underlying many of the challenges confronting Australia’s youth is the sense that young people do not feel that they belong. They feel alienated from their community and the political processes of the wider society. Secondly, they see an urgent need for policy makers to remove barriers and to create opportunities for
greater youth participation in society, using a variety of strategies. In essence, this is a remedy to their problems that I described in the first theme. Young people are coming up with their own solutions.

Depression, suicide, leaving school early, drug and alcohol abuse and transience represent some of the symptoms that young people experience as a result of feeling dissociated from their community. Structurally imposed realities such as unemployment and poverty also compromise a young person’s ability to interact with their community. These factors combined with personal experiences and relationships with family and peer groups shape their outlook, adaptability and resilience to life’s many stresses. The key areas for political and community debate should therefore be centred around identifying the causes for this disengagement and identifying ways to further engage young people and support their participation in society.

In most cases the issues confronting youth are interrelated and dispersed through a variety of portfolio areas. These include but are not limited to health, education, employment, training and social security. It seems pretty obvious. It is a wonder that it is so difficult for the coalition to understand. Approaching it this way makes analysis and understanding of issues of particular importance to youth more elusive than it should be. If policies are made within those portfolio silos then it is no wonder there is no holistic approach to youth policy, and it is clear that a holistic approach to youth must be developed. This position underpins many of the recommendations in the Youth Pathways Action Plan Taskforce report.

Sensationalised reporting of atypical events involving young people and the resulting public perceptions further strengthens negative stereotypes of Australia’s youth. The corresponding law and order crack downs on youth typify the reactionary political response to these stereotyped public opinions. This serves to further convince young people that there are few in political office representing their interests. This in turn contributes to a sense of generational alienation.

It is well documented that the largest proportion of swinging voters exists within the baby boomer generation; hence, young people are rarely the target group in political campaigning. However, it is important to remember that there will be about 80,000 young people who will be casting their vote for the first time in the next federal election. I would just like to close on a quote from the bill of the youth voting rights act 2001 that was debated at the YMCA Centenary of Federation youth parliament:

> With the Centenary of Federation upon us, an unparalleled opportunity is brought to the attention of the youth of this nation. It is a chance to effectuate change in order to create a fairer democratic society based on the Australian ideals of egalitarianism, tolerance and inclusion.

That quote was in the context of the rights of young people to exercise a vote, and I support the continuing debate in that regard.

(Time expired)

Senate adjourned at 7.29 p.m.

**DOCUMENTS**

**Tabling**

The following government documents were tabled:

Aboriginal Land Commissioner—Reports and explanatory statements by the Minister for Reconciliation and Aboriginal and Torres Strait Islander Affairs—

No. 59—Kenbi (Cox Peninsula) land claim no. 37.

No. 60—Urapunga land claim no. 159.


Treaties—

* Bilateral—

Text, together with national interest analysis—


Agreement between the Government of Australia and the Government of the Kingdom of Thailand on the Transfer of Offenders and Co-operation in the Enforce-
ment of Penal Sentences, done at Hanoi on 26 July 2001.


Text, together with national interest analysis and regulation impact statement—


Agreement between Australia and the Republic of Portugal on Social Security.

Multilateral—Text, together with national interest analysis—


Tabling

The following documents were tabled by the Clerk:


Indexed Lists of Files

The following document was tabled pursuant to the order of the Senate of 30 May 1996 as amended 3 December 1998:

Indexed lists of departmental and agency files for the period 1 January to 30 June 2001—Statements of compliance—Aboriginal and Torres Strait Islander Commission.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Aged Care: Adjustment Grants to Rural Facilities in the Northern Territory

(Question No. 3419)

Senator Crossin asked the Minister representing the Minister for Aged Care, upon notice, on 7 February 2001:

With reference to the aged care adjustment grants for small rural facilities initiative announced in the 2000-01 Budget:

(1) How much will go to facilities in the Northern Territory for each year of this initiative.

(2) How much has been allocated to each residential aged care facility in the Northern Territory for the 2000-01 financial year.

(3) How much will be allocated to these facilities over each of the next three budgets.

(4) What formula has been used in determining the amount of funding rural facilities receive under this initiative.

(5) What relative weighting is given to remoteness and the size of the facility.

(6) Does the funding formula take account of potential difficulties in recruiting staff to remote and isolated communities and any additional costs this might involve.

