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Proof and Official Hansards for the House of Representatives,
the Senate and committee hearings are available at:

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RADIO BROADCASTS
Broadcasts of proceedings of the Parliament can be heard on the following Parliamentary and News Network radio stations, in the areas identified.

- CANBERRA 1440 AM
- SYDNEY 630 AM
- NEWCASTLE 1458 AM
- BRISBANE 936 AM
- MELBOURNE 1026 AM
- ADELAIDE 972 AM
- PERTH 585 AM
- HOBART 729 AM
- DARWIN 102.5 FM
FORTIETH PARLIAMENT
FIRST SESSION—FIRST PERIOD

Governor-General
His Excellency the Right Reverend Dr Peter Hollingworth, Companion of the Order of Australia, Officer of the Order of the British Empire

Senate Officeholders

President—Senator the Hon. Margaret Elizabeth Reid
Deputy President and Chairman of Committees—Senator Suzanne Margaret West

Leader of the Government in the Senate—Senator the Hon. Robert Murray Hill
Deputy Leader of the Government in the Senate—Senator the Hon. Richard Kenneth Robert Alston
Leader of the Opposition—Senator the Hon. John Philip Faulkner
Deputy Leader of the Opposition—Senator Stephen Michael Conroy
Manager of Government Business in the Senate—Senator the Hon. Ian Gordon Campbell
Manager of Opposition Business in the Senate—Senator Joseph William Ludwig

Senate Party Leaders

Leader of the Liberal Party of Australia—Senator the Hon. Robert Murray Hill
Deputy Leader of the Liberal Party of Australia—Senator the Hon. Richard Kenneth Robert Alston
Leader of the National Party of Australia—Senator the Hon. Ronald Leslie Doyle Boswell
Leader of the Australian Labor Party—Senator the Hon. John Philip Faulkner
Deputy Leader of the Australian Labor Party—Senator Stephen Conroy
Leader of the Australian Democrats—Senator Natasha Jessica Stott Despoja
Deputy Leader of the Australian Democrats—Senator Aden Derek Ridgeway

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(1) Term expires at close of day next preceding the polling day for the general election of members of the House of Representatives.
(2) Chosen by the Parliament of New South Wales vice Robert Leslie Woods, resigned.
(3) Chosen by the Parliament of New South Wales vice David Brownhill, resigned.
(4) Chosen by the Parliament of New South Wales vice Bruce Kenneth Childs, resigned.
(5) Chosen by the Parliament of Queensland vice Cheryl Kernot, resigned.
(6) Chosen by the Parliament of Queensland vice Warwick Raymond Parer, resigned.
(7) Chosen by the Parliament of Queensland vice John Woodley, resigned.
(8) Chosen by the Parliament of Queensland vice John Andrew Quirke, resigned.
(9) Chosen by the Parliament of Western Australia vice John Horace Panizza, deceased.
(10) Chosen by the Governor of Tasmania
(11) Appointed by the Governor of Tasmania

### PARTY ABBREVIATIONS
AD—Australian Democrats; AG—Australian Greens; ALP—Australian Labor Party; CLP—Country Liberal Party; Ind.—Independent; LP—Liberal Party of Australia; NP—National Party of Australia; PHON—Pauline Hanson’s One Nation

### Heads of Parliamentary Departments

*Clerk of the Senate*—H. Evans  
*Clerk of the House of Representatives*—I. C. Harris  
*Departmental Secretary, Parliamentary Library*—J. W. Templeton  
*Departmental Secretary, Parliamentary Reporting Staff*—J. W. Templeton  
*Departmental Secretary, Joint House Department*—M. W. Bolton
HOWARD MINISTRY

Prime Minister
Minister for Transport and Regional Services and Deputy Prime Minister
Treasurer
Minister for Trade
Minister for Defence and Leader of the Government in the Senate
Minister for Communications, Information Technology and the Arts and Deputy Leader of the Government in the Senate
Minister for Foreign Affairs
Minister for Employment and Workplace Relations, Minister Assisting the Prime Minister for the Public Service and Leader of the House
Minister for Immigration and Multicultural and Indigenous Affairs and Minister Assisting the Prime Minister for Reconciliation
Minister for the Environment and Heritage and Vice-President of the Executive Council
Attorney-General
Minister for Finance and Administration
Minister for Agriculture, Fisheries and Forestry
Minister for Family and Community Services and Minister Assisting the Prime Minister for the Status of Women
Minister for Education, Science and Training
Minister for Health and Ageing
Minister for Industry, Tourism and Resources

(The above ministers constitute the cabinet)
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<td>The Hon. Joseph Benedict Hockey MP</td>
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<td>Minister for Science and Deputy Leader of the House</td>
<td>The Hon. Peter John McGauran MP</td>
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<td>Minister for Regional Services, Territories and Local Government</td>
<td>The Hon. Charles Wilson Tuckey MP</td>
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<td>Minister for Children and Youth Affairs</td>
<td>The Hon. Lawrence James Anthony MP</td>
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<td>Minister for Employment Services</td>
<td>The Hon. Malcolm Thomas Brough MP</td>
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<td>Special Minister of State</td>
<td>Senator the Hon. Eric Abetz</td>
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<td>Minister for Veterans’ Affairs and Minister Assisting the Minister for Defence</td>
<td>The Hon. Danna Sue Vale MP</td>
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<td>Minister for Revenue and Assistant Treasurer</td>
<td>Senator the Hon. Helen Coonan</td>
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<td>Minister for Ageing</td>
<td>The Hon. Kevin James Andrews MP</td>
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<td>Minister for Citizenship and Multicultural Affairs</td>
<td>The Hon. Gary Douglas Hardgrave MP</td>
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<tr>
<td>Parliamentary Secretary to the Prime Minister</td>
<td>The Hon. Jacqueline Marie Kelly MP</td>
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<td>Parliamentary Secretary to Cabinet</td>
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<td>Senator the Hon. Ronald Leslie Doyle Boswell</td>
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<td>The Hon. Christine Ann Gallus MP</td>
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SHADOW MINISTRY

Leader of the Opposition
The Hon. Simon Findlay Crean MP

Deputy Leader of the Opposition and Shadow Minister for Employment, Education, Training and Science
Jenny Macklin MP

Leader of the Opposition in the Senate, Shadow Minister for Public Administration and Home Affairs
Senator the Hon. John Philip Faulkner

Deputy Leader of the Opposition in the Senate and Shadow Minister for Finance, Small Business and Financial Services
Senator Stephen Conroy

Shadow Treasurer and Shadow Minister for Finance and Small Business
The Hon Bob McMullan MP

Shadow Minister for Innovation, Industry, Trade and Tourism
Craig Emerson MP

Shadow Minister for Trade and Tourism
The Hon Dr Stephen Martin MP

Shadow Minister for Defence
Senator Chris Evans

Shadow Minister for Regional and Urban Development, Transport and Infrastructure
Martin Ferguson MP

Shadow Minister for Population and Immigration
Julia Gillard MP

Shadow Minister for Reconciliation, Aboriginal and Torres Strait Islander Affairs, the Arts, and Status of Woman
The Hon Dr Carmen Lawrence MP

Shadow Attorney-General and Shadow Minister for Workplace Relations
Robert McClelland MP

Shadow Minister for Primary Industries and Resources
Senator Kerry O’Brien

Shadow Minister for Foreign Affairs
Kevin Rudd MP

Shadow Minister for Health and Ageing
Stephen Smith MP

Shadow Minister for Family and Community Services and Manager of Opposition Business in the House
Wayne Swan MP

Shadow Minister for Communications
Lindsay Tanner MP

Shadow Minister for Environment and Heritage
Kelvin Thomson MP
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The DEPUTY PRESIDENT (Senator Sue West) took the chair at 12.30 p.m. and read prayers.

REPRESENTATION OF TASMANIA

The DEPUTY PRESIDENT (12.30 p.m.)—I inform the Senate that Senator Gibson resigned his place as a senator for the state of Tasmania on 22 February 2002. Pursuant to the provisions of section 21 of the Constitution, the President notified the Governor of Tasmania, through the Lieutenant-Governor of Tasmania, of the vacancy in the representation of that state caused by the resignation. The President has received, through His Excellency the Governor-General, the instrument of appointment by the Governor of Tasmania of Guy Barnett as a senator to fill the vacancy caused by the resignation of Senator Gibson. I table the documents. I also inform honourable senators that I have received from His Excellency the Governor-General a commission to administer the oath of allegiance to senators in the absence of the President.

SENATORS SWORN

Senator Guy Barnett made and subscribed the oath of allegiance.

COMMITTEES

Membership

The DEPUTY PRESIDENT—The President has received letters from a party leader seeking variations to the membership of various committees.

Senator IAN CAMPBELL (Western Australia—Manager of Government Business in the Senate) (12.35 p.m.)—by leave—

I move:

That senators be discharged from and appointed to committees as follows:

A Certain Maritime Incident—Select Committee—

Appointed: Senators Brandis, Heffernan and Mason

Discharged: Senators Calvert, Ferguson and Payne

Economics Legislation Committee—

Substitute member: Senator Mason to replace Senator Chapman till 8 April 2002.

Senator BARTLETT (Queensland) (12.35 p.m.)—I wish to speak briefly to this motion to change the coalition’s membership of the so-called ‘children overboard’ inquiry, which also includes an investigation into the Pacific solution, I hasten to remind people. I certainly will not be opposing this motion. The government has the right to choose its representatives on a committee in the same way as any other party in this place. I note with sadness the departure of the three previous coalition members, who served the committee well in their brief 30-minute attendance at one meeting. They were people who had a background in the broader issues, and I think they would have contributed well. But I am sure that Senator Mason, Senator Brandis and Senator Heffernan also have lots of intellectual capacity to bring to the committee’s deliberations.

I think it is worth noting that one of the members, Senator Heffernan, is a parliamentary secretary—a parliamentary secretary to the cabinet, for that matter. Whilst it is not unprecedented for parliamentary secretaries to serve on committees, and there is nothing in the rules of the Senate to prevent it happening, I think it is worth drawing that to the attention of the Senate. I do not know how frequently Senator Heffernan has served on committees before.

Opposition senators interjecting—

Senator BARTLETT—This is his first time, is it? There is a first time for everything. I am sure he will perform well, nonetheless. Page 395 of the most recent edition of Odgers’ mentions that parliamentary secretaries serve:

... only occasionally. Their presence on committees could give rise to questions of conflict of interest or bias ... for example, where committees are inquiring into actions of government for which ministers and parliamentary secretaries, as members of the executive government, are individually or collectively responsible.

Given that this committee is inquiring very specifically into the involvement of the Prime Minister, let alone other senior mem-
bers of cabinet, and that the parliamentary secretary in question is the Parliamentary Secretary to Cabinet, I think there are legitimate questions to be raised in that regard. It is not impugning the motives of Senator Heffernan, I hasten to add, but I think it is worth noting the potential issue of a conflict of interest. This is the subject of standing order 27(5), which provides:

A senator shall not sit on a committee if the senator has a conflict of interest in relation to the inquiry of the committee.

The fact that we will have a member of the committee who is also Parliamentary Secretary to Cabinet and, I understand, is able to sit in the cabinet raises some issues which are worth noting. I do not indicate that we are opposing the motion, but it is appropriate to note those things in terms of monitoring the ongoing conduct of the committee.

Senator BROWN (Tasmania) (12.38 p.m.)—I would like to add to what Senator Bartlett had to say. Not only should we try to have committees above politics—we all know that we are human and it is difficult to achieve that aim—but also we should be seen to do so. The government’s changing of the committee membership at this time makes it very political indeed. You cannot get away from that. It is a directive, on the face of it, from the Prime Minister’s office, at least from cabinet, and it is an interference in the usual running of the Senate. I do not think that it should pass without me saying, as a senator, that I object to that. The Senate needs to take very careful note of it.

We should see what moves can be made by the Senate to protect us from interference from the executive. This is interference from the executive in an important committee which, no doubt, will be looking at the behaviour of the executive. There is no higher task for the Senate than to act as a public watchdog on the behaviour of the executive at a time when, more and more, parliamentary duties are usurped by the minority—outside the parliament, behind closed doors in the cabinet room. It is a very serious departure from the appearance at least of fair representation on a committee and of people going without any prejudice to the committee.

It is abundantly clear that a political decision has been made to influence a Senate committee, and the public will see it that way. I object to that and the Senate should think carefully about it. If it manifests itself in the outcome of the committee’s deliberations, all the worse. It is up to the individual members who are on the committee to stand up now, if they want to, and explain why they withdrew or why they accepted the appointment to this committee and what the process was. Let the Senate at least be acquainted with the process so that we can have this appearance of prejudice taken away. If there is some other reason, it is for the government to give us that other reason. Otherwise, there is a stench in this process, and I do not say that without thinking about it. It is not right; it is just not right.

Senator BROWN—They have a lot to hide.

Senator BROWN—The Senate deserves an explanation and I expect that from the government now.

Senator IAN CAMPBELL (Western Australia—Manager of Government Business in the Senate) (12.42 p.m.)—This is the first time I have witnessed a debate about membership of a committee, but I welcome the debate. It is interesting to note that, either by their interventions in the debate or by their interjections—referring to Senator Conroy’s interjections—they have some objection to Senator Heffernan being put on a committee. I remind the Senate that I was a member of the Senate references committee—it might have been a legislation committee—that investigated the Natural Heritage Trust. Senator Brown may even recall this. At the time I was Parliamentary Secretary to the Minister for the Environment and Heritage and I recall that I spoke to the Clerk of the Senate and discussed the issue of a potential conflict between my role as a member of the executive and membership of the Senate. The answer—and I do not put words into Mr Evans’ mouth; I am not actually talking about the answer that the Clerk gave me—is that it is quite clear that a parliamentary secretary may serve on a Senate committee. At that time, no-one raised objections to me serving on that committee. In
retrospect, the fact that I was a member of the ministry and that I had responsibility for the department that was, in part, responsible for the implementation of the Natural Heritage Trust was, in fact, of assistance to that committee.

The Labor Party is trying to condemn the membership of the Select Committee on a Certain Maritime Incident, which is an incredibly focused political exercise. It is something which has been generated by the Labor Party, who are obviously very keen to try to get up the argument that somehow they were robbed—that once again they nearly won the election but all of a sudden, due to some sort of trick, they were robbed. It was not Mr Beazley’s incompetence; it was not the fact that they tried to recycle most of the Keating and Hawke ministry like an old car at a second-hand car yard, knocking out a few dents and giving it a spray job and saying, ‘Here’s new Labor’—and you have Peter Cook in it, Laurie Brereton and even Kim Beazley who sat in all of the Hawke and Keating cabinets—’here’s the third way.’

It does not suit the Labor Party to admit the fact that the Australian people voted for the coalition with an increased majority. Instead of looking inside their own ranks and saying, ‘What can we do to make ourselves relevant again to the political debate in Australia?’ they would rather look backwards and say, ‘We were robbed,’ and try to blame everybody else but themselves. Instead of getting on with reforming the Labor Party and trying to make themselves relevant again, instead of reforming the stupid 60-40 rule—where the trade union movement has all of the votes and all of the proxies within the Labor movement, determining all the preselections for people like the senators opposite—and instead of getting on with the real job, they would rather say, ‘We were robbed.’

So what do they do? Instead of playing the game, instead of playing the ball, they play the man—and they want to pick on Senator Heffernan. Why do they do that? Because he is a very effective senator who is prepared to shine the light on the hypocrisy in the Labor Party. Can I suggest to the Australian Labor Party, to Senator Brown and to the Australian Democrats that they let Senator Heffernan perform his duties as a senator before this place—do not pick on him, focus on the issues. If you want to set up a witch hunt, you can choose who you put on it but do not give us advice on who we put on it.

Question agreed to.

REGIONAL FOREST AGREEMENTS BILL 2002

Second Reading

Debate resumed from 14 February, on motion by Senator Cherry:

That this bill be now read a second time.

Senator GREIG (Western Australia) (12.46 p.m.)—We return again to the question of the Regional Forest Agreement, which threatened to raise its ugly head towards the end of the last sitting prior to the election. It was made clear then that both the government and opposition were keen to pursue it and pass it in the New Year and, regrettably, that is likely to happen in the coming days, if not today. But I want to note particularly that when His Excellency Dr Hollingworth officially opened parliament only a matter of weeks ago, he said in his address to the Senate and to senators and members assembled here that one of the things that the third Howard Ministry was keen to do was to address the issue of salinity. I was struck at the time that, at that very moment, at the opening of parliament, when the government was announcing its keenness to address salinity, it was also ensuring that it wanted to progress and pass legislation which significantly contributes to it—that is, the destruction of our native and old-growth forests.

I think salinity is set to be one of the most devastating problems that rural and regional areas around Australia have ever encountered. While the problem may itself be mostly in these regional areas, the effects of salinity and of subsequent soil degradation—either directly or indirectly related to it—affect all of us. If left unaddressed, salinity affected areas in the south and western regions of Australia—that is, excluding Queensland—will increase from 5.7 million hectares to a staggering estimated 17 million hectares within the next 50 years. In my
home state of Western Australia, some 630,000 hectares is currently salt affected. At this rate, it is set to rise to around two million hectares over the next 50 years. This means that, in time, more than one-third of my home state’s wheatbelt area will be salt affected.

The federal government has acknowledged this situation by including salinity control as an election issue. A recent parliamentary brief on combating salinity confirms that policies aimed at salinity need to be comprehensive and address other degradation issues such as soil erosion, water quality and biodiversity loss, in concert with salinity. In part, this brief says:

When salt stored in soils and/or ground water is mobilised by extra water provided by human activities such as land clearing or irrigation, the resulting rising water tables can bring the salt to the surface causing land salinisation or be discharged into water courses raising river salinities.

The briefing goes on:

Land clearing has had a major impact on dryland salinity. Controls on land clearing are seen as a mechanism to not only protect biodiversity but to prevent the spread of dryland salinity.

The Commonwealth government has obviously realised this and, in response, has called on the Queensland government to implement land clearing controls. Yet, despite this clear and well documented connection between land clearing, soil degradation and salinity, the very first bill that the Commonwealth introduces into the new parliament is this one, designed clearly to commit our native forests to logging. In 1998, the West Australian state government, then under the reign of Premier Richard Court, confirmed that both the Department of Conservation and Land Management, CALM, and the water authority, ‘had clearly established, by their respective research, that there was a relationship between logging and salinity in the forests of the south-west of the state.’ In 1999, a standing committee report on ecologically sustainable development showed that the Environmental Protection Authority, EPA, found:

...the WA community was worried about the increased intensity of harvesting in the jarrah-marri forest because of the potential salinity impacts.

The report goes on to note that the EPA identified the major issue of concern from over 4,000 submissions on the issue was:

... increased intensity of harvesting in the jarrah-marri forest with potential salinity and other impacts.

The findings of this report, in the chapter relating specifically to salinity, provide clear reasons why the Commonwealth is negligent in leaving the decisions relating to forest management to the states. Among the findings is the clear disregard by the WA state government of EPA recommendations and assessments about logging practices in salt risk zones, and clear conflicts of interest between CALM in conservation and resource utilisation. Yet, instead of immediately stopping wood chipping in all native forests and calling for an immediate end to logging in old-growth and high conservation value native forests, the Commonwealth government has again introduced the Regional Forest Agreement which guarantees access to native forests for logging, while protecting specific areas of wilderness and old growth forests in reserves.

I take this opportunity to remind the Senate of the Democrats dissenting report coming out of the Senate’s Rural and Regional Affairs and Transport Legislation Committee inquiry into the RFA Bill 1998. We said:

1. The RFA process fails to resolve one of the most long running and contentious issues facing the nation
2. The RFA process fails to deliver on jobs for impoverished and vulnerable rural areas
3. The RFA process unfairly discriminates against the plantation industry
4. The RFA process will destroy many areas of native forests including old growth areas and fails to protect Australia’s biodiversity contrary to an international agreement
5. The RFA process discriminates unfairly against other important cultural values and social and economic benefits provided for by native forest areas
6. The RFA process will be mostly controlled by State governments who have vested or financial short term interests in the outcomes thereby leading to positions of conflict of interest
The RFA process raises constitutional issues and poses potential legal and financial difficulties on the Commonwealth and the taxpayer.

That situation remains unchanged, as does the Democrats resolve to oppose this bill. Mr Acting Deputy President, as you may be aware, previous Premier Richard Court’s coalition government lost the last election in my home state, and the Labor Party based its entire campaign around the protection and preservation of old-growth forests if it won government—and it did win government. But, despite the state Labor Party winning on that promise of ending logging in old-growth forests, we now find that the federal Labor Party is pledging its support to the Howard government’s RFA legislation, which will result in massive subsidies to logging companies which destroy Australia’s old-growth forests.

If this legislation is successful here in this place, it will mean that the state RFAs will be legally binding. This raises serious questions about the process through which the state RFAs have been devised. For example, only after the Western Australian RFA was signed by all parties was it revealed that one-third of the reserve system—which, of course, was meant to be old-growth and high conservation value forests—comprised rubbish tips, gravel pits, weeds, a water storage tank and a cleared catchment area. The then Court government’s pre-RFA hard-sell advertising campaign claimed that the agreement would protect more than a million hectares of forests from logging—but, of course, there would be no need to log sand dunes, swamps and rocky outcrops. One area described as old-growth forest was later revealed to be 700 hectares of cleared farmland on Agriculture WA’s Mount Barker research station. This grossly inadequate forest reserve system only increased public concerns over logging of our native forests and served to further undermine public confidence in the entire RFA process.

This bill is nothing more, I think, than a ticket for the Commonwealth to abdicate its responsibility to the states for the care and protection of our old-growth and native forests. Western Australia’s RFA bears witness to the appalling situation that can arise when hard fought-for environmental safeguards are ignored. Parliament cannot continue to ignore public opinion by passing this bill. RFAs are designed to seal the fate of forests for some 20 years. Given how precious little old-growth forest is left, it is amazing that such a far-reaching and important environmental decision can be taken so flippantly. The future of the industry, of the forests and of future generations deserve a much more carefully considered approach. But, when it comes to forests, the government moves in mysterious ways. Mr Wilson Tuckey, until recently minister for forests, has steadfastly refused to release Commonwealth funding that has been specifically set aside for the restructuring of timber towns in Western Australia. Of the $15 million that has been earmarked for the restructuring of WA timber towns, only $136,000 has thus far been spent—and this is outrageous.

Our old-growth forests are worth much more to the community, to the state, to the country and, indeed, to the world if they are left standing. The spectacle of an ancient forest far outweighs the short-term financial gain of letting it go and cutting it down. In closing I would like to quote from a memo received today—I think it was sent to all parliamentarians, including me—from the Wilderness Society. In it they have summarised in 10-point fashion the key reasons, with which I concur, why this legislation should be opposed. The Wilderness Society argues, and the Democrats agree that:

1. Forest types identified under Tasmanian RFA as requiring 100 per cent reservation are being cleared for plantation establishment.
2. Areas in Victoria and Tasmania identified as being part of the RFA forest reserve system have not been reserved and have instead been logged. This is grounds for the Commonwealth to terminate an RFA.
3. The Tasmanian RFA is being subverted to allow the highest proportional rate of land clearing in Australia, using Commonwealth money! Up to 640,000 hectares of native forest may be permanently cleared in Tasmania under arrangements which directly subvert the intention of the RFA.
4. The RFAs have not provided the promised job security, hundreds of jobs have been lost from this unsustainable industry.
5. In Victoria and Tasmania the total hectares logged and total hectares clearfelled has increased each year following the signing of the RFAs. These increases have never been subjected to any form of environmental assessment. Europe has abandoned clearfelling on the grounds that it is unsustainable and the practice is being phased out in North America for the same reason.

6. Victoria, NSW and Tasmania continue to violate the pre-cautionary principle by logging irreplaceable old growth forests.

7. Export woodchip production has increased by 30%.

8. Post RFA projects which would further increase the amount of forest logged each year (for charcoal production and electricity generation) are exempt from environmental assessment.

9. The native forest logging industry is the only industry in Australia exempt from Commonwealth environmental requirements (the EPBC Act). This is yet another example of the anticompetitive arrangements available to this cosseted industry to the disadvantage of the largely private sector reforestation and plantation based alternatives.

10. The RFA Bill does not provide the native forest logging industry with resource security. Victoria is poised to dramatically reduce the amount of sawlogs available to the logging industry because levels approved by the Commonwealth under five Victorian RFAs have recently been found to be unsustainable.

In closing, I reiterate the Australian Democrats vehement objection to any logging of old growth forests and our great passion for preserving them rather than destroying them. We oppose this legislation.

Senator HARRIS (Queensland) (1.00 p.m.)—In rising to speak to the Regional Forest Agreements Bill 2002, I believe there are certain areas that we should look at very closely. One is the need for an ongoing forest industry and another is the improved forest management practices that are carried out today. We need to look at the reserves being set aside and at promoting plantations of both softwood and hardwood, and we need to look at the social impacts of this vehement attack to shut down the forestry industry.

Ever since Australia was settled by Europeans, timber has been of vital importance to the economic wellbeing of this country. From the days of early inhabitation, principally along the eastern seaboard, hardwoods and softwoods have played an important part in the very existence of both European and indigenous people. Timber was used for shelter, buildings, stock fencing, firewood, shipbuilding and transport. Since then not a lot has changed. The utilisation of a renewable resource, which has been doing just that—renewing itself—ever since Europeans came to this country, continues today.

The terminology ‘old growth’ is something of a misnomer inasmuch as forest experts have for the last 20 years claimed there is almost no old-growth forest remaining in Australia, and particularly in Queensland. It is an indisputable fact that most of our crown forest has been cut at some time. Anecdotal evidence compiled over the last 30 years suggests that this figure could be as high as 90 per cent. So of the areas being claimed as old growth, possibly 90 per cent of those have already been cut. Such is the phenomenal regrowth ability of both wet and dry sclerophyll and, of course, rainforest, particularly after the forest floor and the canopy has been disturbed, that this scenario applies to almost all areas of supervised, selective cutting of hardwood and softwood in native forests.

Old-growth should refer only to mature species at the end of their useful growing period whose place in the forest could be removed to make way for younger and more vigorous understorey. Scientific data clearly shows mature trees, such as those referred to as ‘old-growth’, have a much lower carbon dioxide conversion rate than that of a vigorous understorey—that is, the new forest coming through. On the fauna habitat side, trees that are ready to harvest do not provide any suitable refuge or habitation for fauna. I will just clarify that by saying that a tree suitable for logging, by nature, cannot have any hollows in it, any immaturities, twists and so on. These, the unwanted species that could be twisted, bent, hollowed or deformed, are then left for habitat for fauna.

The need for an ongoing forest industry is of great importance to the entire economic fabric of Australia. In the affected centres, too many regional people have too much invested by way of housing, property, education, sport, cottage industries and medical
facilities—to name but a few. We are talking of a great social upheaval not seen before throughout Australia—other than the severe dislocation of industries and people caused by the needless World Heritage listings a decade ago. The present level of harvest from private and crown reserves should be maintained as long as the reserves can sustain the yield, especially in the production of high-value products. If estimates cannot guarantee that the present yield can be sustained, more old-growth hardwood areas should be opened for selective logging, remembering that most of these areas have been previously cut. This may be the only way to uphold the Native Forestry Policy Statement signed by both the Queensland and Commonwealth governments committing to an ongoing native forest industry. Other states that have signed RFAs have an ongoing native forest industry undergoing sustainable harvest, so clearly there are no scientifically justifiable reasons for closing down native forests.

Conversely, there is much scientific evidence showing the need to continue the native forest industry. Queensland’s native forest management has generally been regarded by other states and independent foresters as quite good, with some industry people claiming it is above average. Certainly this researcher has found that to be the case. However, there is only so much one can do with the resources at hand. In the case of thinning, burning, road building, crowning, weed control, feral animal control and, above all, fire control, departmental employees and, in some cases, contractors, presently cannot fulfil their obligations as good neighbours. This is not necessarily caused by a lack of manpower or resources but by the sheer size of the areas involved, which defy good management by anything other than an army of workers, which then makes the exercise unviable.

For instance, the native forest areas stretching from Kalpowar north of Monto to Mount Rainbow east of Biloela is about 100 kilometres long and up to 40 kilometres wide. Admittedly, some of this vast area contains pastoral leases and freehold grazing property, but the bulk is under forestry control. This is far too much country for the existing crew to maintain. When a fire starts at either end there is virtually no hope of controlling it. We only have to look at the recent episodes in New South Wales to see the dangers and the outcomes of not having cool trash reduction. In this area the terrain is extremely rough and in most cases inaccessible by vehicle. It should be noted a bomber aircraft crashed in there in 1943 and was not discovered until 1994. This area has been logged several times during the past 50 years and part of it has now been declared a national park. The area has been closed to logging for three years, in spite of large reserves of Sydney gum, spotted gum and red gum still being available. The loggers and natural regeneration have done such a good job up until now that the Parks and Wildlife Service have declared it a park—and that is stumps and all. Fortunately the burning practices of the forestry department have in most cases maintained the native forest, leaving it in good shape. This is not the case throughout Queensland in the Parks and Wildlife Service, whose burning practices are totally deficient.

Historically, this continent has been shaped by the Aboriginal firestick, some say for 4½ thousand years. Perusal of James Cook’s log and diary detailing his observations along the eastern seaboard in 1770 give an insight into what our coastline and hinterland looked like to our early explorers. Cook said the countryside was ‘open and park like’ where along the entire coast he saw intermittent smoke rising from burning grasslands. There were no great areas of rainforest, but small areas of ‘dense thicket’ providing shelter for native fauna. The Aborigines farmed and harvested marsupials for their existence, using fire to burn old grass, thus making way for green grass, which naturally attracted feeding marsupials. Consequently, as pointed out by Leichhardt and Mitchell, our greatest inland explorers, the Aborigines burnt grassland where it would carry a light fire, never leaving huge areas of dense, dry grass which would cause total destruction of forestry species. As the animals moved from burn to burn, the Aborigines would follow. Thus the forest floor was kept clean of woody undergrowth, encour-
aging eucalypt seedlings to thrive and grow. This husbandry is the basis of our eucalypt forests today. Many naturalists and historians have concluded the tree cover over eastern Australia is now much more extensive than when Cook saw it in 1770.

Proper management practices, which include logging, not only would provide a better environmental outcome for our forests but would provide a greater supply of sawlog materials. In the government’s proposed management system there appears scant mention of the potential of hardwood plantation development opportunities. Graziers could better utilise parts of their holdings and supplement their incomes by planting hardwood species. Although graziers have proved to be responsible land-holders in a general sense, there exist areas of varying types of land degradation not suitable for grazing due to loss of topsoil through wind or water erosion or prolonged drought combined with short-term overgrazing by introduced, non-native animals. Incentives in the form of 150 per cent recovery taxation rebates and better security of tenure without the baggage of land claims could provide for hardwood reafforestation projects on pastoral land.

The vexed issue of the people versus large corporations has come into play: hence the RFA document. It seems that yet another facet of government owned resources has become a political football with the multinationals trying to kick the goals. The motives of the large timber companies in according short-term compensation rather than supporting the initiatives for long-term security of investment. We need to plant sufficient quick growing species of hardwood to sustain what is now being taken out. We need to investigate multiple-use systems in all suitable areas of forestry and national parks incorporating the abovementioned criteria. We need to investigate cottage type industries which can operate in conjunction with continued logging. Activities could include processing waste shapes, sizes and unsuitable species, as well as mill and forest waste; manufacturing laminated veneer, beams and trusses; and value adding kiln-dried finger jointed boards and a wide range of high-value charcoal and other carbon products. Using the high volume of mill waste, charcoal products could be used as an additional clean fuel for power production. We need to train foresters in proper hazard reduction burning and good-neighbour policies. And we most definitely need to maintain cattle grazing and encourage bee-keeping in forestry reserves. One Nation will be supporting the government’s RFA Bill and we will be looking to the government to implement some of the areas that I have outlined.

Senator WATSON (Tasmania) (1.16 p.m.)—The debate on the Regional Forest Agreements Bill 2002 is quickly taking on a sense of repeated deja vu—I get the feeling that we have seen this all before. I am seriously concerned that this process is now becoming a matter of repetition ad nauseam. I am sure that the Tasmanian forest industry has no wish to have this matter extended even further and, given the degree to which
many of the legitimate amendments from the Labor Party have actually now been incorporated into this new bill, it would indeed be tedious—in fact, very serious—to see an opposition continuing to delay the passage of this bill. The bill does provide certainty—a certainty which is necessary for long-term investment in the forest industry.

As the economics editor of the *Australian*, Alan Wood, noted in an article a couple of weeks ago, the Tasmanian economy is badly affected by excessive regulation, particularly of the environment. He noted that this is stifling investment and stifling growth. Tasmania has seen its economic development, especially in areas associated with the environment and resources, used as a plaything of the federal government for the past two decades, at terrible loss to Tasmania and to Tasmanians. Too often we have seen Tasmanian forestry investments and Tasmanian forestry jobs put in jeopardy because of the power play of politics. Once again, we see forest based industries seeking to make bold and imaginative investments in Tasmania in the belief that this RFA Bill will proceed. Further delays will only compound the frustration of industry with their inability to ensure that investments in this area can be pursued with reasonable commercial risk, not unreasonable political risks.

This bill is necessary to demonstrate that the Commonwealth is committed to sustainable forest management and resource security. The RFA process has been supported by all major political parties and all state and federal governments. While it took the coalition government to get on with completing the RFA agreements in the late 1990s, the process has been further supported by governments on both sides for a decade. This decision has been supported by extensive Commonwealth funding of industry adjustments to the new practices. So this government—our coalition government—has eased the transition instead of simply letting industry bear the entire burden of the new regulatory regime. The industry must be able to rely on the RFA process that enables a scientific approach based on scientific, environmental and cultural data and not on short-term political considerations. Tasmania has perhaps the most advanced forestry practices in the world—listening to this debate one would tend to question that—but, unfortunately, the misrepresentation by some speakers in this debate has contributed much to the misunderstanding about a vital industry to Australia but particularly to my state of Tasmania.

I think it is also a worry that the Senate continues to intrude on traditional areas of state responsibility. Unless this legislation is passed, Tasmania’s forest industry will again be sold short and investors will be unwilling to risk their capital due to insufficient protection of their rights. The regional forest agreement concluded between the Prime Minister, Mr Howard, and the then Liberal Premier of Tasmania, Hon. Tony Rundle, in 1997 provided a base on which the Tasmanian forestry industry could plan its future with greater security and certainty than ever before. It followed two decades of protests and lobbying by a noisy minority of conservationists, mainly political radicals, that created an environment of insecurity for this industry, which for so long had been the backbone of the Tasmanian economy.

The insecurity led to a situation where the forestry industry was loath to commit to long-term investments in a resource which was potentially a political football and which might be snatched away from them at short notice—at the whim of politicians seeking to impress groups such as Green sympathisers whose voting preferences could change governments. Even within Tasmania, the system of proportional representation used in state elections favours results leading to governments with small majorities, or to minority governments, unable to make bold and positive decisions needed to promote progress.

The RFA in 1997 provided a legislative framework which ensured access to an on-going resource for a productive forest products industry, while also protecting the most important natural heritage areas of Tasmania. The agreement followed an exhaustive period of community consultation, during which all sides of the debate were able to provide detailed input and have their views considered. Today, the forestry sector contributes about $1.2 billion in value to the
Tasmanian economy—the second largest manufacturing industry in the state. More than 8,000 Tasmanians are employed in forest industries, with the Launceston based Gunns the largest private employer. Gunns produces timber, value added timber products and building products. It is Australia’s largest producer of sliced veneers. Gunns and other companies are also active in investing in the Tasmanian industry, but they rely on the additional security provided by this bill to ensure their investors and workers are not held to ransom by unwarranted interference with the RFA at some future date.

For some time, unfortunately, campaigns have been conducted or coordinated by anti-industry groups such as the Wilderness Society, attempting to discredit the forest industry and those companies operating within the industry. These campaigns, including those operating under the questionable banner of ethical shareholding campaigns, have also involved dissemination of misinformation and direct targeting of both private and institutional shareholders. These campaigns have included phone calls and correspondence to shareholders to elicit support to oppose a company’s operation, direct approaches aimed at undermining the credibility of the industry and the company with institutional investors, attempts to undermine relationships with financiers and also attempts to undermine customer relationships.

While the campaigns to date have failed, it is inappropriate and unreasonable that forestry companies are required to operate in such an environment and quite ironic that parts of the campaign are being undertaken under the banner of ethical shareholding interests. While forestry companies targeted by these campaigns will continue to address such programs appropriately, it is important that, where possible, government clearly indicates its support for industries and businesses operating legitimately as well as ethically. Recently in Tasmania, contractors’ plans have been vandalised, costing ten of thousands of dollars. This situation is becoming a major problem.

Passing this bill will state clearly to the investing community that forestry is an industry and that it is conducted on a sustainable basis, within a framework of world class management practice. With 40 per cent of Tasmania’s land area reserved—including 29 new areas of national parks and reserves actually created through the RFA process—the RFA provides a balanced framework within which the industry can move.

This bill seeks to consolidate through federal legislation the agreement needed to protect investment in the industry. This investment is essential, to protect current jobs and to grow more jobs with the creation of more value added processes. Private forestry owners are at a particular disadvantage at the moment. They gave a commitment which effectively passed land over to the scientists—in some cases, up to 40 per cent was set aside for prospective reserves. I know that Senator O’Brien has proposed amendments, and I trust that these are not going to be permitted to delay the passage of this bill. Unless this legislation is moved to a resolution, we will have another round of endless debate of the sort that we all know our colleague opposite, Senator Brown, consumes and thrives on. No-one could possibly seek that sort of torture at this time—I certainly hope not.

The industry is straining at the reins. It wants to progress and invest and provide value adding jobs. Tasmania seriously needs this outcome, and Tasmanians deserve our support in passing this bill without further unnecessary delay. I thank the Senate.

Senator BROWN (Tasmania) (1.27 p.m.)—The Greens will vehemently oppose this Regional Forest Agreements Bill 2002, which is against the interests of the Australian people in terms of the environment, of employment and of the economy itself. There has been a very rigorous public debate on the matter, and the public knows where it stands. Since the 1980s, there has been no opinion poll on the matter of logging in our wild forests which has given it public backing. The unnecessary destruction of this great nation’s forest heritage and wildlife in the pursuit of profit, when we have a two million-hectare plantation base to meet all our industrial as well as domestic wood needs, is an indictment of the power of the corporate sector over the two big parties. On the one
hand, we have opinion polls showing between 70 and 90 per cent opposition to the chainsaws going into the wild forests of Western Australia, Tasmania, Victoria and New South Wales and on the other we have over 90 per cent of the elected members of parliament voting for the chainsaws.

Senator Tchen—A majority in your household.

Senator BROWN—Yes, it is true, Senator Tchen, that a majority in my household would oppose the chainsaws, but in this case my household is the Australian conservation movement, which is some 15 million Australians, if you look at those opinion polls. Think about that.

What the Regional Forest Agreements Bill 2002 would do is, firstly, remove the power of the Minister for the Environment and Heritage and/or the Minister for Forestry and Conservation, were the minister in that portfolio concerned about conservation, for the next 20 years. It is a move by parliament through this legislation, coming from the executive, to trammel the ability of ministers in the future to act in the public interest to protect this nation's heritage and, indeed, to protect the increasing numbers of jobs and small businesses dependent upon that heritage. Secondly, it is a move by parliament, if it passes, to remove parliamentary scrutiny of the prodigious amount of compensation going into the regional forest agreements out of the public purse—that is over $300 million of taxpayers' money going to industry so far—as well as scrutiny of the process of the regional forest agreements themselves. I will have a number of amendments before the committee stage, but they have been circulated for the Senate to look at now. Amongst those amendments is one which ensures that parliament does not give away, that the Senate does not give away, that right of scrutiny.