Senator Vanstone—The Minister for Aged Care has provided the following answer to the honourable senator’s question, in accordance with advice provided to her:

(1) and (3) The rural aged care adjustment grants include funding for capital and viability. Rural capital adjustment grants are allocated through the annual Aged Care Approvals Rounds.

(2) In the 2000 Aged Care Approvals Round four homes in the Northern Territory were allocated Residential Care Capital Grants totalling $1.14 million. In a mini-Approvals Round early in 2001, additional capital grants totalling $1.10 million were made to two homes. Viability funding has been doubled and in the Northern Territory thirteen aged care homes now qualify for viability funding at an annual rate of $592,130, paid retrospectively from 1 January 2001. Viability funding is now paid automatically. Previously, only five aged care homes received viability funding. Nationally, the 2000-01 Commonwealth Budget provided $20.1 million over four years to increase viability funding. These additional funds have been used to more than double the number of aged care homes receiving viability supplements, from 211 to over 500 homes. The increased number of homes receiving viability funding is in response to Professor Len Gray’s Two-Year Review of the Aged Care Reforms which found that viability supplements were sufficient and questioned whether enough homes were receiving it.

(4) Future Rural Adjustment Capital funding will be allocated through the annual Aged Care Approvals Round, as assessed against the national assessment criteria at the time. The estimated annual entitlement to viability funding in the next three financial years for the thirteen aged care homes which have qualified for that funding is $592,130, based on 2000-01 funding levels. Viability supplements will be indexed in future years.

(5) and (6) In the 2001 Aged Care Approvals Round, eligibility for Rural Adjustment Capital Grants is limited to small services in rural, remote and urban fringe areas, which are seeking to expand or upgrade their buildings and new services, or to establish and increase the number of aged care places in their area. Aged care homes can also apply for general capital grants. Priority for these grants will be given to aged care homes in which a majority of residents are, or will be, either concessional or assisted residents under the Aged Care Act 1997, or who have special needs as defined under that Act.

The Accessibility/Remoteness Index of Australia (ARIA), which measures accessibility to services for each of the towns across Australia, is used to give weightings for remoteness. ARIA then classifies locations into five groups – highly accessible (capital cities), accessible (fringe/regional centres), moderately accessible (rural), remote and very remote.
Forestry Tasmania Trees Trust
(Question No. 3615)

Senator Brown asked the Minister representing the Treasurer, upon notice, on 14 June 2001:

(1) Is Forestry Tasmania Trees Trust immune from the Commonwealth Corporations Law because the Crown operates it.

(2) (a) Does the Trees Trust 2001 offer forecast real returns after 10 years equivalent to 10.5 per cent to 12.9 per cent per year; and (b) does the Minister consider this to be justified given that the Australian Securities and Investment Commission (ASIC) forced Australian Plantation Timber to issue a supplementary prospectus clarifying assumptions about timber prices and the sector generally is in financial disarray.

(3) (a) What action will be taken to ensure that potential investors are warned about the risks of investing in Forestry Tasmania Trees Trust 2001; and
(b) What action will be taken to ensure that potential investors are aware the offer is immune from the protection of the Commonwealth Corporations Law.

(4) Could the Government’s endorsement of the 2020 Vision contribute to unrealistic forecasts and expectations for plantation investments.

(5) (a) What action will be taken if and when the forecast returns in the Trees Trust 2001 offer are not realised; and (b) what recourse will investors have given that it is outside the jurisdiction of the ASIC.

Senator Kemp—The Treasurer has provided the following answer to the honourable senator’s question:

(1) To date the Tasmanian Government has not moved to remove crown immunity applying to its business entities. Therefore, as a Tasmanian State government entity the fundraising provisions of the Corporations Law do not apply to Forestry Tasmania Trees Trust 2001 and the Trust is not subject to oversight by the Australian Corporations and Securities Commission (ASIC).

(2) (a) Yes.
(b) As indicated in answer to question (1) above, any offer document produced by the Trust is not subject to regulation under the Corporations Law. As the content of the relevant offer document is not subject to regulation by the Commonwealth it would not be appropriate to comment on it.