These regional forest agreements were signed between the Prime Minister, Mr Howard, and several premiers of Australian states. What this legislation would do is to remove the right of parliament to view those regional forest agreements in the public interest. Talking of public interest, I think that is a matter that the Senate should take note of because, as I said, hundreds of millions of dollars as well as the environmental estate of this great nation are involved. We should be paying more attention to it and therefore, Mr Acting Deputy President, I call your attention to the state of the house. (Quorum formed)

I was explaining that the legislation effectively removes the right of parliament to scrutinise the expenditure of hundreds of millions of dollars of taxpayers' money which ends up effectively on the profit lines of the woodchip and logging corporations because it goes to providing the infrastructure that those companies need, at a time of global reduction in woodchip prices, to stay viable. The public pays the money to build the roads into the forests, to provide the extension through forestry commissions in the states to directions as to how the logging is to take place, and the overview and the failed policing of that process, and then the replantation of those forests. But, beyond that, the legislation would remove for the next 20 years the right of the Senate, and of the House of Representatives, to look at the destructive impact of the regional forest agreements on the environment and to be able to assess whether or not the environmental impulse of the legislation, which several big party senators have spoken about, is being adhered to. The legislation removes that right of the parliament. I will be moving an amendment to restore that right, and another amendment to make the environmental provisions of this legislation binding.

The environmental provisions in the regional forest agreements are not binding; the economic components are, but not the environmental components. This is anti-public legislation, supported by the coalition. One can understand that if one looks at the traditional role of the coalition in backing up the big corporate sector against public interest. But when it comes to the Labor Party it defies comprehension that it is supporting this legislation. I will be interested to see in the committee stage what the Labor Party will do about yet another amendment I will be bringing forward. In view of the key amendment in this legislation to give the woodchip and logging corporations compensation if they are prevented by Common-
wealth action from sending the chainsaws, bulldozers and firebombers into parts of Australia’s national and, indeed, World Heritage forests, that should be matched by clauses which guarantee that the corporations do the right thing as far as their employees are concerned.

If you look at the pronouncement made by the Prime Minister, Mr John Howard, when he came to Tasmania in 1997 with the regional forest agreement, you will see that it said 550 jobs would be created as a result of that agreement. In fact, 450 jobs have been shed. It is a net difference of over 900 jobs in total there, if you look at the 100 jobs that have been created. We see that the regional forest agreement is basically a job shedding process. What about those workers? They are duped—not only, sadly enough, by the industry, which cries ‘Jobs, jobs, jobs’ as it is shedding them, but also by the CFMEU itself and by the Labor Party which backs it which says, ‘We are in this for jobs.’ It overviews the continual shedding of jobs—thousands of jobs—even as the corporations pocket the hundreds of millions of dollars that this process gives to them.

I would have thought that Senator Harris would be alert to this because it is regional jobs that are being lost. It is not the jobs in the offices in downtown Launceston in terms of Gunns Pty Ltd. In fact, the men on the board of that company, the biggest woodchipper in the Southern Hemisphere, have voted themselves a pay increase to $500,000 per year for being directors since the regional forests agreements came into place. It would be interesting to trace how much of the compensation money, by a process of displacement several times removed, actually ends up going into the pockets of that board. It is a pretty invidious process which we should be examining as we go down the line—but which we cannot if parliamentary scrutiny is removed.

Where indeed is the CFMEU? This union—which tugs its forelock to the bosses of the woodchip industry and effectively does nothing as people are sacked in their hundreds, Senator Bishop, in places like Tasmania, Victoria and New South Wales—does not set a foot off the kerb to defend those jobs. I think it is very important that the Labor Party take note of this. I will be speaking about the Labor Party’s role—and I know you will be looking at this, Mr Acting Deputy President. If they support this legislation, it will restore some of my concern that the Labor Party have lost it as far as the workers are concerned. I do think that there ought to be more members of the Labor Party in here listening to my challenge over this legislation, so I draw your attention to the state of the house, Mr Acting Deputy President. (Quorum formed)

You will remember that before that long quorum call I was talking about the amendment the Greens will be putting forward which makes compensation payable to employees of logging companies. Indeed, the amendment says:

(1) Persons who are eligible to receive compensation in accordance with the provisions of an RFA—

that is, the companies—

must compensate any employee or contractor engaged in RFA forestry operations whose employment or contract is terminated.

(2) The amount of compensation payable will include all entitlements, plus the amount of reasonable loss or damage sustained by reason of the termination.

(3) The State which is party to the RFA must establish a process for implementing this provision within six months of an RFA being entered into or of this legislation commencing, whichever is first.

Whatever else may be argued in here—and I will be interested to hear the position of the minister, as well as that of his Labor counterpart—you cannot say, on the one hand, that you are concerned about employees in the logging industry in rural Australia while saying, on the other hand, that you will compensate companies using taxpayers’ money if they are required to protect trees but you will not compensate employees when the companies have free rein but continue to sack them. In the case of Gunns, for example, aggregation and driving their contractors morning, noon and night in the name of efficiency have led to the shedding of hundreds of jobs.
The newspapers in the last few days have been full of the busting of the Goolengook peaceful blockade in Victoria, which has been going for five years. I went down to that blockade at the outset, to look at the Goolengook forest myself because there had been a lot of publicity about it. I think I may be the only person in this place who is directly acquainted with what is going on there.

Senator Allison—I have been there.

Senator BROWN—I apologise. Senator Allison has been there, and possibly others of her colleagues have too. I do apologise, Senator Allison, but I would be interested to hear which Victorian members of the Labor or Liberal parties have been to Goolengook—very few, if any; I think probably none. The problem is that, if you do not see what is being destroyed, you do not feel for it or understand it. Certainly the Prime Minister has a studied ignorance of the forests of Australia; he will not go to them. So far, the Leader of the Opposition—his predecessor set the course for this—also resolutely refuses to go to the forests to have a look at what is being destroyed there. At Goolengook, you see magnificent ancient forest with a pristine river flowing through. Sections of rainforest intermingle with the eucalypts which dominate the ridges and the dry sections of the forests, and the whole of it has an extraordinary panoply of wildlife. At night, there are marsupials and bats. There are owls calling. In the morning, there are lyrebirds and a whole cacophony of other birds of the forest. Yet all this is earmarked for destruction, and when I went down there I got arrested and taken off in a paddy wagon to Orbost, simply for being with other citizens who have faced this and endured the same process. Then, when the courts looked at the matter, what did they find? Was it the protestors who were acting illegally? No, it was not; it was the loggers. They were logging a defined reserve under Victorian heritage protection legislation, and so the case was thrown out. But then what happened? The Kennett government put through legislation retrospectively, protecting the loggers’ interests—not the environmental interests—and put these areas, which had been protected, into chainsaw zones.

I ask this assembly: who in here can point to the change in the regional forest agreement that accompanied that unilateral action by the Victorian government? Is the minister going to defend that? It is not in the regional forest agreement process, and it has not been debated by this parliament, but 1,000 hectares of pristine forest, which were in the regional forest agreement, are being fed to the chainsaws. They moved in a mighty army of chainsaws and bulldozers today, with not a squeak from either the Minister for the Environment and Heritage or the shadow minister to say, ‘We will stop this process by the only countermeasure there is, which is action of the federal parliament, the other arbiter in the regional forest agreement.’ So, not only is there no mechanism for defending what the RFA says it is defending—which is the prime forests—but, when the RFA is busted unilaterally by a state government, there is no federal action. Moreover, if the parliament were to pass this legislation, it would be seeking to bind its own hands against any action it might take over the next 20 years.

I have a very sensible amendment here which says that the environmental components of the regional forest agreements will be defended by the parliament. What is the minister going to say about that? Already the economic side is defended; what about the environmental component? The minister will get up on his feet, he will have a tirade and he will denounce the people, but he will not address the central concern about the environments of these forests, because he has not been there and because this legislation sells out the environment, the economic interests of the people of Australia and the employees. My amendment seeks to defend all three. I move the second reading amendment standing in my name:

At the end of the motion, add:

“That further consideration of this bill be deferred until Parliament has scrutinised:

(a) the five year reviews due for the East Gippsland and Tasmanian Regional Forest Agreements; and
(b) the report of a Parliamentary Commission of Inquiry into Forestry Tasmania, the Forest Practices Board and Private Forests Tasmania:

Senator ALLISON (Victoria) (1.51 p.m.)—Like my Democrat colleagues, I will be opposing this RFA legislation. As we have seen many times in this chamber, the RFA agreement was supposed to give certainty to the timber industry, it was supposed to be environmentally sustainable and it was also supposed to be based on solid science. I must say that, even though Victoria’s data is better than that of most other states, the developments in Victoria show us—in no uncertain terms over the last few weeks—that none of those objectives has been achieved. The agreement is clearly not giving certainty to the timber industry in Victoria.

A report released a couple of weeks ago recommends that, across the board, there should be a 30 per cent reduction in the amount of timber taken from our native forests. We have seen a time of unprecedented losses in timber worker jobs. We have also seen sawmills close down. The only winner out of all of this appears to have been the woodchippers, who continue to increase the amount of their take and the amount of woodchips that are exported. It is clear that everybody—except perhaps the woodchippers—has been conned in this whole process. Environmentally sensitive areas have had to be logged to satisfy timber contracts. That is certainly the position of the Victorian state government; it makes no bones about the fact that it was forced into this position because it could not sustain the contracts it had already signed. At every possible level the RFA system has not worked. (Quorum formed)

I think it is clear that the comprehensive regional assessments that were done some time ago were rushed, as was the RFA process itself. We know that very high levels of logging were locked in at that stage and that they are clearly unsustainable. Clear-fell logging in some parts of Victoria has dramatically reduced the amount of water available to cities such as Geelong, which depends significantly on the forests in the Otways for its water supply. That is not taken into account in our assessment of the sustainability of our forestry practices, but it is nonetheless a very great concern to residents of Geelong.

I will get back to my comments about the recent report which showed that a 30 per cent statewide cutback would be necessary to even begin to put logging onto a sustainable footing. It was recommended by the author of the report, Jerry Vanclay, Professor for Sustainable Forestry at Southern Cross University in New South Wales, that, in some areas, a cutback of up to 80 per cent of our logging take would be necessary. By way of a condition on those recommendations, he also says we have very little knowledge of exactly what level of sustainability our forests can provide and that our knowledge about forests is indeed scant. This is a matter which the Senate ought to be very concerned about because, as I said earlier, the RFA process was supposed to have been predicated on sound science—and it is clearly not.

The Wombat State Forest has been massively overlogged. Over the last 21 years, 80 per cent of it has been clear-fell logged or burned. Seven years ago, forestry in the Wombat employed 440 people; now that number is down to 70. Hundreds—maybe thousands—of jobs have been lost since the RFA system was set up. We know that 400 jobs were lost in Tasmania, according to the Marsden Jacob report. Every year since the signing of the RFAs, the total hectares logged and the total hectares clear-felled have increased without any sort of environmental assessment on that increase. What we do know is that woodchip exports have increased by 30 per cent. In 1999-2000, seven million tonnes of woodchips left Australia. Of course, all of them came out of our native forests. Old-growth forests in Victoria, New South Wales and Tasmania are still being logged, even though we know their biodiversity is absolutely irreplaceable. The Democrats intend to comment further in this second reading debate on national competition policy and the way in which our RFA system pays little regard to these questions of a level playing field and plantations versus native forests. I seek leave to continue my remarks later.

Leave granted; debate adjourned.
MINISTERIAL ARRANGEMENTS

Senator HILL (South Australia—Minister for Defence) (2.00 p.m.)—by leave—I inform the Senate of a minor change in relation to ministerial representation in the Senate. From today the Minister for Small Business and Tourism will be represented in the Senate by the Special Minister of State, Senator the Hon. Eric Abetz. All other ministry representation arrangements are the same as I advised to the Senate on 12 February 2002. I understand a list of the full ministry, indicating the new representational arrangement for the Minister for Small Business and Tourism, has been circulated. I seek leave to have the document incorporated in Hansard.

Leave granted.

* The document read as follows—

THIRD HOWARD MINISTRY

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<th>Title</th>
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<td>The Hon John Howard, MP</td>
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<td>Parliamentary Secretary to the Prime Minister</td>
<td>The Hon Jackie Kelly, MP</td>
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<td>Senator the Hon Bill Heffernan</td>
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<td>The Hon John Anderson, MP</td>
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<td>Minister for Regional Services, Territories and Local Government *</td>
<td>The Hon Wilson Tuckey, MP*</td>
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<td>The Hon Mark Vaile, MP</td>
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<td>The Hon Alexander Downer, MP</td>
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Each box represents a portfolio. *Cabinet Ministers are shown in bold type.* As a general rule, there is one department in each portfolio. Except for the Department of the Prime Minister and Cabinet and the Department of Foreign Affairs and Trade, the title of each department reflects that of the portfolio minister. There is also a Department of Veterans’ Affairs in the Defence portfolio. Asterisks indicate changes from the last published list.

**QUESTIONS WITHOUT NOTICE**

**Health: Program Funding**

**Senator FAULKNER** (2.00 p.m.)—My question is directed to the Minister representing the Prime Minister, Senator Hill. Minister, was the Prime Minister aware of, or consulted on, Dr Wooldridge’s $5 million grant to the Royal Australian College of General Practitioners on 28 September 2001? Did the Prime Minister or the Minister for Finance and Administration approve the grant?

**Senator HILL**—My understanding is that the Minister for Finance and Administration approved the grant. In relation to any consultation with the Prime Minister, I will refer that to the Prime Minister.

**Senator FAULKNER**—Madam President, I ask a supplementary question. Minister, could you report back to the Senate at the earliest available opportunity on the matter in relation to the Prime Minister, Minister, as a supplementary question, apart from securing Dr Wooldridge’s post-politics career, where was the urgency in providing this $5 million gift just prior to the last election campaign, particularly given that construction of this building is yet to commence? Did Dr Wooldridge ever indicate to the Prime Minister that he was contemplating future employment with the College of General Practitioners, or is the government maintaining the fiction that none of this was ever contemplated until a new health minister was in place?

**Senator HILL**—In relation to the latter part of your question, which concerned communications between Dr Wooldridge and the Prime Minister, I will also refer that to the Prime Minister. I think it is better that he have the opportunity to advise me on that matter. In relation to the program itself, I do not think it is a question of there being undue urgency. This was a determination by the health minister at the time that this would be a good investment in terms of bringing the various general practitioners’ bodies together in Canberra where they would more effectively be able to communicate with government. On that basis, the minister, through due process, was able to provide some funding support for this project. I know of other cases in which the government has provided support for such organisations in the form of land, and this seems to be of a similar nature. *(Time expired)*

**Howard Government: Economic Policy**

**Senator BARNETT** (2.04 p.m.)—My question is to the Special Minister of State, Senator Abetz, representing the Minister for Small Business and Tourism. Will the minister inform the Senate of how the responsible economic management of the Howard government is benefiting Australian small business? Is the minister aware of any alternative policies which could threaten this vital sector of the economy?

**Senator ABETZ**—I thank Senator Barnett for his important question and I welcome him to the Senate. Senator Barnett has had considerable experience in the small business sector, with his own small business winning the Telstra/Tasmanian government Small Business Award for 2001 and ending up as a national finalist. Senator Barnett is absolutely right when he refers to the small business sector as being vital to the Australian economy and our national wellbeing. Senators would be well aware that it is Australia’s small businesses which drive our economy and employ the greatest proportion of Australian workers.
So last week’s extraordinary economic growth figures are great news for all Australians, especially our small business people and their workers. ABS figures revealed that the Australian economy grew 1.3 per cent in the December quarter, with a 4.1 per cent annual growth rate. Australia now leads the developed world in terms of economic growth, defying a global slowdown. The growth rate of 4.1 per cent through 2001 was about 10 times the OECD average and the G7 average. The news for small business is particularly encouraging. There was a 1.4 per cent increase in retail sales in January and household consumption grew by 4.2 per cent through last year. In terms of building approvals, there was a 60.5 per cent increase in private sector housing approvals in the year to January 2002.

These remarkable figures are reflected in the growing confidence of small business people, as shown in the latest Yellow Pages business index. The increase in confidence revealed in this survey was the second largest quarterly increase in the history of the survey and confirms data from the recent small business survey published by the ACCI. The survey found that these strong business conditions were underpinned by solid growth in sales and profitability for small businesses.

Regrettably, there is a threat to the ongoing profitability of Australian small businesses—this vital job creating sector. You may remember, Madam Deputy President, that the Labor Party went to the last election with Australian small businesses well and truly in their sights. They proposed to allow trade union officials to barge into any business at any time, even if there was not a single union member employed at that business. They proposed to allow trade union officials to barge into any business at any time, even if there was not a single union member employed at that business. Given their recent form, we can only assume that some of these union thugs would have been armed with crowbars. Despite the deafening rejection of Labor’s slavish relationship with union bosses, Mr Crean still opposes legislation which would exempt Australian small business from unfair dismissal laws. This comes as no surprise when you look at the rows of former union officials sitting opposite. I note the presence of Senators George Campbell, Bishop, Carr, Sherry, Lundy, O’Brien, Evans, Conroy and Ludwig—the whole front row of the opposition. In contrast, the Howard government remains firmly on the side—

 Opposition senators interjecting—

 The DEPUTY PRESIDENT—Order! The level of noise on my left is far too high.

 Senator ABETZ—Madam Deputy President, I think I struck a sensitive chord. In contrast, the Howard government remains firmly on the side of small business and the millions of aspirational Australians who are employed by small business. With Senator Barnett’s arrival in the Senate, the Howard government’s deserved reputation in this area will only be enhanced. (Time expired)

 DISTINGUISHED VISITORS

 The DEPUTY PRESIDENT—Order! I draw the attention of honourable senators to the presence in the President’s gallery of Dr Jamileh Kadivar, a member of the Parliament of Iran. On behalf of honourable senators, I have pleasure in welcoming you to the Senate and trust that your visit will be informative and enjoyable.

 Honourable senators—Hear, hear!

 Senator Ian Campbell—On a point of order, Madam Deputy President: I draw the Senate’s attention to the fact that Senator Bob Brown, who has been calling quorums all morning, is not here now.

 The DEPUTY PRESIDENT—There is no point of order.

 QUESTIONS WITHOUT NOTICE

 Health: Program Funding

 Senator CHRIS EVANS (2.09 p.m.)—My question is directed to Senator Patterson, the Minister for Health and Ageing. Does the minister support her predecessor’s reallocation of $5 million out of asthma treatment and rural health programs to finance a new building for a doctors’ lobby group? Does the minister support Dr Wooldridge making this decision immediately before the election where he retired from politics and does she support Dr Wooldridge then getting a lucrative consultancy from the same lobby group immediately after the election? What action will you, as minister, take to reverse this outrageous rort?
Senator PATTERSON—I find some of the assertions in that question quite unacceptable. I advise the Senate that the Prime Minister has asked all the relevant departments for a report regarding the matter. The former minister, Dr Wooldridge, has issued a statement in which he says that the source of funding for the GP House project was suggested by the Department of Health and Aged Care with the approval of the Minister for Finance and Administration. I advise that the government intends to support the Asthma Management Program and the Medical Specialist Outreach Assistance Program in full and that the $5 million under discussion will be available for these programs. That is all that I can advise the chamber.

Senator CHRIS EVANS—Madam President, I ask a supplementary question. I ask the same question again because the minister did not answer the question. The question is: does the minister support the actions of her predecessor in skimming millions out of the asthma and rural health programs to go into a new building for a lobby group? Does she endorse and support that decision or not?

Senator Hill—I rise on a point of order, Madam Deputy President. As Senator Evans acknowledged, he is repeating the original question. That is not a supplementary question; a supplementary question is one that arises out of the answer that has been given. Now that he has had a few minutes to think, he might be a little more creative and put the question in a form that is legitimate under the standing orders.

Senator Faulkner—On the point of order, Madam Deputy President: as Senator Evans made very clear in his proper and appropriate supplementary question, he is forced to ask a supplementary question in that way because the substantive question, the primary question, remains unanswered by Minister Patterson. Therefore, Senator Evans presses the question he asked earlier. It is absolutely in order. Senator Hill knows that it is in order. He does, however, find the question embarrassing, hence he takes a point of order.

Senator Alston—Madam Deputy President, you should not be intimidated by Senator Faulkner telling you that the question is clearly in order, because Senator Faulkner and Senator Evans have both conceded that it is not. There is no provision for repeat questions to be asked. As we know, you may often not be satisfied with the answer you get, but that is no basis for repetition. Supplementary questions are designed for a very different purpose. Senator Faulkner well knows that and, given that Senator Evans let the cat out of the bag, this is clearly one of those situations where he would like to have had another answer, but he did not get one. So he can come back and ask another question on another day.

The DEPUTY PRESIDENT—As Senator Evans has not yet finished asking the question, I rule that there is no point of order.

Senator CHRIS EVANS—The nub of the question is this: does the minister support her predecessor’s decision or not? Does she endorse this decision for expenditure of taxpayers’ money?

Senator PATTERSON—Senator Faulkner gave away the exact motivation of the Labor Party when he said that the substantive part of the question is whether I support the former minister or not. The substantive part of the question is: will the money be available for the programs? The answer is yes, and that is what the people of Australia care about.

Health: Cancer Screening

Senator PAYNE (2.13 p.m.)—My question is to the Minister for Health and Ageing, Senator Patterson. Will the minister inform the Senate of the steps being taken to assure the safety and quality of women’s cancer screening services in Australia, and will the minister inform the Senate of any recent developments in this area?

Senator PATTERSON—I thank Senator Payne for the question. It is quite relevant that a senator from New South Wales should ask this question. I would like to assure the Senate that Australia has the strongest quality assurance arrangements for pathology laboratories in place in the world. I have confidence in the laboratory accreditation system, which indicates that over 99 per cent of laboratories do a good job.
There are presently 520 approved pathology laboratories participating in the Medicare benefits scheme. The Health Insurance Commission has advised that 502 laboratories are accredited by NATA, the National Association of Testing Authorities, under a three-year rolling program of examination and inspection. The remaining 18 are new laboratories established last year and approved by HIC to participate in Medicare on the basis that they will take part in a quality assurance program and be assessed by NATA within the first 12 months.

Following the GDL revelations, I have become aware of two other instances of concern and I wish to inform the Senate of the steps I am taking to address these matters and maintain public confidence in the high quality pathology services. The first concern relates to Medtest, which is a New South Wales pathology laboratory. I am advised that NATA issued an adverse report on the laboratory in October 2000 and, following a reinspection sought by the laboratory, issued a further adverse report in April 2001 and suspended the laboratory’s NATA accreditation. The laboratory then appealed to the NATA board, which upheld the original finding in August 2001. I understand that the laboratory is now pursuing a further appeal through the NATA process.

The HIC wrote to Medtest last December suggesting that the laboratory should arrange another NATA inspection by the end of February this year, so that any decisions about its ongoing approval could be based on recent information. The HIC informed me that Medtest are questioning the need for this. In my view, this delay in reaching resolution is totally unacceptable. Australian patients and their doctors need to be aware that the NATA concerns about Medtest’s appeal immediately. I have also written to the managing director of the HIC asking him to hasten the decision to act to withdraw the laboratory’s approval under Medicare, pending resolution of the NATA process, and further have requested that he does everything within his power to have this decision made by 14 March 2002.

In addition, as Medtest was undertaking pap smear testing, I have written to the New South Wales Health Minister, Mr Knowles, informing him of my concerns in relation to the laboratory and seeking his cooperation in informing women who may have had pap smear tests by Medtest, and who have not had a subsequent smear, of the concerns about the laboratory. I have also directed my department to write to all doctors who referred patients to Medtest for other tests over the past three years informing them of the NATA concerns so they can take any action they consider appropriate.

The second laboratory, Wielebinski Pathology, was a small pathology laboratory. It ceased to trade in August 2000 and its approval was revoked in October 2000. I understand it provided around 300 pap smears per month, and I will ensure that the women involved are also contacted and informed of concerns about the laboratory if they have not undergone a subsequent test. My department is currently reviewing the pathology laboratory accreditation arrangements and a report will be ready in June 2002. This review will include recommendations on how to make—(Time expired

**Health: Program Funding**

Senator McLUCAS (2.18 p.m.)—My question is to Senator Patterson, the Minister for Health and Ageing. Does the minister stand by her claim over the weekend that if the money used for GP House had remained unspent within the rural health and asthma programs to which it was originally allocated, it would simply have been returned to consolidated revenue? Why is a return to consolidated revenue even an issue, when funds in the order of $5 million for urgent health needs are routinely rolled over by the health portfolio to the following financial
year? Wasn’t this the case with a $10 million underspend in suicide prevention and a $24 million underspend for coordinated care trials, both of which have been rolled into later years? Wasn’t this claim that the underspend would have had to be returned to consolidated revenue just a furphy, at best demonstrating the minister’s inadequate knowledge of departmental financial arrangements, but at worst making her complicit in the cover-up of Dr Wooldridge?

Senator PATTERSON—If Senator McLucas had been here a little longer—and I have said this before—she may have seen some other events that occurred under previous governments, like Centenary House and also like a contract for $5 million to tell people about the disability reform package which the Labor Party let to a company that was balance sheet insolvent. Some organisations for disabled people did not receive funding. I will go back to my original answer: the Prime Minister has asked the relevant departments for a full report; the $5 million under discussion will be available to the programs that were nominated before. That is the answer to my question; there is no further issue. If the Labor Party wishes to pursue, and see as substantial, who and what and not be concerned about the fact that the money will be available for those programs, it shows their true colours.

Senator McLucas—Madam Deputy President, you will not be hearing him for much longer. The last point I want to make, in addition to what I have just said, is: nor do I have any reason to doubt that former ministers will act with the utmost propriety.

Senator STOTT DESPOJA—Madam Deputy President, my question is addressed to the Minister representing the Prime Minister, Senator Hill. In light of the current debate over postministerial consultancies, does the government now accept the need for a legislative requirement that retiring ministers observe a ‘cooling-off’ period before accepting consultancies or employment within their area of ministerial responsibility?

Senator HILL—No, Madam Deputy President, we are not convinced by the argument of the Australian Democrats. Neither the parliament nor successive governments have imposed constraints on former ministers as to what employment they might take up after leaving office; it has been left to the individual’s judgment. I have no reason to think former ministers from either side of politics have abused the public trust by taking unfair advantage of their past positions.

The DEPUTY PRESIDENT—Order, Senator Schacht! You might have moved further down the chamber, but I can still hear your voice, so please come to order.

Senator HILL—Nevertheless, Madam Deputy President, you will not be hearing him for much longer. The last point I want to make, in addition to what I have just said, is: nor do I have any reason to doubt that former ministers will act with the utmost propriety.

Senator STOTT DESPOJA—Madam Deputy President, I ask a supplementary question. I thank the minister for his answer and I seek clarification. Is the minister stating that this government believes that there is no need to take any steps in order to ensure that former ministers do not take improper advantage or, in the minister’s language, unfair advantage of their previous office? Also, is it the case that the government will consider no steps in order to prevent preferential treatment being given to private groups by ministers in anticipation of employment or other remuneration upon retirement?

Senator HILL—The point I was making is that there is no change to longstanding practice. It has not been demonstrated in the past, nor has it in recent times, that there is any need to provide some form of restriction; it has been left to the individual’s judgment. There is no evidence of an individual taking
unfair advantage of their past positions, and I have confidence—

Opposition senators interjecting—

Senator HILL—I am not even saying it in relation to former Senator Richardson. My point is that there is no reason to doubt that former ministers will act with the utmost propriety.

Immigration: ‘Children Overboard’ Affair

Senator JACINTA COLLINS (2.24 p.m.)—My question is addressed to Senator Hill as Minister for Defence. Can the minister confirm for the Senate the precise nature of the further Defence inquiry, as announced recently by Admiral Barrie, into the false information made public about asylum seekers throwing their children overboard? Exactly who will be conducting this further internal inquiry? Will the inquiry be authorised under the Defence inquiry regulations; and what is the scope of the terms of reference for the inquiry?

Senator HILL—I think we can publish the scope. It is an inquiry designed to look for improved communications within the department. We now know, unfortunately, that the government was misled in this particular circumstance. The government received advice that children—

Senator Schacht—Who lied? Who misled you?

Opposition senators interjecting—

Senator HILL—There is no dispute that the government received advice that children had been thrown overboard and, as a result, that was communicated to the public. With the benefit of hindsight, we are now told that that was not the case, and we are seeking to put in place processes to ensure that such mistakes will not again occur. That, I would have thought, was more than reasonable. The Defence department is being assisted in that task through the work that is going to be done by Rear Admiral Gates. In relation to the detail of his work, I will see what I can put on the public record.

Senator JACINTA COLLINS—Madam Deputy President, I ask a supplementary question. Thank you, Minister. Minister, what is the expected time frame for this inquiry? Will the findings of this internal inquiry be fully available to the Senate select committee examining the same matter, or will they be made public? And, if a Defence inquiry will not be completed in this time frame, isn’t Defence left open to the charge—beyond your charge of ‘misleading’—of establishing yet another inquiry to stymie parliamentary inquiry?

Senator HILL—The so-called parliamentary inquiry is just a political stunt: it has been set up by the Labor Party, in collusion with the Democrats, appointing a Labor Party senator as the chairman, and so they have predetermined the outcome of this inquiry. Make no mistake: this is not a genuine attempt to get at the facts. They can write this report without hearing a single witness, because the Labor Party has prejudged this matter. It has done so for its short-term political gain. The work that has been done within the Department of Defence, by contrast, is a genuine attempt to look to ensure that there are better processes for the future—to ensure that mistakes are not made and communicated in the future. The contrast could not be more stark: on the one hand, there is Labor’s political stunt; on the other hand, there is a genuine effort within Defence to ensure that there is better communication for the future. (Time expired)

Roads: Funding

Senator HARRIS (2.27 p.m.)—My question is addressed to Senator Ian Macdonald, representing the Minister for Transport and Regional Services. Senator, under the Roads to Recovery program initiated by the federal government, the Mount Morgan Shire Council is allocated $262,000 over four years. The council made no draw down in the first year, 2001. In this year, 2002, the second year, $65,000 was drawn down, and there is no allocation during 2003, the third year. The maximum allocation in any one year is $130,000. Will the minister undertake to address the cap in year 4 to allow the full allocation of the $262,000 to be accessed?

Senator IAN MACDONALD—I thank Senator Harris for the question and for drawing attention to one of the Howard government’s most successful programs: the
Roads to Recovery program. That program, as senators might recall, is a $1.2 billion Commonwealth funding program for local roads. One of the very innovative things about it, Senator Harris, as you would recall, is that this money went straight from the federal government to local government, where we know it will be well spent—and well spent on roads that are very much needed in local communities. Some 6,600 projects in 717 local government areas have been registered for funding under the program, and some $375 million has already been provided for this very worthwhile program.

I know that Senator Harris does move around country Queensland, as we move around country Australia, and he will, like us, know how very well accepted this program is by councils. A lot of very good work is being done in a lot of areas. Senator Harris’s question is rather detailed and specifically relates to one particular council. Senator Harris would probably not be surprised to appreciate that I do not have all of the details in my mind for every one of the 700-odd councils throughout Australia. Senator Harris did give me a little notice about this but I have yet to be called back by my office. These are the sorts of questions, if you ring me, I would be very happy to give you the information on at the time.

Let me just make these points, Senator Harris. The amount allocated to Mount Morgan council is actually listed in the bill that was passed by this chamber and through parliament. If, as you say, it is $262,000—I do not have that information but I accept that you do have that information—then they will get that amount because it is legislated for. The way the program went was that councils had to apply. Some of them applied very quickly and got their money very quickly. Some, for all the right reasons—they had not done their planning or had not done their engineering work—did not apply in the first year, and I assume that is what happened with Mount Morgan. If, as you say, $65,000 has been drawn down in the second year I am not quite sure why the money is not available in the third year. That does not ring true to me. Again, I do not want to dispute the facts in your question, but it does not seem right, so I will check that out for you.

Certainly, in the final year, if they have not already got it, they will get the rest of the money that is allocated to them because it is legislated by parliament.

Senator Harris, like you, I know the town of Mount Morgan. It is a very nice town. It has had its difficulties over the years but it is a community that does try to move ahead. I know this money will be very well used by the Mount Morgan Shire Council and I will certainly pursue the questions you have raised. I am quite sure that the government will ensure the $262,000, the full amount of their grant, is paid to them in the term of this Road to Recovery program.

Centrelink: Breaches

Senator MARK BISHOP (2.32 p.m.)—My question is to Senator Vanstone, Minister for Family and Community Services. Does the minister stand by her criticism of Dennis Pearce, Julian Disney and Heather Ridout and their independent report into the government’s breaching policy? Is the minister aware that Professor Pearce’s comment today in relation to overzealous breaching practices in Centrelink—that ‘some of the problems arise from staff being exposed to excessive pressure or incentives to impose penalties’—is based on direct evidence from current and former Centrelink staff? If the minister is concerned to defend Centrelink officers, why isn’t she prepared to defend those who have blown the whistle on the government’s unfair and counterproductive breaching regime?

Senator VANSTONE—I thank the senator for his question. Let me say first that I am unaware of what criticism you believe I have made of Professor Pearce, Heather Ridout and Mr Disney. In fact, I have actually welcomed the report. I have simply said that most of the recommendations are old news because we have already done them. Some of the recommendations we clearly disagree on. It is not surprising to find that, out of some 36 recommendations, 26 that affect my portfolio particularly or predominantly, there will be some things we disagree on. So I am unaware of which remarks I have made that you take as being a criticism.
When you say ‘the unfair breaching system’, I remind you, Senator, that this was a system voted on in June 1997, when Senator Woodley said that the Democrats were pleased to see the government introduce a system of rate reductions—Senator Woodley is now no longer here—and Senator Faulkner described it as a much more reasonable penalty regime. The reason those remarks were made was that, under the old system under the Labor government, when there was a breach it was a full-on breach. What we shifted to was a tiered system whereby there would be a rate reduction for the first breach, there would be a second rate reduction for the second breach and for the third breach you would lose the whole benefit for a period of time. That was hotly debated at length in this parliament and was supported. So I am at a loss to understand why you describe it as so unfair and why your spokesman Wayne Swan is keen to kick to death the system that in fact was supported.

Having said that, on coming to this position in January-February last year, I made clear in this chamber on a number of occasions that I had a particular concern for those people who were most vulnerable. I have not a jot of concern for those people who think that turning up for their appointments is optional. But I made it very clear, and I think this was in relation to a question from one of the Democrat senators, that, for those who are particularly vulnerable—the homeless, those who have a mental disability or are alcoholics or drug dependent, and there would be other groups of people who have a particular vulnerability—we would be working on what we could do to assist those people, and we have done a number of things over the last year. I think, for example, the third breach alert and the activities associated with that, which have been in place since June 2001, and the significant reduction in the rate of breaching since a number of these measures have been introduced by the government without a lot of fanfare.

I did announce about a week ago a further change, a suspension of payments when someone has not complied with the requirements and when we have not been able to contact them. That suspension will be lifted and full payment made if they have had a reasonable excuse. Otherwise, the breaching regime will go into place with a somewhat reduced penalty. Professor Pearce seems to think that what the government has announced recently has been borrowed from a draft of his report. Just for his benefit, and for the benefit of the public, I wrote to the Prime Minister in December last year about this matter and the policy settings that we have now announced.

Senator MARK BISHOP—Madam Acting President, I ask a supplementary question. Does the minister claim there is no government policy of breach quotas when, as a result of government changes over the last three years, breaches have risen by 300 per cent? Doesn’t this astounding increase in breach rates prove exactly what the independent review has found—as Professor Pearce told ABC Radio this morning:

We’ve summarised it in two words—it’s unfair and counterproductive. Instead of encouraging people back into the job sector, it seems as though the primary direction is to penalise, to punish people for what they’ve done.

Senator VANSTONE—It is up to Professor Pearce if he thinks he can summarise a whole breaching regime and all the options and penalties and efforts that are made by Centrelink in two simple words. If he thinks he is capable of such an assessment and he wants to stand by it, that is up to him. I think Centrelink do a tremendous job. I think they do a great job at implementing the breaching regime endorsed by this parliament—endorsed by this parliament including your own party, Senator. I further think that this government has done a great job in getting people back into the job sector, it seems as though the primary direction is to penalise, to punish people for what they’ve done.

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Immigration: Border Protection

Senator EGGLESTON (2.39 p.m.)—My question is to the Minister for Justice and Customs, Senator Ellison. Will the minister advise the Senate of the steps taken by the Howard government to protect the integrity of Australia’s borders?

Senator ELLISON—Apart from the record funding that the Howard government has put into protection of Australia’s borders, we have also taken a wider approach to addressing the problem that we have seen in recent times in relation to people entering Australia illegally. In particular I refer to the conference that was held recently in Indonesia. That was cohosted by Australia and Indonesia’s initiative, and went a long way to improving regional cooperation in dealing with people-smuggling. No-one should be mistaken that people-smuggling is being dealt with on a small scale. It is an international criminal enterprise, one which the head of Interpol attested to and one which the head of Interpol said had relationships with drug dealers and also other illegal activities such as gun-running. What we are dealing with here is a growing international problem. At this conference, which Australia cohosted, we had some 38 ministerial delegations represented. We had source countries such as Afghanistan, Pakistan, Sri Lanka and Iran, and as well transit countries and those countries which illegal entrants were destined for. We had a situation where the region as a whole was looking at this problem.

There were positive outcomes from this: a recognition that people-smuggling was a growing international problem, one which preyed upon its victims; and, I might add, trafficking in women and children and sexual exploitation was also a major concern. As a result of this conference, two expert groups have been set up, one chaired by New Zealand and one chaired by Thailand, the first looking at how we can prevent people-smuggling and the causes for trafficking in people and of people-smuggling, and dealing with how we can address those causes and remedy them. The second one in a more practical way is dealing with how we can stop people-smuggling. That relates to criminalisation of people-smuggling and making it an offence in the various jurisdictions in the region and internationally; new extradition and mutual assistance arrangements; improving measures to counter nationality and identity fraud, and detection of it; and strengthening border control systems.

Australia is well on the road to achieving these and is assisting those people in our region who want to develop these systems and increase the capacity to detect people-smugglers. There was a resolution that we should share, more so, intelligence and that we should have increased cooperation between law enforcement agencies. We have had in place for some time now the Australian Federal Police law enforcement cooperative program, which has been working with our neighbours in the region in strengthening relationships with law enforcement and assisting law enforcement in the region in relation to training and intelligence.

This conference demonstrated the resolve of the region to address this problem and it showed that, as a nation, our policies were on track in dealing with this problem. In the course of that conference I signed a memorandum of understanding with Vanuatu in relation to money laundering. It was found that money laundering was a key aspect in fighting people-smuggling. It should be remembered—and I stress again—that money laundering is an intrinsic tool of transnational criminals and people smugglers, and the link between transnational crime and people-smuggling cannot be underestimated. That is why the measures that the Howard government have put in place are right on track in dealing with this, and we have appointed an ambassador to deal with people-smuggling issues, Mr John Buckley. (Time expired)

Economy: Debt Management

Senator CONROY (2.43 p.m.)—My question is to Senator Minchin, the Minister for Finance and Administration. Can the minister confirm that the Department of Finance and Administration is represented on the AOFM advisory board, the board which advises the Treasurer on the AOFM’s management of Commonwealth debt? Has the minister or the department ever received any advice that it was inappropriate to continue...
holding positions in the currency swap market even though the interest rate differential between Australia and the US disappeared in 1997?