(3) (a) As the relevant offer document is not subject to regulation under the Corporations Law, the Commonwealth corporate regulator, ASIC has no statutory role in overseeing its content.
(b) The document contained the following information:

“ASIC
Forestry Tasmania is not a corporation under the Corporations Law and is not subject to Corporations Law.

Consequently, the fundraising provisions of part 6D.2 of the Corporations Law do not apply to Forestry Tasmania in respect of this offer document.

This offer document is not a prospectus and is not required to be lodged with the Australian Securities and Investments Commission (ASIC). Similarly, the Trust Deed is not an “Approved Deed” or a “Constitution” under the Corporations Law and is not required to be lodged with, or registered by, ASIC and the Scheme is not a “managed investment scheme” for the purposes of Chapter 5C. Consequently, ASIC is not able to register the Offer Document or Trust Deed for the Forestry Tasmania Tree Trust. ASIC takes no responsibility for the contents of this Offer Document or the Trust Deed.

Although the Offer Document is not a prospectus which can be lodged with ASIC, Forestry Tasmania has taken the usual steps in exercising care and due diligence in preparing the Offer Document. We aim to ensure that its contents are accurate and that potential growers have all the information they would reasonably require to make an informed assessment of whether or not to apply to become growers in Tassie Trees 2001.
Prospective growers should note, however, that the Offer Document has not been prepared to comply with Chapter 5C of the Corporations Law and the structure and conduct of this offer will not be managed with reference to the requirements of Chapter 5C."

(4) No.

(5) (a) As a result of the Tasmanian Government’s decision not to remove crown immunity applying to its business entities, the relevant offer document is not subject to regulation under the Corporations Law. Consequently ASIC has no statutory role, powers or jurisdiction to address any deficiency with respect to its content.

(b) Investors would need to seek legal advice on remedies available to them under the Civil or Criminal Justice Regimes in the State of Tasmania.

Aged Care: Personnel
(Question No. 3659)

Senator Chris Evans asked the Minister representing the Minister for Aged Care, upon notice, on 28 June 2001:

To date, how many people have been disqualified from working in key personnel positions in aged care, under the provisions of 10A in the Aged Care Act (indicating the reason why each of the individuals were disqualified, e.g. bankrupt, unsound mind, indictable offence).

Senator Vanstone—The Minister for Aged Care has provided the following answer to the honourable senator’s question, in accordance with advice provided to her:

The Department has been notified of three (3) people who have been removed from a key personnel role due to being disqualified individuals.

The reasons for the disqualification of these three individuals are:

- Bankrupt: 1
- Indictable offence conviction: 2

Aged Care: Accommodation Places
(Question No. 3660)

Senator Chris Evans asked the Minister representing the Minister for Aged Care, upon notice, on 28 June 2001:

What are the department’s assumptions in relation to the increase in aged care bed numbers in the 2001-02, 2002-03, 2003-04 and 2004-05 financial years, in terms of the budgeted increases in residential care subsidies for those years, i.e. what assumptions are built into the forward estimates in relation to new beds beginning to operate.

Senator Vanstone—The Minister for Aged Care has provided the following answer to the honourable senator’s question, in accordance with advice provided to her:

All aged care places that come on line are fully funded under the standing appropriation.

The Government has implemented three reforms to make sure that places are provided quickly:

- Firstly, under the Aged Care Act, providers have two years to bring the beds on stream.
- Secondly, providers have to report to the Department every six months on progress in bringing beds on stream.
- Thirdly, consideration of the applicant’s ability to bring beds on stream in a relatively short time.

The published forward estimates contain provision for increased expenditure to meet the needs for growth in the population over 70 years.

Aged Care: Regional Equity
(Question No. 3661)

Senator Chris Evans asked the Minister representing the Minister for Aged Care, upon notice, on 28 June 2001:
Given that the department agreed with the Audit Office recommendation no. 5 in its 1998 report on aged care planning that the department should advertise its medium term objectives for regional equity: (a) what objectives have been published to date; and (b) can copies of all these be provided.

**Senator Vanstone**—The Minister for Aged Care has provided the following answer to the honourable senator’s question, in accordance with advice provided to her:
The medium term objective for regional equity is to achieve a ratio of 100 places for every 1,000 people over 70 years in each Commonwealth Aged Care Planning Region.
The Department publicly allocates places annually, in order to meet its medium term objectives for regional equity.
The ratios for each Aged Care Region are published annually in the Department of Health and Aged Care Annual Report.