Senator MINCHIN—In answer to the first question, yes, the Department of Finance is represented on the advisory board of the AOFM. In relation to the second matter, as Senator Conroy knows, of course, this was a policy initiated by the former Labor government—that you enter into these currency swaps. The point to repeatedly make to this opposition is that they left us with a $96 billion debt that we had to manage. We had to manage that debt to reduce the impact of it upon the Australian people. The policy that Labor left us with—not only the debt they left us with, but the policy they left us with in relation to the management of it—was continued up until the Treasurer abandoned that policy some time in 2001. There was professional advice in relation to this matter, as I think the Treasurer went into in great detail through the course of his very explicit press conference. That advice was to continue with this policy of having currency swaps through 1996, 1997, 1998. It is wrong to say that the National Audit Office recommended abandoning that policy; it did not—it recommended ways in which the management of the policy could be improved. The advice of the ANAO was accepted and adopted by the government in managing the debt portfolio. But, as the Treasurer made perfectly clear in his press conference, a decision was made to abandon a policy that the Labor Party left us with.

I suppose the most important point that should be made is that we have not incurred any net debt in our years in government. What we have done is reduce this debt by some $57 billion, the net effect of which is that the cost to Australian taxpayers of managing the debt left to us is a reduction of some $3.8 billion a year in the amount of public debt interest we have to pay on the debt Labor left us. We were paying something like $7.8 billion a year in interest on the debt that Labor left us when we came into office—$7.8 billion just in interest on their debt. We now pay some $4 billion per annum in interest on the debt that we have reduced so successfully as a result of our policies. So we are saving the Australian taxpayers $3.8 billion a year in interest payments. As I have said before, we have ended this policy of currency swaps, and there has not been one entered into for three years—the last one was February 1999.

Senator CONROY—Madam President, I ask a supplementary question. Can the minister explain why the Commonwealth’s debt management strategy is in contrast to the practices of other sovereign debt managers, state treasury corporations and most private sector practice, as found by the Auditor-General in his report in October 1999?

Senator MINCHIN—The advice to me is that a number of other countries do maintain foreign currency exposures in their debt portfolios. The Canadian government borrows in foreign currencies to raise foreign exchange reserves, the Italian government has foreign currency debt as a result of its debt management funding activities and the Danish government has foreign currency debt in its debt portfolio, so it is not correct to say that this is a unique practice. It is one that we have ended, but there are other examples of countries that continue to manage their debt in the way in which we managed it up until the Treasurer ended it.

Environment: Great Barrier Reef Marine Park

Senator BARTLETT (2.48 p.m.)—My question is to the minister representing the environment minister. I refer to the systematic history of exploration for oil inside the Great Barrier Reef Marine Park, including work done by government agencies such as CSIRO and AGSO and the federally funded Ocean Drilling Project. I also refer to comments made by Minister David Kemp, reported yesterday in Brisbane’s Sunday Mail, that ‘there will be no drilling in the World Heritage area that surrounds the reef’. Minister, is it not the case that, as recently as last year, the Ocean Drilling Project drilled for core samples at four different sites inside the Great Barrier Reef World Heritage Area? Will the government now take steps to ensure that there is no further exploration within the Great Barrier Reef, including drilling and seismic testing?
Senator HILL—The reports I noted at the weekend on this particular issue were, I think, particularly misleading. The core sampling that the honourable senator is referring to, as I recall it, was scientific work done to help conserve the reef, not core sampling for any purpose related to oil exploration. And yet the reports that were published at the weekend were suggesting that it was all one and the same thing. In relation to the application for exploration in the Townsville Trough that was, as I recall it, some 50 kilometres away from the outside boundary of the Great Barrier Reef. Certainly the seismic testing could not in any way harm the reef and, even if one day in the future there was a drilling program, it should not either. But what this government said is that the issue, even so far away from the reef, should not be considered without a full strategic assessment of any environmental consequences, in order that the public can be well informed. The record of this government, as confirmed by Dr Kemp at the weekend, is one to conserve the reef. We would not accept any drilling program that could in any way harm the reef. We are the ones that have legislated to that effect. We are the ones that have extended the protection to that effect. That policy was true in the past, it remains true and it was reconfirmed by Dr Kemp at the weekend. One thing I can assure the Australian people of is that while the Howard government remains in office there will be no drilling on the reef, and there will be no activity relating to seismic work that will have any detrimental effect upon the reef whatsoever.

Senator HILL—There is already a buffer, because the boundary of the national park is well beyond the reef itself, and that is to protect the reef. But beyond that, of course, we have all the safeguards of the existing requirements which are being demonstrated through this government’s commitment to have full environmental assessments taken of anything which could even in the wildest imagination have any detrimental effect upon the reef. As I said, and I will repeat, we are committed to that asset. It is a natural asset of global importance. It is something that is our responsibility to conserve, and this government will make every effort to ensure that that does in fact occur.

Health: Program Funding

Senator FAULKNER (2.52 p.m.)—My question is directed to Senator Patterson, the Minister for Health and Ageing. Minister, on what basis did you claim, as reported by AAP today, that the $5 million grant to RCGP was ‘funded from unspent budgets within her department’ and that it would have gone back to general revenue if it had not been spent? Did the minister receive any advice to this effect from her department? Was it in fact the case that these funds would have returned to general revenue, and if not when does she propose to correct the record about these misleading statements?

Senator PATTERSON—I have indicated that the Prime Minister has asked for information and a full report from the relevant departments. I said this at the beginning of question time in order to establish the facts. I was advised on a Sunday, when it is not easy to get all the information, that it was from underspends, but the Prime Minister wants to have all the facts before him and me and has asked for a full report on this from the relevant departments. As I said, the main issue for the people of Australia is that the $5 million grant to RCGP was ‘funded from unspent budgets within her department’ and that it would have gone back to general revenue if it had not been spent? Did the minister receive any advice to this effect from her department? Was it in fact the case that these funds would have returned to general revenue, and if not when does she propose to correct the record about these misleading statements?

Senator BARTLETT—Madam President, I ask a supplementary question. Minister, if the exploratory drilling conducted last year inside the marine park was conducted solely, as you said, to conserve the reef, why was the vessel that was conducting the drilling carrying representatives from the oil industry and drilling industry? Similarly, while it is the case that the current application that the minister was referring to, the seismic testing just outside the marine park, does require assessment under the EPBC Act, will the government now take steps to create a buffer area for the marine park by providing legislative protection for areas outside the marine park from exploration and exploitation?
the Auditor-General is involved in this inquiry, why doesn’t he inquire into the rent he is paying in Centenary House?

Senator FAULKNER—Madam Acting President, I ask a supplementary question. Given, Minister, that you said that you were advised that the grant was funded from an underspend, can you indicate whether you were advised that these funds would have gone back to general revenue if they had not been spent, and if so who so advised? Given that both you and the Prime Minister have now said the $5 million will be put back into the two programs from which it was taken, where will the $5 million come from? From which programs will this $5 million be taken?

Senator PATTERSON—The issue that the people of Australia are concerned about is that the $5 million will be spent on those programs. Senator Faulkner can fish around all he likes for who gave me advice on what. The Prime Minister has asked for a full report to ensure that he and I are fully informed about the issue, but the $5 million will be spent on the programs. The issue that the Labor Party can come to is this: they can today sit down and ask that the rents at Centenary House go back to reasonable rental rates and that money would be available for us to spend on other programs.

Women: Government Policies

Senator FERRIS (2.56 p.m.)—My question is to Senator Vanstone, the Minister for Family and Community Services and the Minister Assisting the Prime Minister for the Status of Women. Can the minister inform the Senate how the Howard government’s commitment to a strong economy has benefited Australian women? What other policies has the Howard government championed that have benefited women in Australia?

Senator V ANSTONE—I thank you for your support, Madam Acting President. I nonetheless reject your suggestion to swing an arm to my left and cause grievous bodily harm to my much admired colleague, Senator Minchin. Employment grew by 1.1 per cent—about 101,000 new jobs up to January 2002. In fact, since March 1996, total employment increased by about 948,700 persons, or about 11.4 per cent. With the economy going forward and continuing to go forward, there is a prediction that the economy will grow by 3.2 per cent. Compared with, for example, 1.6 in the United States, 0.7 in Germany and negative 1.1 in Japan, Australia is doing very well.

Since March 1996 there has been an 8.4 per cent increase in women in full-time paid employment. Given that not all women’s circumstances mean that they seek or that not all women desire full-time employment, it is important to note that the number of women in part-time employment increased by 22.1 per cent at the same time. The labour force participation rate has improved: 56.1 per cent for all women 15 years and over in January 2002 compared with 53.7 per cent in March 1996. So the delivery of a stronger economy has allowed those women choosing to enter paid employment to do so. Increased rates of work force participation mean that many women will have better retirement incomes in the future, even if the experience is for broken work periods.

Superannuation coverage of female employees has increased significantly, from
79.5 per cent in 1995 to 89.5 per cent in 2000—a very significant increase. The Family Law Legislation Amendment (Superannuation) Act 2001 will allow divorcing couples for the first time to split their superannuation in the same way as other partner assets.

The government of course recognises the benefit to working mothers of paid maternity leave arrangements that are agreed between employers and employees. It is only one of a range of measures that benefit women in work. Incidentally, over 30 per cent of women are covered by current federal certified agreements that have access to paid maternity leave entitlements. Regular part-time work is widely recognised as an increasingly popular way of combining caring and work responsibilities. Importantly, we look at assisting parents throughout a child’s life, not only at birth. The government has actively encouraged the spread of regular part-time work in industrial awards through legislative changes and we have removed unnecessary and restrictive conditions—that is, limits on part-time employees’ weekly hours.

We have done an enormous amount in child care. It is a very significant amount: we have spent more than a third more in fact in our last four years than Labor spent in their last four years, significantly assisting women in the work force. (Time expired)

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

**QUESTIONS WITHOUT NOTICE:** **TAKE NOTE OF ANSWERS**

**Health: Program Funding**

**Senator FAULKNER** (New South Wales—Leader of the Opposition in the Senate) (3.01 p.m.)—I move:

That the Senate take note of the answers given by the Minister for Health and Ageing (Senator Patterson) to questions without notice asked today relating to a grant to the Royal Australian College of General Practitioners.

We know from answers given by the Prime Minister in the House of Representatives today and by the Minister for Health and Ageing in the Senate that all of the $5 million grant to the Royal Australian College of General Practitioners will now go to the original programs and we know that the Prime Minister has foreshadowed withdrawing the grant to the College of General Practitioners.

The situation is this: the government clearly realises that this particular grant is a rort. But today, in the Senate, Minister Patterson has indicated that she really has very little knowledge of what is happening in her own portfolio. As recently as this morning Senator Patterson was justifying this grant to the College of General Practitioners on the basis that those grant moneys would have gone back to consolidated revenue if they had not gone in the form of a grant to the college. She also justified the grant on the basis that contracts were signed with the college—in other words, the government had contractual obligations that it could not break. What an inauspicious start for this minister to have to come into the Senate chamber in question time today and say that that advice that she was giving the Australian public was wrong and that the government now, recognising the difficulty of this situation, is going to take a different course of action. And so the government should, because the record is clear. On 27 September last year, Dr Wooldridge signed off a Commonwealth grant giving a lobbyist organisation, the Royal Australian College of General Practitioners, $5 million to construct a headquarters in the parliamentary triangle. One million dollars was directly siphoned away from asthma sufferers. Four million dollars was filched from the $14.5 million medical specialist outreach program for rural health.

When it came to other health programs in the 2001 financial year, such as suicide prevention, funds were simply carried over to this financial year—they were rolled over, as you would expect. But Dr Wooldridge, in the cavalier way that became his hallmark as a minister, with the disregard for proper process that he became famous for, skimmed money off in a most insidious way to pay for his preferred lobbyist organisation. The grant was approved on 27 September 2001. The contract was signed just a day later. The election, of course, was called exactly a
week later, on 5 October; the writs were issued on 8 October. The situation is this: Dr Wooldridge was contracted to work as a consultant with the College of General Practitioners in January this year, and the president of the college said that Dr Wooldridge would be providing advice on public health strategies. Perhaps he had already been providing advice on public relations strategies—in other words, ‘You need a building in the parliamentary triangle to look like a player.’ But so much for public health, with useful programs being cut back to facilitate this strategy.

It is a public relations disaster for the college and yet another Dr Wooldridge shonk. Does anyone know of any other example of a lobbyist receiving government money to build a brand spanking new building? Of course not. At the very least, there is a perception that Dr Wooldridge has cut corners to help his future employer. I would go further and say this is one of the worst examples of a rort we have seen in the six years of the life of the Howard government. (Time expired)

Senator KNOWLES (Western Australia) (3.06 p.m.)—I find this probably one of the most hypocritical accusations this Labor Party can ever make against anybody, whether it be an individual or a government. But, then again, we should be used to that type of behaviour from the Labor Party. I want to talk about a real rort—not a rort where they accuse there might be something odd but one where the money is going directly to the Labor Party.

In 1993 the Labor government arranged for the lease of a Canberra property that they called Centenary House and they leased it to the Australian National Audit Office—a la the taxpayer. The lease was for 15 years; the normal Commonwealth lease is for around five years. To make matters worse, the Labor Party demanded a rental increase of nine per cent per year or the increase in market rents, whichever was the greater. Since that time, Canberra leases have risen at the rate of only two to three per cent per year. The Labor Party set their increases to the Australian taxpayer at nine per cent. The annual rent rise was just an obscene figure. Isn’t it funny that we are talking about $5 million of money that has not even yet gone to GP House or anything else—it has not even been spent—but the taxpayer gives $5 million every year to the Australian Labor Party.

The Australian taxpayer really deserves an answer from the Labor Party. Over the period of this lease the Labor Party have ripped out $36 million over and above market rents, and they think that is reasonable. But isn’t it ironic: that means that every election they get around $7 million for spending on election campaigns and they somehow think that that is okay. On top of public funding, they rip off the ANAO and the Australian taxpayers by $7 million every election period. The Labor Party could take quite a responsible line on this. They could actually say, ‘We are going to stop that rort and that rip-off of the Australian taxpayers immediately.’ In fact, Senator Abetz, Senator Kemp and Senator Ian Campbell have all asked the Labor Party to just make that one phone call to say, ‘It finishes as of today.’ None of the Labor Party members has done that. On the issue that the Labor Party are now dredging up—which is far, far less critical than their rip-off of $36 million over market rents—the fact of the matter is that no asthma money and no outreach programs will be cut back.

A further example of hypocrisy is that for 13 years when the Labor Party were in government they did not even have asthma as a national health priority. It took this government coming into office and the former Minister for Health and Aged Care, Dr Wooldridge, to make asthma a national health priority. Up until then the Labor Party had not even heard about asthma. There is not one single, solitary thing that has gone from the asthma program. It is the same with the specialist outreach programs. Did the Labor Party over the period of their 13 years in government put specialists into the bush? No, they did not; it took this government to do that. I reiterate that not one cent is going from those programs. The Labor Party know it. Why do they not answer the more critical question as to why they are continuing to rip off $36 million into Labor Party coffers? We are talking about a facility that will provide good medical services for this country, yet they are taking $36 million for their election
campaigns from the taxpayers’ pocket. So I think the Labor Party have a lot to answer for on this issue. They cannot have it both ways. This is not a reduction in spending on asthma or the outreach program; they are both to be maintained fully. The Labor Party know that, but they choose to ignore it.

Senator CHRIS EVANS (Western Australia) (3.11 p.m.)—I think it would be useful for listeners to note that there has been no attempt by the government to defend this outrageous rort perpetrated by the former Minister for Health and Aged Care. We know that today, following the publicity on the weekend, the Prime Minister is backing away, and so he should; but I want to make it clear that the present Minister for Health and Ageing was being very disingenuous today when she tried to pretend that she had no knowledge of these matters. These matters were canvassed extensively at the Senate estimates process some three weeks ago. At that stage the minister was defending the process and she and the public servants provided explanations and a defence for Dr Wooldridge’s decision. As I say, the current minister was defending this announcement.

Following the publicity on the weekend, it seems that they have had a rethink and now the money is going back into medical services such as asthma from which it had been taken. That is a policy reversal, which we are pleased to see, but the money should never have been taken out in the first place. What we have to concentrate on is how a minister was allowed to rort the system so badly and so outrageously under John Howard’s leadership, how that rorting received Department of Finance and Administration approval and how the then Minister for Finance and Administration, Mr Fahey, approved that rorting. So it was something that the whole government was involved in perpetrating in an attempt to curry favour with the Royal Australian College of General Practitioners.

I want to concentrate on some of the facts of this case. We know that $5 million was promised by the Commonwealth for a $10 million building. We were going to pay half the costs of this building. It was approved by the minister for finance and the only obligation on the Royal Australian College of General Practitioners was a requirement to get a couple of other GP organisations to move in with them. That was the only requirement. The government said, ‘Here is $5 million, please get somebody to live with you. We do not care what you do with the rest of the building. The title is in your name. You will have complete ownership. You have the right to rent out the rest of the space. All we insist on is that you get some other GPs to move in.’

Do you know how much space they were required to take themselves in this building? It was 200 square metres. For the $5 million, they were going to occupy 200 square metres. I asked at Senate estimates, ‘How big is the building?’ They answered, ‘There are four storeys and we are insisting that they take the top floor.’ The contract required that they were on the top floor, with the views—and with a lift, I assume. So they are taking 200 square metres of a 1,000 square metre floor and there are four floors. So we are paying $5 million so that they can occupy 200 square metre of a 4,000 square metre building. We are going to pay $5 million for the privilege of having them in there, and they have to find some other people who might have to take up another 100 square metres or so. But the rest, the other 3,700 square metres, they can rent out at commercial rates in the centre of Canberra for their own gain. This is the sort of deal that we are into.

More than that, former Minister Wooldridge did take a personal interest in the matter. In addition to putting $5 million into his new employer’s building, he insisted that it be fitted out to his taste. So we are paying $1.9 million so that the top floor—where, no doubt, former Minister Wooldridge will occupy an office—is fitted out in the manner to which he has become accustomed.

Senator Robert Ray—There will probably be a restaurant up there!

Senator CHRIS EVANS—There might be a restaurant, judging from the wine and food bills the former minister used to run up at taxpayers’ expense. This contract not only provides $5 million for nothing—$5 million of Commonwealth money rorted to this organisation—but also is quite particular in
ensuring the fitout is of a proper standard so that the new employees, like the former minister, will be able to live in a manner to which they have been accustomed. They are taking 200 square metres out of 4,000, but they are insisting on top-quality furnishings on the top floor so that they will be able to live in comfort. This is the sort of detail that has gone into this rort. This is the minister organising his new office accommodation in Canberra, with his new employer, and asking the taxpayer of Australia to put $5 million into it. It is a rort.

I do not know what they are going to do with the spare space, because no-one else wants to be in it. My colleague Senator Forshaw thought they might want to put the spare MRI machines in some of the spare space. I think that we ought to call it Wooldridge House, rather than GP House, because it is very much about former Minister Wooldridge’s personal interests. It is a rort he perpetrated, and to call it GP House would be a slur on the GPs of Australia. We ought to call it Wooldridge House.

To criticise and say that it is a rort because a contract was entered into with the Royal Australian College of General Practitioners and to infer that the former minister was guaranteed employment through this is a lie. It just is not a fact. Certain agreements have to be reached before that money is put forward towards the establishment of that building. A full public report has been requested by the Prime Minister and the minister so that we can discuss this, but it is still in the formative stages.

The former Labor government were the first government to initiate massive amounts of money going to the Royal Australian College of General Practitioners for its training programs, and part of that agreement is that other general practitioner organisations take space within the building so that a demonstrable area will be occupied by other general practitioner organisations, such as the Australian Divisions of General Practice. This will be to the betterment of the training and the promotion of the specialty of general practice within this country, which will lead to better service. I know the Labor Party specialise in dipping into possible areas of rorting and so on, because they are experts in that field. You have only to see what happened with Centenary House. That will never be lived down by the Labor Party, because it was the greatest rort of all time. I do not
think anybody has disagreed with the contract that was entered into there.

A lot of money has gone into targeting the Medical Specialist Outreach Assistance Program. A key element of that is recommendations from the state based advisory committees on the services most needed in particular regions and how they can best be provided. That is an important process and it will inevitably take time. The fact that the money has not yet been expended is due to the process that is being gone through so that the best outcome can be achieved. The money has been allocated. Some $1,800 million has been spent on targeted rural programs, and this is but part of the rural health program. We are not stepping away from the importance of that program. There is a commitment to rural health, and in the current financial year there is approximately $580 million being spent on targeted rural health programs. (Time expired)

Senator ROBERT RAY (Victoria) (3.21 p.m.)—We have heard some pretty feeble excuses proffered this afternoon. The first one, which we heard over the weekend, is that if this money had not been spent for the purpose to which Dr Wooldridge eventually directed it, it would have been returned to consolidated revenue. That seems to have evaporated as an excuse today, but the fact is that there is nothing, in principle, wrong with the department returning money to consolidated revenue. It is not a carte blanche to go and spend it any way you might like. We now know that the Department of Health and Ageing has rollover provisions and that any underspend in the asthma area or in the rural area could have been rolled over to another financial year. So those pathetic bleatings put out yesterday by the current and past ministers can be dismissed. After all, we are talking about September—only three months into the financial year! You are not even getting ready to know where you are going to underspend and how you are going to reallocate it—and do not tell me that there are not other priorities in the Department of Health and Ageing that you cannot move $5 million into, other than your own favourite trade union.

The second feeble excuse used is: ‘The department was consulted about this.’ If the department was consulted about it, why not go through the normal cabinet process? Normally, what would be required is a submission to cabinet and approval by cabinet, but this rotten, stinking fish never went anywhere near cabinet. This was decided just a week before an election was called, and the minister knew the timetable for the election. I want to know whether the Prime Minister himself signed off on this. We have had mixed messages regarding this; let us at least get that fact down. It is alleged that Minister Fahey—another outgoing minister—signed off on this. I want to know whether it went to the Prime Minister for his approval outside the normal cabinet process.

The third feeble excuse is that, at the point at which the $5 million was allocated, there was no discussion between Minister Wooldridge and the organisation about his future employment. I think I am entitled to doubt Minister Wooldridge’s word on this but, in any event, it makes absolutely no difference—it is absolutely irrelevant. When Minister Wooldridge is coming up for a discussion with this particular college about his employment, are they supposed to put his largesse aside—the $5 million that he has tipped into the can? Can they actually build a Chinese Wall into this so that it does not enter their thinking that this person has just given them $5 million, and maybe they should employ him? But the real responsibility here was on Minister Wooldridge—then citizen Wooldridge. He should never, ever have accepted a job from an organisation that he had just tipped $5 million into without cabinet approval and maybe—yet to be established—without prime ministerial approval. It was up to him and his own ethical background as to whether he accepted an offer from them, given the dubious circumstances of this grant. But he did not hesitate to take a job with them.

Dr Wooldridge yesterday claimed he had not as yet made a single approach to former colleagues, ministerial staff or public servants on the RACGP’s behalf since leaving parliament. Why would that shock me? Why should he have? He was being paid off for
services already rendered. Why should he do any work for them? Why should he represent them anywhere? He might as well just go along and pick up the pay packet, because he has already delivered to this particular organisation.

There is no question in my mind that parliamentarians and former ministers, when they leave this place, need to pursue post-parliamentary careers—especially as people leave this place a lot younger than they once did. But, in the case of Dr Wooldridge and that master of mendacity Mr Reith, their post-parliamentary careers are too closely linked to their previous portfolios in too short a period of time. It is not impossible for Mr Reith in a couple of years time to work in the defence area—but to walk straight out of the ministry with all of that knowledge as to where the ministry’s industry policy is and go and work for a lobbyist, or for Dr Wooldridge to do so, is really beyond the pale.

Imagine the outrage if a Labor minister forked out $5 million to his own trade union, which was in the process of fighting an equivalent trade union in that area, and then took a job with that union, having left here! Can’t you imagine the outrage that the great union bashers, Alston and Abbott, would have gone on with in these two chambers, whilst they now just look on this and on their colleagues with embarrassed silence. Centenary House has been mentioned. They are saying that this is equivalent. There is one difference: with Centenary House, there was a full judicial inquiry run by Justice Morling. I challenge the government to do the same in this regard. (Time expired)

Question agreed to.

Environment: Great Barrier Reef Marine Park

Senator CHERRY (Queensland) (3.27 p.m.)—I move:

That the Senate take note of the answer given by the Minister for Defence (Senator Hill) to a question without notice asked by Senator Bartlett today relating to oil exploration in the Great Barrier Reef.

The Democrats were very pleased to see over the weekend that Senator Kemp had made it clear and had committed himself to the fact that there will be no oil drilling in the Great Barrier Reef.

Senator Robert Ray—Not Senator Kemp; he got demoted. It is Dr Kemp.

Senator CHERRY—Dr Kemp; thank you. I was pleased that Senator Hill reiterated that commitment during his answer today. But what we are mystified about is exactly what the drilling that occurred last year on the Great Barrier Reef was—the 16 holes that were dug within the Great Barrier Reef Marine Park by the JOIDES’ Resolution. We are told that this particular drilling expedition was for the purposes of climate change—yet it was done without any public input and without an impact assessment. We know for a fact that at least half-a-dozen employees of oil drilling companies and petroleum industry representatives were on board the vessel. Why were those people on board the vessel if it was purely for scientific research? Our concern is that the whole notion of scientific research in terms of drilling expeditions on the Great Barrier Reef is taking on the same character as scientific research by the Japanese government in respect of whaling—that is, scientific research is becoming a catch-all that allows expeditions for drilling for potential oil reserves, despite the 1999 regulations prohibiting research for mining operations within the confines of the Great Barrier Reef Marine Park.

We are deeply concerned about the reports that there has been, over the last 30 years, significant exploration by industry and Australian government departments within the boundaries of the Great Barrier Reef Marine Park and its adjacent areas. Over the coming months, there will be a significant test for the government of their commitment to ensuring that there will be no oil drilling in the Great Barrier Reef Marine Park or in its adjacent areas when they deal with the EIA from TGS NOPEC for permission to conduct seismic tests near the Lihou and Marion Reefs, which are about 50 kilometres outside the Great Barrier Reef region. They have admitted that that particular application follows a commercial petroleum interest, and it follows previous seismic surveys of the area. We will be watching with great interest what Dr Kemp does with that particular EIA when
it is delivered, and that will be an important test of the commitment of this government to ensuring that the Great Barrier Reef and its adjacent reefs are protected from oil mining.

We are deeply concerned about, and have followed very closely for some time, the failure of the Great Barrier Reef Marine Park Authority to ensure that its obligations to protect the marine park from oil drilling and mining have been fully followed through. This is particularly the case with the evidence that is now emerging about the 2001 exploration and also the 1999 exploration by a CSIRO vessel. We are still awaiting more information on that particular matter. We want to see from the government not just a commitment in words that the Great Barrier Reef Marine Park and adjacent reefs will be protected from drilling but also an actual commitment that will be followed through in actions. These actions include ensuring that vessels carrying oil industry representatives are not allowed into the park to do exploration; ensuring that adjacent reefs are fully, adequately and properly protected; and ensuring that the Australian people can be assured that the processes of the authority and the processes under the EPBC are fully transparent and scientifically conducted. This will ensure that the precautionary principle comes into full play and the Great Barrier Reef is kept free from oil drilling, exploration and mining well into the future.

Question agreed to, honourable senators standing in their places.

Cash, Mr Earl Douglas

The ACTING DEPUTY PRESIDENT (Senator Bartlett) (3.33 p.m.)—It is with deep regret that I inform the Senate of the death, on 15 February 2002, of Earl Douglas Cash, a former member of the House of Representatives for the division of Stirling, Western Australia, from 1958 to 1961.

PETITIONS

The Clerk—Petitions have been lodged for presentation as follows:

Welfare Reform

To the Honourable President and Members of the Senate in the Parliament assembled:
The Petition of the undersigned shows that Australians support a simple and fair welfare system that protects people from poverty and assists them to participate in society.

Your Petitioners ask that the Senate support reform of the welfare system which will:

- encourage participation in employment, education, training and community activities on a voluntary basis and without the threat of harsh financial penalties;
- remove barriers to participation through the provision of accessible, quality housing, childcare and transport;
- replace work for the dole programs with accredited training programs and effective employment subsidies;
- increase unemployment payments to equal the age pension; and
- simplify the social security system.

We call on the Senate to guarantee that there will not be any reduction in pension or allowance rates of assistance.

by Senator Bartlett (from eight citizens)

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 Bourne (from 18 citizens)

Historical and Environmental Assets
To the honourable the President and members of the Senate in Parliament assembled:
The petition of the undersigned respectfully showeth: but for a High Court decision narrowly favouring the Federal Government, 20,000 years old archaeological cave sites near the Franklin River, Tasmania, would have been destroyed, like a United Kingdom Government unable to stop a Wiltshire authority from clearing Stonehenge for a freeway. Constitutional protection for historical and environmental assets is needed.

Your petitioners therefore most humbly pray that the Senate in Parliament assembled should request the Government to hold a referendum to amend the Constitution so that:

• The Federal Government has the bounden constitutional duty, which any citizen may legally require it to perform and a right superior to state and local governments, to set above the commercial advantage of one generation, protect and restore all we hold in trust for the future

• Including relics, sites, features, areas, wildlife, buildings or things of Aboriginal and other historical, cultural, architectural, scientific, aesthetic, ecological or environmental importance; and

• To care for the maintenance of the balance of nature, manage land, marine and atmospheric use so as to avoid their degradation and act nationally and internationally in any matter seen as related to these; including

• To prevent military and commercial use or uranium and derivatives, beach and related mining; to preserve Heritage areas, The Great Barrier Reef region at least as originally defined in the 1975 Act and extended into Torres Strait and other coral reefs.

Your petitioners, as in duty bound, will ever pray.

by Senator Bourne (from 14 citizens)

Refugees: Mandatory Detention
To the Honourable the President and Members of the Senate in the Parliament assembled:
We the undersigned citizens of Australia draw to the attention of the Senate the dismay we feel at the Federal Government’s mandatory detention for months or years of boatpeople seeking asylum in Australia who arrive without proper identifying papers.

We are especially dismayed and alarmed that children are detained in this way and believe long-term detention is a form of child abuse.

Your petitioners therefore request that the Senate require the Federal Government to reconsider their policy on mandatory detention.

by Senator Bourne (from 14 citizens)

Refugees: Mandatory Detention
Respect for human rights, justice and compassion
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:


2. Accord asylum seekers immediate access to legal advice on arrival in Australia.

3. Stop using language which encourages fear and hatred.

4. Stop the arbitrary and prolonged detention of asylum seekers. Detention should last no longer than is required for checks on people’s health and identity.

5. Provide detention centres with adequate ventilation, plumbing and sanitation, and for the detainees to be treated humanely and not as criminals. e.g. night time bed checks to be stopped.

6. Abolish the Temporary Protection Visa which denies access to English lessons and work and housing assistance, and prohibits permanent residency and uniting with immediate family members.
7. Issue a new category of visa (a bridging visa) with full allowances for those assessed as posing no danger to the community.
8. To cease dumping refugees and asylum seekers in the Pacific Islands.
9. Demonstrate its international responsibility toward the protection of vulnerable people through realistic and more generous intake numbers.

by Senator Bourne (from 99 citizens)

Judiciary: Neutrality of the Courts

To the Honourable the President and Members of the Senate in Parliament assembled:
We the undersigned citizens of Australia respectfully submit that:
• Australia’s Westminster system of government relies on the “separation of powers”. Part of that separation is the convention that judges do not become involved in political issues of the day, in order to preserve the impartiality of the courts. Under this convention, judges seeking a political voice would resign their commission and stand for parliament
• Several Australian judges have broken this important convention in recent times. In one case there was a public perception that the judge was campaigning for change in legislation where he would personally benefit from such a change. Such conduct warrants severe censure.

Your petitioners therefore pray that the Senate will:
• censure those judges who, by their public involvement in political issues, compromise the neutrality of the courts.

And your petitioners, as in duty bound, will ever pray:

by Senator Chapman (from 19 citizens)

Petitions received.

NOTICES
Presentation
Senator Crane to move on the next day of sitting:
That the time for the presentation of the report of the Rural and Regional Affairs and Transport Legislation Committee on the 2001-02 additional estimates be extended to 21 March 2002.

Senator Sandy Macdonald to move on the next day of sitting:
That the time for the presentation of the report of the Foreign Affairs, Defence and Trade Legislation Committee on the 2001-02 additional estimates be extended to 21 March 2002.

Senator Sandy Macdonald to move on the next day of sitting:
That the Foreign Affairs, Defence and Trade Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on 12 March 2002, from 6 pm to 7.30 pm, to take evidence for the committee’s inquiry on the 2001-02 additional estimates for the Department of Veterans’ Affairs.

Senator Conroy to move on the next day of sitting:
That the Senate—
(a) instructs the Economics Legislation Committee to reconvene for the consideration of additional estimates on 13 March 2002, from 9 am until no later than 1 pm, to hear further evidence from the Minister representing the Treasurer and relevant officers concerning the responsibilities of the Australian Office of Financial Management (AOFM);
(b) directs the Minister to ensure that relevant officers, including Mr Michael Allen, Dr Martin Parkinson and officers serving on the Australian Office of Financial Management Advisory Board, appear before the committee at that hearing for that purpose;
(c) directs the Minister to ensure that the relevant officers bring to the hearing and make available to the committee for inspection and use, relevant documentation, including:
(i) copies of all reviews undertaken since 1996 of the management program for the Commonwealth debt portfolio, including but not limited to:
(A) AOFM: Review of Foreign Currency Exposure, 2000-01, as cited in the AOFM Annual Report, 2000-01,
(b) UBS: A Benchmark for the Commonwealth Debt Portfolio, May 1996, as cited on page 48 of Auditor-General’s report no. 14 of 1999-2000,
(c) UBS: Review of the Benchmark, June 1998, as cited on page 50 of Auditor-General’s report no. 14 of 1999-2000,
(d) Department of the Treasury: Review of the Benchmark, December 1996, as cited on page 54 of Auditor-General’s report no. 14 of 1999-2000,
(e) Department of the Treasury: Review of the Benchmark, November 1997, as cited on page 54 of Auditor-General’s report no. 14 of 1999-2000,
(f) Department of the Treasury: Review of the Benchmark, August 1998, as cited on page 54 of Auditor-General’s report no. 14 of 1999-2000,
(g) Bankers Trust, Carmichael Consulting and Cooper’s & Lybrand, Review of the Benchmark, 1997, as cited by the Treasurer in his press conference of 4 March 2002, and
(h) AOFM, Review of the Benchmark, November 1999, as cited in the AOFM submission to the Joint Committee of Public Accounts and Audit ‘Audit Recommendations and Status of Action as at End April 2000’,
(ii) File AOFM2000/00243—Executive: Foreign Exchange Risk Management: Foreign Exchange Exposure Review Taskforce: CEO’s working papers,
(x) File AOFM2001/00124—Admin Unit: AOFM Advisory Board (Part 3),
(x) File AOFM2001/00124—Admin Unit: AOFM Advisory Board (Part 4),
(xi) File AOFM2000/00316—Portfolio Research Unit: Debt Management Strategy: AOFM Liability Management Committee Meeting Papers: from 25 October 2000 meeting,
(xiv) File AOFM2000/00234—Debt Policy Unit: Swaps Policy: Notes Reporting on the Commonwealth of Australia’s Swap Activities during 2000-01,
(xv) File AOFM2001/00015—Portfolio Research Unit: Swaps Policy: Swap Counterparties Utilisation of Market Exposure Limits,
(xvi) File AOFM2001/00017—Portfolio Research Unit: Debt Management Strategy: AOFM Liability Management Committee Meeting Papers: from 10 January 2001 meeting, and
(xvii) File AOFM2001/00152—Portfolio Research Unit: Debt Management Strategy: AOFM Liability Management Committee Meeting Papers: from 2 May 2001 meeting; and
(d) that the time for the presentation of the report of the Economics Legislation Committee on the 2001-02 additional estimates be extended to 19 March 2002.

Senator McGauran to move on the next day of sitting:
That the Senate—
(a) notes that:
(i) it is the 100th anniversary of the execution of Harry ‘Breaker’ Morant and Peter Handcock, killed by firing squad during the Boer War for following the orders, take no prisoners,
(ii) the court case held for Morant and Handcock was a sham, set up by Lord Kitchener, the giver of the orders Morant and Handcock followed,

(iii) the injustice to Breaker and Handcock has plagued Australia’s conscience since their execution on 27 February 1902,

(iv) in 1902 the then Federal Parliamentarian and later first Governor-General of Australia, Isaac Issacs, raised the matter of the execution in Parliament stating that this issue was agitating the minds of the people of this country in an almost unprecedented degree, and questioned the validity of the decision,

(v) the reason we need to go back 100 years to now right this wrong, is because Breaker Morant is one of the fathers of our ANZAC tradition; a friend of Banjo Patterson and an inspiration for much of his poetry and described as a man of great courage who would never betray a mate; and a man of whom many of the young ANZACs in World War I had heard and on whom they modelled themselves, and

(vi) Lord Kitchener was the Commander-in-Chief of the British Military who made the decision to commit troops to Gallipoli and is responsible for that disastrous campaign;

(b) calls on the Government to petition directly the British Government for a review of the case, with the aim to quash the harsh sentence of death for Harry ‘Breaker’ Morant and Peter Handcock; and

(c) take action to include the names of these two Australians on the Roll of Honour at the Australian War Memorial.

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


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

That on Tuesday, 12 March 2002:

(a) the hours of meeting shall be 2 pm to 6.30 pm and 7.30 pm to 11.10 pm;

(b) the routine of business from 7.30 pm to 10.30 pm shall be the consideration of the address-in-reply;

(c) if a division is called for after 7.30 pm, the matter before the Senate shall be adjourned until the next day of sitting at a time fixed by the Senate; and

(d) the question for the adjournment of the Senate shall be proposed at 10.30 pm.

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

That consideration of the Advance to the Finance Minister as a final charge for the year ended 30 June 2001 in committee of the whole be made an order of the day for the day on which legislation committees report on their examination of the Advance.

Senator Bourne to move on the next day of sitting:

(1) That the Senate—

(a) notes:

(i) the statement made on the ‘Agni’ missile launch by the President of the European Community on 29 January 2002,

(ii) the statements made by the Minister for Foreign Affairs (Mr Downer) on 2 January and 25 January 2002, and representations made by the Australian Government to the Indian and Pakistani high commissions,

(iii) the proposal made on 23 January 2002 by President Musharraf for a denuclearised South Asia, and

(iv) that a nuclear exchange in South Asia would be an unimaginable catastrophe, with casualty estimates starting in the millions and upper estimates exceeding 100 million;

(b) calls on:

(i) India and Pakistan not to use either conventional or nuclear force against each other to resolve the problems of Kashmir or cross-border terrorism,

(ii) the Indian and Pakistani governments to take specific measures, including no-first use guarantees and non-deployment, to positively
ensure that nuclear weapons will never be used,
(iii) India and Pakistan to take measures to ensure that conventional conflict does not take place, including moving troops away from forward deployments especially at the line of control,
(iv) the governments of India and Pakistan to restore road, rail and air links, and
(v) India and Pakistan to commence a process of dialogue over Kashmir and the elimination of cross-border terrorism, and the establishment of a lasting and just peace in South Asia; and
(c) urges both nations to consider signing the Comprehensive Test Ban Treaty and to roll back their nuclear weapons programs.

(2) Requests the President of the Senate to transmit this resolution to President Musharraf, Prime Minister Vajpayee, the foreign and defence ministers of India and Pakistan, and their high commissions in Canberra.

(3) Urges the Australian Government to make further representations to the above effect.