**Aged Care: Operational Extra Service Places**
(Question No. 3662)

*Senator Chris Evans* asked the Minister representing the Minister for Aged Care, upon notice, on 28 June 2001:
How many extra service places are currently operating in each planning region, specifying high and low care.

**Senator Vanstone**—The Minister for Aged Care has provided the following answer to the honourable senator’s question, in accordance with advice provided to her:

<table>
<thead>
<tr>
<th>State</th>
<th>High Care Extra Service</th>
<th>Low Care Extra Service</th>
<th>Total Extra Service</th>
</tr>
</thead>
<tbody>
<tr>
<td>New South Wales</td>
<td>797</td>
<td>14</td>
<td>811</td>
</tr>
<tr>
<td>Victoria</td>
<td>1049</td>
<td>93</td>
<td>1142</td>
</tr>
<tr>
<td>Queensland</td>
<td>447</td>
<td>136</td>
<td>583</td>
</tr>
<tr>
<td>South Australia</td>
<td>221</td>
<td>19</td>
<td>240</td>
</tr>
<tr>
<td>Western Australia</td>
<td>125</td>
<td>30</td>
<td>155</td>
</tr>
<tr>
<td>Tasmania</td>
<td>Nil</td>
<td>21</td>
<td>21</td>
</tr>
<tr>
<td>ACT</td>
<td>26</td>
<td>Nil</td>
<td>26</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>2665</strong></td>
<td><strong>313</strong></td>
<td><strong>2978</strong></td>
</tr>
</tbody>
</table>

Not all regions have operational extra service places.

**Aged Care: Accommodation Places**
(Question No. 3666)

*Senator Chris Evans* asked the Minister representing the Minister for Aged Care, upon notice, on 28 June 2001:

1. (a) Why, in the Senate estimates hearings of February 2001, was the department unable to provide the numbers of currently operational special interest group aged care places in each planning region; and (b) how does the department allocate and plan for the supply of new places if it does not know how many are currently operating.
2. If this information is now available can it be provided, separately indicating the number of operating aged care places allocated to each NESB group and whether they are high or low care.

**Senator Vanstone**—The Minister for Aged Care has provided the following answer to the honourable senator’s question, in accordance with advice provided to her:

1 and 2

The Department does not collect data on operational status of places by special needs groups.

The Aged Care Planning Advisory Committees (ACPACs) in each State and Territory provide advice to the Secretary of the Commonwealth Department of Health and Aged Care on the distribution of new places across planning regions.

ACPACs are an essential part of the planning process for residential aged care places and Community Aged Care Packages. ACPAC membership is representative of the wider community, with
members possessing experience in the delivery of aged care from a provider, special needs group, consumer or government perspective.

The ACPACs consider relevant information on comparative need across the various regions, including special needs groups. In addition to data on supply and demand provided by the Department, information is provided by community groups and organisations on the identified needs of particular areas.

**Nursing Homes: Personnel**

*(Question No. 3713)*

**Senator Allison** asked the Minister representing the Minister for Aged Care, upon notice, on 12 July 2001:

(1) Is it true that the department is not requiring high care nursing homes to employ a suitably qualified senior nurse as a ‘key personnel’ who has overall responsibility for the delivery of nursing services, as defined in the Aged Care Act.

(2) What measures are in place to ensure that qualified directors of nursing are not removed post accreditation.

(3) Why is it that the department has refused to release information sought by the Australian Nursing Federation in relation to a list of key personnel from the Andrew Kerr Frail Aged Complex without a $700 search fee being charged.

**Senator Vanstone**—The Minister for Aged Care has provided the following answer to the honourable senator’s question, in accordance with advice provided to her:

(1) Under the Aged Care Act 1997 (the Act), a category of an approved provider’s ‘key personnel’ is any person who is responsible for the overall nursing care provided by the aged care service and such a person must hold a recognised qualification in nursing. The Quality of Care Principles under the Act set out requirements about how care and services are to be provided to residents of nursing homes, including concerning nursing services. The Accreditation Standards under the Act set out, in a number of items, requirements concerning the need for appropriately skilled and qualified staff, including those providing nursing care.

(2) The Aged Care Standards and Accreditation Agency and the Department undertake a range of visits to nursing homes, including spot checks, to ensure that standards, including accreditation standards, are being adhered to. An approved provider that fails to adhere to such standards risks revocation or reduction of the length of the home’s accreditation by the Agency and/or sanctions action being taken against the approved provider by the Department.

(3) The Department’s decision in relation to the request by the Australian Nursing Federation (ANF) under the Freedom of Information Act 1982 was that, on balance, there was insufficient public interest in waiving the $700.70 charge.

**Finance and Administration Portfolio: Missing Computer Equipment**

*(Question No. 3730)*

**Senator Faulkner** asked the Minister representing the Minister for Finance and Administration, upon notice, on 25 July 2001:

(1) Have there been any desktop computers or any other item of computer hardware, other than laptop computers, lost or stolen from the possession of any officer of the department and/or any agencies within the portfolio during the 2000-01 financial year; if so: (a) how many have been lost; (b) how many have been stolen; (c) what is the total value of these computers; (d) what is the average replacement value per computer; and (e) have these computers been recovered or replaced.

(2) Have the police been requested to investigate any of these incidents; if so: (a) how many were the subject of police investigation; (b) how many police investigations have been concluded; (c) in how many cases has legal action been commenced; and (d) in how many cases has action been concluded and with what result.

(3) How many of the lost or stolen computers had departmental documents, contents or information other than operating software on their hard disc drives, or in the form of floppy disc, CD-ROM or any other storage device.
(4) How many of the documents etc. referred to in (3) were classified for security or any other purpose and, if any, what was the security classification involved.

(5) (a) How many of the documents etc. referred to in (3) have been recovered; and (b) how many documents etc. referred to in (4) have been recovered.

(6) What departmental disciplinary or other actions have been taken in regard to the computers referred to in (1) or in relation to the documents etc. referred to in (3) or (4).

Senator Abetz—The Minister for Finance and Administration has provided the following answer to the honourable senator’s questions:

Department of Finance and Administration

(1) No.
(1)(a) Not applicable.
(1)(b) Not applicable.
(1)(c) Not applicable.
(1)(d) Not applicable.
(1)(e) Not applicable.
(1)(f) Not applicable.
(2)(a) Not applicable.
(2)(b) Not applicable.
(2)(c) Not applicable.
(2)(d) Not applicable.
(3) Not applicable.
(4) Not applicable.
(5)(a) Not applicable.
(5)(b) Not applicable.
(6) Not applicable.

Australian Electoral Commission

(1) Yes.
(1)(a) None.
(1)(b) 5.
(1)(c) $1,525.14.
(1)(d) $3,050.28.
(1)(e) None have been recovered or replaced.
(2) Yes.
(2)(a) Five.
(2)(b) Police have been advised of the theft and have yet to advise of outcome of investigations.
(2)(c) None.
(2)(d) None.
(3) None.
(4) Not applicable.
(5)(a) Not applicable.
(5)(b) Not applicable.
(6) No disciplinary action has been taken.

Commonwealth Grants Commission

(1) No.
(1)(a) Not applicable.
(1)(b) Not applicable.
(1)(c) Not applicable.
(1)(d) Not applicable.
(1)(e) Not applicable.
(2)(a) Not applicable.
(2)(b) Not applicable.
(2)(c) Not applicable.
(2)(d) Not applicable.
(3) Not applicable.
(4) Not applicable.
(5)(a) Not applicable.
(5)(b) Not applicable.
(6) Not applicable.

Comsuper
(1) No.
(1)(a) Not applicable.
(1)(b) Not applicable.
(1)(c) Not applicable.
(1)(d) Not applicable.
(1)(e) Not applicable.
(2)(a) Not applicable.
(2)(b) Not applicable.
(2)(c) Not applicable.
(2)(d) Not applicable.
(3) Not applicable.
(4) Not applicable.
(5)(a) Not applicable.
(5)(b) Not applicable.
(6) Not applicable.