Senator Stott Despoja to move on the next day of sitting:
That there be laid on the table, by the Minister for Health and Ageing (Senator Patterson), no later than immediately after motions to take note of answers on Monday, 18 March 2002, the following documents:
(a) the post-September 11 security review of the nuclear reactor at Lucas Heights carried out by the Australian Nuclear Science and Technology Organisation; including the original analysis, and review documents from the Australian Safeguards and Non-Proliferation Office, and the Australian Radiation Protection and Nuclear Safety Office;
(b) all documents relating to the modelling and analysis of a deliberate large aircraft crash into the nuclear reactor at Lucas Heights;
(c) all documents relating to the claim made by John Loy at Senate estimates hearings on 20 February 2002, that should the reactor at Lucas Heights be breached, the ‘doses to any individual would be relatively small’ and that ‘the total collective radiation dose that is figured in that would be comparable to, but a little in excess of, the collective dose that was in the reference accident in the siting licence assessment for the Lucas Heights site, but not dramatically so’, including any documentation modelling this claim;
(d) any documents relating to the financial capacity and viability of INVAP since 1 January 2002;
(e) all documents relating to the selection of INVAP through the tender process; and
(f) all documents relating to guarantees made by the Argentinian Government in relation to INVAP’s tender and subsequent contract to construct the Lucas Heights reactor.

Senator Stott Despoja and Senator Murray to move on 13 March 2002:
That the following bill be introduced: A Bill for an Act to regulate certain post-retirement employment of Ministers of State, and for related purposes. Ministers of State (Post-Retirement Employment Restrictions) Bill 2002.

Senator Payne to move on the next day of sitting:
That the time for the presentation of the report of the Legal and Constitutional Legislation Committee on the 2001-02 additional estimates be extended to 21 March 2002.

Senator Payne to move on the next day of sitting:
That the Legal and Constitutional Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on 12 March 2002, from 7 pm, to take evidence for the committee’s inquiry on the 2001-02 additional estimates.

Senator Allison to move on the next day of sitting:
That the Senate—
(a) notes that:
(i) the press coverage for the Australian Grand Prix in Melbourne on 28 February to 3 March 2002 again provided tobacco companies with unparalleled advertising opportunities, and
(ii) this will be the seventh year that the race has made an operating loss, and
again Victoria taxpayers will underwrite the event;
(b) urges the Federal Government to ban incidental advertising of tobacco products outside the confines of the Grand Prix; and
(c) urges the Victorian Government to:
   (i) investigate alternative venues for the Grand Prix,
   (ii) make public the contract signed with the Grand Prix Corporation, and
   (iii) reveal the extent to which it subsidised the race.

Senator Hill to move on the next day of sitting:
That the Senate—
(a) records its deep regret at the death, on 17 February 2002, of Sergeant Andrew Russell during active service in Afghanistan;
(b) notes with appreciation the efforts of all Australian military personnel engaged in the war against terrorism;
(c) recognises the major risks our defence forces are prepared to take to reduce the risk to Australians and our friends of harm through terrorist attacks; and
(d) extends it sincere condolences to the wife and family of the late Sergeant Andrew Russell.

Senator Brown to move on the next day of sitting:
That the Senate—
(a) notes that the Ministerial Code in the United Kingdom includes a system which deals with acceptance of appointments for ministers after leaving office; and
(b) calls on the Government to:
   (i) implement an advisory committee on business appointments, from which a minister would be required to seek advice before accepting business appointments within 5 years from the date from which he or she ceased to be a minister, and
   (ii) ban any minister from taking an appointment that is directly related to his or her portfolio for 5 years from the date of resignation.

Postponement
Items of business were postponed as follows:

   Business of the Senate notice of motion no. 1 standing in the name of Senator Bartlett for today, relating to the reference of matters to the Legal and Constitutional References Committee, postponed till 19 March 2002.
   General business notice of motion no. 1 standing in the name of the Leader of the Australian Democrats (Senator Stott Despoja) for today, relating to a request to the Inspector-General of Intelligence and Security to investigate certain actions in relation to the MV *Tampa*, postponed till 13 March 2002.
   General business notice of motion no. 4 standing in the name of Senator Bourne for today, relating to the Dalai Lama, postponed till 12 March 2002.
   General business notice of motion no. 18 standing in the name of Senator Bourne for today, relating to the introduction of the Australian Broadcasting Corporation Amendment Bill 2002, postponed till 15 May 2002.
   General business notice of motion no. 2 standing in the name of Senator Allison for today, relating to the establishment of a select committee on superannuation, postponed till 12 March 2002.
   General business notice of motion no. 10 standing in the name of Senator Murphy for today, relating to the establishment of a select committee on forestry and plantation matters, postponed till 19 March 2002.

   LEAVE OF ABSENCE

Senator Calvert (Tasmania) (3.35 p.m.)—by leave—I move:
That leave of absence be granted to Senator Chapman for the period 11 to 21 March 2002, to Senator Ferguson for the period 11 to 14 March 2002, and to Senator Ferris for the period 14 to 21 March 2002 on account of absence due to parliamentary business overseas.
Question agreed to.

   EDUCATION: TEACHERS

Senator Allison (Victoria) (3.36 p.m.)—I move:
That the Senate—
(a) notes that:
(i) Victorian school principals are struggling to fill teaching vacancies for the 2002 school year,

(ii) Victoria has a shortage of mathematics, science, information technology, languages other than English, accounting and woodwork teachers, and

(iii) schools in regional areas and country towns experience the greatest difficulty filling teacher vacancies; and

(b) urges the Government to do more to increase the number of available teachers by improving conditions and incentives for teachers, particularly in rural areas, and by increasing university places and funding for teacher education.

Question agreed to.

TEMPORARY CHAIRMEN OF COMMITTEES

The ACTING DEPUTY PRESIDENT (Senator Bartlett)—Pursuant to standing order 12, I lay on the table a warrant nominating Senator Lightfoot as a Temporary Chairman of Committees when the Deputy President and Chairman of Committees is absent.

COMMITTEES

Reports: Government Responses

The ACTING DEPUTY PRESIDENT (Senator Bartlett)—I table the following document received on 15 February 2002:

President's report to the Senate on government responses outstanding to parliamentary committee reports as at 14 February 2002.

BUDGET

Consideration by Legislation Committees

Additional Information

The ACTING DEPUTY PRESIDENT (Senator Bartlett)—I table the following documents received on 15 February 2002:

Environment, Communications, Information Technology and the Arts Legislation Committee—Additional information received by the committee (Estimates 2001-02—vols 1-4).

COMMITTEES

Scrutiny of Bills Committee

Report

The ACTING DEPUTY PRESIDENT (Senator Bartlett)—I table the following report and document received on 21 February 2002:


Senator CALVERT (Tasmania) (3.37 p.m.)—I move:

That the report of the Senate Standing Committee for the Scrutiny of Bills be printed.

Question agreed to.

DOCUMENTS

Tabling

The ACTING DEPUTY PRESIDENT (Senator Bartlett)—I table the following documents received since the last sitting of the Senate:

Gene Technology Regulator—Quarterly report for the period 1 July to 30 September 2001. [Received 18 February 2002]

Department of the Prime Minister and Cabinet—Expenditure on travel by former Governors-General between 1 January and 30 June 2001. [Received 6 March 2002]

National Institute of Clinical Studies Limited—Report for the period 21 December 2000 to 30 June 2001. [Received 8 March 2002]

Auditor-General’s Reports

Reports Nos 33 and 34 of 2001-02

The ACTING DEPUTY PRESIDENT (Senator Bartlett)—I table the following documents received since the last sitting of the Senate:

Auditor-General—Audit reports for 2001-02—No. 33—Assurance and control assessment audit—Senate order of 20 June 2001 (February 2002). [Received 25 February 2002]

No. 34—Assurance and control assessment audit—Management of travel: Use of taxis. [Received 26 February 2002]
GOVERNMENT AGENCY
CONTRACTS
Return to Order
The ACTING DEPUTY PRESIDENT
(Senator Bartlett)—I table the following
document pursuant to the order of the Senate
of 20 June 2001, as amended on 27 Septem-
ber 2001:

Departmental and agency contracts—Letter
of advice—Dairy Adjustment Board. [Received 21 February 2002]

DOCUMENTS
Indexed Lists of Files
The ACTING DEPUTY PRESIDENT
(Senator Bartlett)—I table the following
documents pursuant to the order of the Sen-
ate of 30 May 1996, as amended on 3 De-
cember 1998:

Indexed lists of departmental and agency files for
the period 1 July to 31 December 2001—State-
ments of compliance—
International Air Services Commission. [Received 15 February 2002]
Department of Foreign Affairs and Trade. [Received 28 February 2002]
Department of Transport and Regional
Services. [Received 6 March 2002]

Auditor-General’s Reports
Report No. 35 of 2001-02
The ACTING DEPUTY PRESIDENT
(Senator Bartlett)—In accordance with the
provisions of the Auditor-General’s Act
1997, I present the following report of the
Auditor-General: Report No. 35 of 2001-
02—Performance Audit—ATO progress in
classifying the cash economy: Australian
Taxation Office.

PARLIAMENTARY ZONE
Proposal for Works
Senator IAN CAMPBELL (Western
Australia—Parliamentary Secretary to the
Treasurer) (3.38 p.m.)—In accordance with
the provisions of the Parliament Act 1974, I
present a proposal for works within the Par-
liamentary Zone by the National Capital
Authority to refurbish the former Communications Centre in the John Gor-
ton Building.

Proposal for Works
Senator IAN CAMPBELL (Western
Australia—Parliamentary Secretary to the
Treasurer) (3.40 p.m.)—In accordance with
the provisions of the Parliament Act 1974, I
present a proposal for works within the Par-
liamentary Zone by the National Capital
Authority to construct two outdoor play-
grounds for the child-care centre in the
Treasury Building, together with supporting
documentation. I seek leave to give a notice
of motion in relation to the proposal.

Senator Brown—I will be granting leave,
but I wonder whether the minister could sum
up, in two minutes, what the proposal is.

Senator IAN CAMPBELL—All the
documents will be tabled. We are giving no-
notice, so you will have a chance to look at it
overnight.

Leave granted.

Senator IAN CAMPBELL—I give no-
notice that, on the next day of sitting, I shall
move:

That, in accordance with section 5 of the Par-
lament Act 1974, the Senate approves the pro-
posal for works within the Parliamentary Zone by
the National Capital Authority to refurbish the
former Communications Centre in the John Gor-
ton Building.

COMMITTEES
Legal and Constitutional References
Committee
Report
Senator McKIERNAN (Western Aus-
tralia) (3.41 p.m.)—I present the report of the
Legal and Constitutional References Com-
mittee on matters referred to the committee
during the previous parliament.

Ordered that the report be adopted.
Legal and Constitutional Legislation Committee
Report
Senator CALVERT (Tasmania) (3.41 p.m.)—On behalf of Senator Payne, I present the report of the Legal and Constitutional Legislation Committee on matters referred to the committee during the previous parliament.

Ordered that the report be adopted.

Regulations and Ordinances Committee
Senator TCHEN (Victoria) (3.42 p.m.)—by leave—I would like to make a statement in relation to the work of the Senate Standing Committee on Regulations and Ordinances.

As its chair, I am honoured to make a brief statement in relation to the 70th anniversary of the Senate Standing Committee on Regulations and Ordinances. Seventy years ago today, on 11 March 1932, the Senate established the Regulations and Ordinances Committee to closely scrutinise delegated legislation made under the regulation making provisions of primary legislation. In doing so, the Australian Senate led the world in this area of parliamentary control of executive acts under delegated authority.

The establishment of this committee recalled the recognition that parliamentary scrutiny of the acts of the executive—well intentioned though they might be—was imperative. In 1932, the Senate thus agreed to incorporate within its standing orders a mechanism for the appointment of a standing committee to examine all delegated legislation subject to disallowance by the parliament. The committee was named the Standing Committee on Regulations and Ordinances. This title reflected the practice at the time that delegated legislation subject to disallowance was normally either a regulation or an ordinance. Disparate instruments of executive authority were relatively unknown. With the growth of government activity, however, the variety of instruments which are subject to disallowance has increased. This increase has been particularly dramatic over the last two decades. For example, in 1980 the committee scrutinised approximately 800 instruments. In 10 years, this number has increased to 1,859 in 2000-01.

For 70 years, senators have worked assiduously on this committee, ensuring that delegated legislation: (1) is in accordance with the statute, (2) does not trespass unduly on personal rights and liberties, (3) does not unduly make the rights and liberties of citizens dependent upon administrative decisions which are not subject to review of their merits by a judicial or other independent tribunal, and (4) does not contain matters more appropriate for parliamentary enactment. With the growth in its workload, the task of the committee has also grown in importance.

The work of the committee has received favourable comment over the years. For example, Professor Gordon Reid, later Governor of Western Australia, observed in 1982 that the committee had:
... established itself as bipartisan in all of its work.
And also that it had:
... maintained its working momentum whichever political party has been in power.
Professor Reid further observed that the committee’s record demonstrates the role that the Senate plays in holding ministers primarily responsible in the use of delegated legislation.

I know many diligent and able senators, past and present, have taken a keen interest in the work of this committee and the well-earned reputation of the committee is a reflection of the quality of their contributions, collective and individual. I am confident that the members of the committee will maintain the excellent record and reputation of this the oldest standing committee in the Senate.

It has been noted on many occasions by astute observers that the strength of parliament is built on the strength of its professional staff. The same is true for parliamentary committees. I understand that the current Clerk and Deputy Clerk have both been secretary to this committee and greatly contributed to its success. I am confident that the current secretary of this committee and his colleagues will continue this great tradition and, by their labour, make my task and that of other senators easier and make the committee ever productive. I note also the committee is ably assisted by a learned legal adviser. I commend them all for their support.
The ACTING DEPUTY PRESIDENT (Senator Bartlett)—I am sure all the Senate joins you in acknowledging the important work of the Regulations and Ordinances Committee.

DOCUMENTS

Australian Research Council

Senator CARR (Victoria) (3.47 p.m.)—by leave—I move:

That the Senate take note of the documents.

A series of documents has been tabled by the Clerk today which relates to grants by the Australian Research Council—documents which, I might say, relate to the administration by Dr Kemp. What concerns me is that these documents do not contain the direction by Dr Nelson to the Australian Research Council of 25 January this year. This was a direction to the Australian Research Council undertaken by the government which flew in the face of the legislation passed by this parliament last year which sought to give increased autonomy and authority to the Australian Research Council for the administration of the various grants that are under discussion here in the Senate.

The government has sought to increase the money to the Australian Research Council and then direct the way in which those moneys should be spent. This is in contrast to the statements that were made during the debate in the Senate establishing the Australian Research Council as an independent statutory authority. We do not dispute the right of the government to issue a direction. What concerns me, though, is the process by which the government has undertaken to issue the directions which affect 30 per cent of the new money for research being spent under Backing Australia’s Ability. The government has said it wants to increase flexibility and it wants to increase independence while, at the same time, the government’s actions have in fact reduced flexibility by locking up the money the government has designated to four specialised research areas.

There has been widespread rejection throughout the research community in this country of the government’s approach. The Australian Academy of the Humanities, the Australian Academy of Sciences and the Federation of Australian Scientific and Technological Societies have all said that the process that the government undertook in issuing these directions was wrong and that it should be reviewed. The government is now set upon a process which seeks to establish priorities for research funding across all Commonwealth agencies, across the $4.7 billion budget—not just for the Australian Research Council, which of course administers about $600 million per annum.

The government is not able to determine who the minister responsible for this program is. We are not able to determine whether it is Minister McGauran or Minister Nelson who is formally in control of these new priority setting processes. We have seen that the Prime Minister has a direct interest in these priority setting approaches. We have seen that this is an elitist driven process determined behind closed doors without discussion—secretive processes undertaken by this government, orchestrated by shadowy elites—which has threatened to compromise the integrity of the Australian Research Council. What troubles me most is that there is a process now under way within this government, in relation to research funding, which is controlled directly by the Prime Minister’s office. We see this in regard to stem cell research where the Prime Minister has sought to appoint Mr Kevin Andrews to take control of that particular matter—despite the fact that the machinery of government orders show the Department of Education, Science and Training to be responsible for research coordination. The government is attempting to intervene in such a way as to undermine the integrity of such organisations as the Australian Research Council. I am very concerned about the defence the government presents us on these issues. In Senate estimates, we noticed that the Australian Research Council directions were issued on 25 January and we now know the decisions were made by government in September of last year but not announced to the Research Council in fact until 25 January of this year.

Why did it take so long to tell the Research Council that the government had determined new priorities for its spending? Why is it that the government undertook a
secretive process? The best I can establish is that a group of 42 scientists as well as other groups of people—not just scientists—were called to a meeting in Limestone Avenue, the CSIRO headquarters, last year. There they were told, in very general terms, that there were to be new priority setting processes under way for the Australian Research Council, but they were never told what they would be. Then, in turn, what occurred was that the Australian Research Council came up with 12 priorities of its own, to which the government responded by allocating four priority areas. The government ambushed the research community in this country. It bushwhacked the research community in this country. It did not at any point have sought to involve the public in discussion about what ought to be research priorities in this country; and at no point has it sought to engage the public in a defence of the government’s actions.

This is a serious matter. Clearly, when it comes to research, a country of our size cannot fund all conceivable options. However, what we can do is have enough confidence in the Australian people to involve them in discussion about what ought to be the priorities for research in Australia, given that we all understand how important research is to the future prosperity of the country. When I read the papers sent down by the government in response to the grants that have been allocated by the Australian Research Council, I note that the government has 15 days in which to respond to a direction to the Australian Research Council. So I am waiting with some interest for that direction to be tabled in this chamber. When it is, this chamber ought to have a proper debate about the way in which this government is administering research policy.

What we have seen is that there has been a fiasco in relation to the allocation of priorities for the Australian Research Council. What we have seen is that Minister Nelson, in terms of this government, seems to have been placed in a situation where his naivete and his ineffectiveness have been exposed. He seems to take the approach that being ‘hale fellow, well met, call me Brendan’ will get him through. The problem he has is that these are serious questions now, very serious questions, about the way in which we allocate moneys and the way in which the Australian Research Council is allowed to get on and do its job. I am particularly concerned that Dr Nelson will have to lift his game, given the budget context that we are now entering, to ensure that the Prime Minister does not run over the top of him and run over the top of the research community in this country on such basic questions as to how we should be spending $4.7 billion per annum in public money.

Question agreed to.

COMMITTEES

Membership

The ACTING DEPUTY PRESIDENT (Senator Bartlett)—Order! The President has received letters from party leaders and an Independent senator seeking variations to the membership of various committees.

Senator IAN CAMPBELL (Western Australia—Manager of Government Business in the Senate) (3.56 p.m.)—by leave—I move:

That senators be discharged from and appointed to committees as follows:

Community Affairs Legislation Committee—

Participating member: Senator Forshaw

Community Affairs References Committee—

Participating members: Senators Abetz, Calvert, Chapman, Coonan, Crane, Eggleston, Ferguson, Ferris, Forshaw, Lightfoot, Mason, McGauran, Payne, Tierney and Watson

Economics Legislation Committee—

Participating member: Senator Forshaw

Economics References Committee—

Participating members: Senators Abetz, Boswell, Brandis, Calvert, Coonan, Crane, Eggleston, Ferguson, Ferris, Forshaw, Knowles, Lightfoot, Mason, McGauran, Payne, Tchen, Tierney and Watson

Employment, Workplace Relations and Education Legislation Committee—

Participating members: Senators Abetz, Boswell, Calvert, Chapman, Coonan, Crane, Eggleston, Ferguson, Forshaw,
Question agreed to.

CRIMINAL CODE AMENDMENT (ANTI-HOAX AND OTHER MEASURES) BILL 2002

MINISTERS OF STATE AMENDMENT BILL 2002

RADIOCOMMUNICATIONS (TRANSMITTER LICENCE TAX) AMENDMENT BILL 2002

COMMONWEALTH INSCRIBED STOCK AMENDMENT BILL 2002

STATES GRANTS (PRIMARY AND SECONDARY EDUCATION ASSISTANCE) AMENDMENT BILL 2002

WORKPLACE RELATIONS AMENDMENT (FAIR DISMISSAL) BILL 2002

First Reading

Bills received from the House of Representatives.