Office of Asset Sales and Commercial Support
(1) No.
(1)(a) Not applicable.
(1)(b) Not applicable.
(1)(c) Not applicable.
(1)(d) Not applicable.
(1)(e) Not applicable.
(2)(a) Not applicable.
(2)(b) Not applicable.
(2)(c) Not applicable.
(2)(d) Not applicable.
(3) Not applicable.
(4) Not applicable.
(5)(a) Not applicable.
(5)(b) Not applicable.
(6) Not applicable.
Finance and Administration Portfolio: Missing Laptop Computers  
(Question No. 3749)

Senator Faulkner asked the Minister representing the Minister for Finance and Administration, upon notice, on 25 July 2001:

(1) Have there been any laptop computers lost or stolen from the possession of any officer of the department and/or any agencies within the portfolio during the 2000-01 financial year; if so: (a) how many have been lost; (b) how many have been stolen; (c) what is the total value of these computers; (d) what is the average replacement value per computer; and (e) have these computers been recovered or replaced.

(2) Have the police been requested to investigate any of these incidents; if so: (a) how many were the subject of police investigation; (b) how many police investigations have been concluded; (c) in how many cases has legal action been commenced; and (d) in how many cases has action been concluded and with what result.

(3) How many of the lost or stolen computers had departmental documents, contents or information other than operating software on their hard disc drives, or in the form of floppy disc, CD-ROM or any other storage device.

(4) How many of the documents etc. referred to in (3) were classified for security or any other purpose and, if any, what was the security classification involved.

(5) (a) How many of the documents etc. referred to in (3) have been recovered; and (b) how many documents etc. referred to in (4) have been recovered.

(6) What departmental disciplinary or other actions have been taken in regard to the computers referred to in (1) or in relation to the documents etc. referred to in (3) or (4).

Senator Abetz—The Minister for Finance and Administration has provided the following answer to the honourable senator’s questions:

Department of Finance and Administration

(1) Yes.

(1)(a) None.

(1)(b) 3.

(1)(c) These assets are owned by the Department’s outsourced Information Technology (IT) provider, IBM-GSA, which has advised that the combined payout value of the assets was $15,540.80.

(1)(d) The average replacement cost of each laptop is estimated at $6,969.60.

(1)(e) No laptops have been recovered. All have been replaced within the context of IBM-GSA’s management of the total IT asset pool.

(2) Yes.

(2)(a) 3.

(2)(b) Police have been advised of the theft and have yet to advise of outcome of investigations.

(2)(c) None.

(2)(d) Not applicable.

(3) 3.

(4) None of the assets held material classified for security or other purposes.

(5)(a) None.

(5)(b) Not applicable.

(6) No disciplinary action has been taken.

Australian Electoral Commission

(1) Yes.

(1)(a) None.

(1)(b) 2.
(1)(c) $9,286.08.
(1)(d) $6,964.56
(1)(e) None were recovered; 2 were replaced.
(2) Yes.
(2)(a) 2.
(2)(b) None.
(2)(c) None.
(2)(d) None.
(3) None.
(4) Not applicable.
(5)(a) Not applicable.
(5)(b) Not applicable.
(6) Not applicable.

**Commonwealth Grants Commission (CGC)**
(1) Yes.
(1)(a) None.
(1)(b) 2.
(1)(c) Written down value $4,207 each.
(1)(d) $5,000
(1)(e) None were recovered; 1 was replaced with a desktop computer.
(2) Yes.
(2)(a) Two.
(2)(b) Police have been advised of the theft and have yet to advise of outcome of investigations.
(2)(c) None.
(2)(d) None.
(3) The stolen laptops had Commission specific information on the hard drive.
(4) The information was not classified.
(5)(a) None.
(5)(b) Not applicable.
(6) Not applicable.

**Comsuper**
(1) No.
(1)(a) Not applicable.
(1)(b) Not applicable.
(1)(c) Not applicable.
(1)(d) Not applicable.
(1)(e) Not applicable.
(2)(a) Not applicable.
(2)(b) Not applicable.
(2)(c) Not applicable.
(2)(d) Not applicable.
(3) Not applicable.
(4) Not applicable.
(5)(a) Not applicable.
(5)(b) Not applicable.
(6) Not applicable.

Office of Asset Sales and Commercial Support

(1) No.
(1)(a) Not applicable.
(1)(b) Not applicable.
(1)(c) Not applicable.
(1)(d) Not applicable.
(1)(e) Not applicable.
(2)(a) Not applicable.
(2)(b) Not applicable.
(2)(c) Not applicable.
(2)(d) Not applicable.
(3) Not applicable.
(4) Not applicable.
(5)(a) Not applicable.
(5)(b) Not applicable.
(6) Not applicable.
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