Senator IAN CAMPBELL (Western Australia—Parliamentary Secretary to the Treasurer) (3.58 p.m.)—I indicate to the Senate that those bills that 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 agreed to.

Bills read a first time.

Second Reading

Senator IAN CAMPBELL (Western Australia—Parliamentary Secretary to the Treasurer) (3.58 p.m.)—I 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 speeches read as follows—

CRIMINAL CODE AMENDMENT (ANTI-HOAX AND OTHER MEASURES) BILL 2002

The number of recent false alarms involving packages or letters containing apparently hazardous material has highlighted the need for tough
penalties to deter such malicious and irresponsible actions.

The Criminal Code Amendment (Anti-hoax and Other Measures) Bill 2002 will ensure that those who create public fear and alarm by sending hoax material or dangerous substances are properly penalised.

The bill gives effect to an undertaking made by the Prime Minister on October 16 last year.

The Prime Minister expressed the Government’s concern about the increasing number of security incidents involving letters and packages and undertook to introduce new laws to target persons who seek to exploit community fears by sending hoax material.

Complementing these measures, the bill also contains new offences dealing with the use of postal and similar services to make threats, engage in harassment and send dangerous articles.

These new Criminal Code offences are a significant improvement on the existing outdated offences in the Crimes Act 1914, which they are intended to replace.

The proposed new offences cover the misuse of any postal, courier or other similar service within Commonwealth constitutional power and not just Australia Post.

The proposed offences also increase the penalties for the misuse of those services to more appropriate levels to properly reflect the seriousness of the harm involved.

Anti-hoax and other offences

The bill introduces a new hoax offence directed at those who send an article with the intention of inducing a false belief in the recipient that the article is an explosive or a dangerous or harmful item or that such an article will be left in any place.

The new updated offence will extend to all postal and similar services, rather than being limited to Australia Post.

The maximum penalty for the offence will be increased from 5 to 10 years imprisonment.

The new offence will apply retrospectively, commencing at 2pm on 16 October 2001.

This is the date and time on which the Prime Minister undertook to commence these new measures.

Any person who has engaged in sending hoax material since this date can expect to find themselves subject to the full force of these amendments.

The new offence will send a strong message to those who may be tempted to make spurious threats that this behaviour is not acceptable.

Such actions can have significant consequences, as demonstrated by a number of incidents late last year and early this year in which mail centres and offices had to be decontaminated, security measures enhanced and emergency services diverted from other duties.

The cost of this conduct can also be counted in the fear engendered both in the recipients of the hoax material and in the general community.

The bill will create two new offences concerning the use of a postal or similar service to make a threat to kill or threat to cause serious harm with the intention of causing the recipient to fear that the threat will be carried out.

Under the bill, making a threat to kill attracts a penalty of up to 10 years imprisonment and making a threat to cause serious harm carries a maximum penalty of 7 years imprisonment.

Threats will be covered by the new offence regardless of whether they are express or implied, conditional or unconditional.

The penalty of one year imprisonment that currently applies to the use of the postal service to make threats is clearly inadequate where serious threats are concerned.

Intimidating or frightening people into believing that they will be caused serious injury is reprehensible.

The proposed new threat offences will ensure that this conduct is subject to substantial penalties.

The offence of using a postal or similar service to menace, harass or cause offence is to be extended to all postal and other like services and the penalty increased from 1 to 2 years imprisonment.

The proposed offence will cover material designed to make a person fearful about his or her safety or well-being as well as material containing offensive or abusive language.

The bill makes it an offence for a person to use a postal or similar service to send an article in a way that gives rise to a danger of death or serious harm to another person, where the first person is reckless as to the danger of death or serious harm.

The new offence will carry a maximum penalty of 10 years imprisonment.

The proposed offence is concerned with potential rather than actual harm and will apply regardless of the degree of risk involved.

In addition to the general dangerous goods offence, the bill contains a further offence specifically relating to the use of Australia Post.
The offence will apply where a person sends an explosive or a prescribed dangerous or harmful substance through Australia Post and attracts a penalty of 10 years imprisonment.

Australia Post deals with a high volume of mail in accordance with stringent terms and conditions and therefore requires a more prescriptive offence.

Conclusion

Protecting the safety, security and integrity of Australia’s information infrastructure, including postal and courier services, is a priority for this Government.

The measures contained in this bill will ensure that these important communication services are not compromised by irresponsible, malicious or destructive behaviour.

By introducing tough penalties for such behaviour, the Government is making it clear that it views the misuse of the postal system as a serious matter and that offenders will be vigorously prosecuted.

MINISTERS OF STATE AMENDMENT BILL 2002

Section 66 of the Constitution prescribes the maximum annual pool of funds from which salaries of Ministers can be paid, unless the Parliament provides otherwise.

The Ministers of State Act 1952 is the mechanism through which Parliament adjusts the pool of funds available for this purpose. Amendments to the Ministers of State Act are therefore required from time to time to cover changes in the level of Ministerial salaries or in the number of Ministers.

Salaries’ and Members’ base salaries are determined by a reference point to the Principal Executive Officer band in Remuneration Tribunal Determination 15/1999 (as amended).

In 1999, this government adopted the recommendation of the Remuneration Tribunal that the additional salary of Ministers be tied to the Principal Executive Officer band as a percentage of base salary.

On 5 July 2001 (with effect from 1 July 2001) the Remuneration Tribunal determined new rates for the Principal Executive Officer band. These new rates have flowed to Senators and Members and to Ministers.

The Act currently limits the sum appropriated to $2.3m. This sum needs to be increased to $2.8m to meet increases in Ministers’ salaries in this financial year and beyond because of the amending determination of the Remuneration Tribunal increasing the base salaries of Senators and Members.

I commend the bill to the Senate.

RADIOCOMMUNICATIONS (TRANSMITTER LICENCE TAX) AMENDMENT BILL 2002


The Radiocommunications (Transmitter Licence Tax Act) 1983 imposes a tax on persons making an application for a transmitter licence, which authorises the use of the radiofrequency spectrum. The spectrum access tax is levied to encourage efficiency in the use of the spectrum and to provide a return to the community for the use of a scarce community resource.

However, not all transmitter users are required to apply for a transmitter licence. Commercial television and radio broadcasters, community broadcasters and the national broadcasters are automatically entitled to transmitter licences under the licensing and digital conversion provisions of the Broadcasting Services Act 1992.

The Radiocommunications (Transmitter Licence Tax) Amendment Bill is a technical measure to clarify the power to impose a tax on the issue of a transmitter licence regardless of whether an application has been made for that licence. The bill also seeks to validate the imposition of the tax on licences that have been affected by the anomaly.

As all affected broadcasting licensees have paid the tax, this will not result in any retrospective payment being necessary.

COMMONWEALTH INSCRIBED STOCK AMENDMENT BILL 2002

Today I introduce a bill to modernise the conduct of the Commonwealth Government Securities market.

The bill will put in place reforms to the Commonwealth Inscribed Stock Act 1911 to enable Commonwealth Government Securities to be cleared and settled electronically alongside a range of financial products under the Corporations Act 2001, as amended by the Financial Services Reform Act 2001.

The bill will remove regulatory barriers to the electronic transfer of title to Commonwealth Government Securities, including Treasury Bonds and Treasury Notes, by overcoming restrictions in the existing legislation that limit transfers of legal
Retail investors such as trustees of self-funded superannuation funds have been pressing for improved access to the CGS market. This bill will create the potential for retail investors to gain the same access to the risk-free, secure investment product that Commonwealth Government Securities represent, that is currently enjoyed by institutional investors.

The Commonwealth Inscribed Stock Amendment bill will complement current market developments aimed at rationalising the provision of clearing and settlement facilities to create a more efficient business environment for participants in financial markets.

While the Commonwealth Inscribed Stock Act provides for the Treasurer to appoint non-government Registrars of Stock, in addition to, or instead of, the Reserve Bank, the bill will strengthen the regulatory regime by providing that only clearing and settlement facilities licensed and regulated under the Corporations Act may be appointed as Registrars.

However, the bill will not preclude the Reserve Bank from continuing to have a role as a Registrar in providing for the electronic recording and transfer of the ownership of Commonwealth Government Securities, in addition to its role in the recording of transfers of ownership of Commonwealth Government Securities in paper form. The Reserve Bank has indicated that it is willing to continue providing registry services to the Commonwealth for Commonwealth Government Securities.

The bill will enable the Commonwealth to create equitable interests in Commonwealth Government Securities. The Treasurer will be able to enter into contracts or arrangements or execute deeds of trust for the purpose of issuing Commonwealth Government Securities to a person, including to a clearing and settlement facility, on trust for other persons. This will include where the clearing and settlement facility is acting in the capacity as a Registrar under the Commonwealth Inscribed Stock Act.

The bill will provide for regulations to be made under the Commonwealth Inscribed Stock Act providing for the transfer of legal or equitable interests in Commonwealth Government Securities in accordance with the provisions of the Commonwealth Inscribed Stock Act, or by applying provisions of the Corporations Act, with or without modifications, to the transfer of interests in Commonwealth Government Securities under the Commonwealth Inscribed Stock Act.

These reforms will underpin the effectiveness of the legislative framework supporting the Commonwealth Government Securities market at a time of rapid change in the operation of financial markets.

STATES GRANTS (PRIMARY AND SECONDARY EDUCATION ASSISTANCE) AMENDMENT BILL 2002

On 7 December 2000 this Parliament passed the States Grants (Primary and Secondary Education Assistance) Act 2000 which, among other things, introduced the new Socioeconomic Status (SES) funding arrangements for non-government schools.

This historic reform provided a more transparent, objective and equitable approach to funding non-government schools. Under the new arrangements, recurrent funding of non-government schools is distributed according to need and schools serving the neediest communities receive the greatest financial support.

That Act also introduced Establishment Grants which are provided to assist new non-government schools with costs incurred in their formative years and to enable them to be more competitive with existing non-government schools.

The legislation containing both the SES funding arrangements and the introduction of Establishment Grants was passed unamended by the Opposition in 2000.

Since then it has become apparent that the Act appropriated insufficient funds to pay Establishment Grant entitlements for all eligible schools. On two occasions the Government has introduced amendments to the Act to provide additional funds for Establishment Grants. Both times the Opposition has failed to pass these amendments.

As a result of these amendments being rejected, 49 schools which have a valid entitlement to Establishment Grants have only been paid around 50% of their entitlement for 2001 and 9 have received around 25% of their 2001 entitlements. About 4,900 students attend the schools at which the funding shortfalls have occurred. Failure to pass this amendment will exacerbate the situation for these schools in 2002 and beyond. It will continue to cause them financial difficulties and adversely affect the quality of their educational provision.

This amendment is framed differently from the two previous attempts to amend the Act. Those amendments sought to increase the total amount available under the Act for Establishment Grants by amending Schedule 7 of the Act.
This amendment establishes eligibility for and payment of Establishment Grants in a way which is consistent with eligibility and payment of General Recurrent Grants under the Act. The amendment specifies per capita rates for Establishment Grants within the legislation. Previously these amounts were set by Ministerial determination. The amendment also sets out the circumstances in which eligibility for Establishment Grants arises for new schools and the method of calculation of that entitlement. As a result the amendment repeals Schedule 7 of the Act. The Appropriation for Establishment Grants will become a Standing Appropriation rather than a Special Appropriation.

The amendment allows for amounts already advanced to schools in 2001 and 2002 to be deducted from their entitlements calculated as a result of the amendment, providing that schools will not receive less than they have already been paid.

The amendment sets the per capita rates for Establishment Grants at $500 per full-time equivalent student (FTE) in the first year of the school’s operation and $250 per FTE student in the second year of operation. These amounts will not be supplemented in line with changes in Average Government School Recurrent Costs or AGSRC.

It is estimated that the increased funding available under the Act as a result of the Bill will be $6.9 million. This will bring the total amount provided by the government for establishment grant assistance to non-government schools to $11.9 million for the 2001-2004 funding period.

In passing the original Act the Opposition signalled its support for the policy of paying Establishment Grants to new non-government schools. It should therefore not oppose this Bill which effectively codifies the eligibility and entitlement for each new school to these grants.

If all new schools are to be treated fairly and the quality of their educational provision not compromised, speedy passage of the Bill is necessary. I commend the Bill to the Chamber.

WORKPLACE RELATIONS AMENDMENT (FAIR DISMISSAL) BILL 2002

This Bill proposes to amend the Workplace Relations Act 1996 to protect small businesses from the costs and administrative burden of unfair dismissal claims and thereby to increase employment opportunities in the small business sector.

This protection will be provided by exempting small businesses from the unfair dismissal provisions in the Act and by requiring the Australian Industrial Relations Commission to order that an unfair dismissal application is not valid if it relates to a small business employer.

The Workplace Relations Act has made the federal workplace relations system more accessible and responsive to the needs of small business. However, further reform is needed to maximize its benefits. Dismissal laws have an important role in providing a safety net for employees but they need to be made fairer for both employers and employees and should be improved where they still prevent jobs being created.

This is certainly the case with the current unfair dismissal provisions which continue to deter many small businesses from employing more staff.

The Coalition will continue its generation of strong and sustained jobs growth through sound economic policies, sound fiscal management, and workplace relations reforms to help small business. It is vital to maximize the opportunities for growth and innovation for the one million private sector, non-agricultural, small businesses in Australia. These businesses account for 96 per cent of all businesses, and our workplace relations system must be more responsive to their needs. This Bill is an important step along that path.

What is good for Australian small businesses is good for Australian jobs. Small business is the engine room for jobs growth in the Australian economy. And the Government believes that it is in the public interest to open the door to the new jobs that can be created by small business by easing the pressure that excessive workplace regulation puts on Australia’s hard working small business men and women. If one in twenty small business employers in Australia took on an additional employee because of a changed legislative framework for unfair dismissal, then an extra 53,000 jobs would result.

Exemption from current unfair dismissal provisions

For the purposes of the small business exemption, a small business is a business with fewer than 20 employees. The proposal would not affect existing employees and would not exclude new employees from making claims for unlawful dismissal, for example, dismissal for discriminatory reasons. Trainees and apprentices would also be unaffected.

The same exemption was contained in a Bill which was introduced in 2001 but not considered by Parliament before the election. The Coalition pledged in its election policies to exempt small businesses from unfair dismissal laws when em-
ploying new employees. The relevant section from our small business election policy stated:
A re-elected Coalition Government will pursue a full exemption from Unfair Dismissal claims for small business employers. The Coalition has introduced legislation into the Parliament to secure a full exemption for all small businesses with less than 20 employees from unfair dismissal claims when employing new staff. (Getting on with Business, p.21)
The Government has an undeniable duty to pursue the mandate it received on 10 November 2001, including this explicit commitment in its small business election policy. This commitment directly addresses the views of the many small businesses who, when surveyed, have indicated that they would be more likely to recruit new employees if they were exempted from current unfair dismissal laws.
Invalid applications by excluded small business employees
The Bill contains an essential complement to the proposed small business unfair dismissal exclusion in the form of a simple and appropriate means for dealing with invalid applications by excluded small business employees.
Under current arrangements, once an unfair dismissal claim is lodged, the Commission has no power to reject it without holding at least one hearing which the employer or the employer’s representative is required to attend.
The Bill would require the Commission to order that an unfair dismissal application is invalid if it is satisfied that the application is outside its jurisdiction because of the small business exemption.
The Commission would have the power to make such an order without holding a hearing. If it needed more information to satisfy itself, the Commission would be able to seek further particulars from an applicant or a response from the small employer in writing, rather than having the parties appear in person.
The objective is to free small business employers from the unnecessary and often costly burden of having to attend or secure representation at Commission hearings to defend unfair dismissal applications which can clearly be determined, on the basis of documents provided to the Commission, to be outside its jurisdiction because of the small business exemption.
Conclusion
In introducing this Bill, the Government is continuing to demonstrate its commitment to addressing the special needs and circumstances of the small business sector. The Bill will assist in creating more small business jobs and in reducing workplace relations red tape for this vital sector of the Australian economy.
I commend the bill.
Debate (on motion by Senator Ludwig) adjourned.
Ordered that the bills be listed on the Notice Paper as separate orders of the day.
REGIONAL FOREST AGREEMENTS BILL 2002

Second Reading

Debate resumed. (Quorum formed)

Senator ALLISON (Victoria) (4.01 p.m.)—I just want to conclude my earlier remarks by indicating that I intend to move an amendment on behalf of the Democrats, after the minister finishes the second reading, which will deal with the question of national competition policy and the requirement that a regulation impact statement be done for all federal legislation and that we should not consider this legislation until that statement has been done. I will expand a little more on that amendment at the appropriate time.

The ACTING DEPUTY PRESIDENT (Senator Watson)—Senator, I think you really should speak to it now rather than after the debate has concluded. This is a second reading contribution you are making.

Senator ALLISON—Yes, Mr Acting Deputy President. As I understand it, I can do this after I move the actual amendment, which I have not done.

The ACTING DEPUTY PRESIDENT—By foreshadowing it, you are really putting the two debates together.

Senator ALLISON—Can I move that second reading amendment motion now?

The ACTING DEPUTY PRESIDENT—You can foreshadow it.

Senator ALLISON—Right. And I have done that.

The ACTING DEPUTY PRESIDENT—You can speak to it.

Senator ALLISON—This amendment relates to the regulation impact statement that accompanies the explanatory memorandum for the bill in 2001. As honourable senators will be aware, the regulation impact
statement has been a requirement for all new federal legislation since 1997 and it derives from the national competition principles. The RIS, as it is called, is intended to be a cost benefit analysis of new legislation and an assessment of whether or not it conforms to the principles of competitive neutrality.

The responsibility for the RIS belongs to the Office of Regulation Review which sits within the Productivity Commission. The process that they follow in relation to a RIS is to discuss and negotiate the content with the responsible agency. At recent estimates hearings my colleague Senator Andrew Bartlett raised questions in relation to the RIS for this bill. AFFA could not recall whether the Office of Regulation Review had deemed the RFA regulation impact statement adequate or not and the Office of Regulation Review said that they preferred not to answer the question.

As I said earlier, there is plenty of evidence that the bill does not conform to the principles of competitive neutrality. We know that plantation owners and farmers contemplating agriforestry know that there is no competitive neutrality. In my home state, state government deals with woodchippers and logging companies show that timber is practically given away. In fact, it seems likely that the reliance on native forests has become so detrimental to the proper development of the plantation industry, particularly hardwood in this case, that we are likely to see the importation of hardwood from overseas plantations well before we see anything like a sustainable industry here in this country for that timber.

I think there are many examples whereby competition policy can be seen to be not working in this instance and, whilst the Democrats are not often supportive of some of the outcomes of competition policy in this country—I think it is fair to say there has been more that is detrimental than not—in this instance we think that if legislation is required to go through this process and to demonstrate cost-benefit analysis then it ought to in this circumstance as well.

It is my understanding, for instance, in Goolengook that Daishowa has set up a syndicate which will involve some of the industry in that area and is likely to mean that most of the timber which is available from those forests, even after there has been a cut, is likely to be confined to just a small group and that there will be a number of sawmillers who will be excluded from this arrangement. The conservation groups at Goolengook are working with that part of the industry there, as I understand it, and talking about how sawmillers and other forestry workers can enhance the ecotourism opportunities in this part of the world by building tracks and by building structures which could ensure people will both get into these wonderful areas and have minimal impact on the environment itself.

This is yet another example of how some people have been shut out of this process. We seem to be giving away our very valuable resource for practically nothing to woodchippers. They are the ones who are pretty much in control. They are the ones who are not missing out in Victoria on the reductions across the board of the timber yield. Clearly, this is not fair. Clearly, it is not good for farmers; it is not good for sawmillers; it is not good for workers and it is not good for biodiversity. It is not good for anybody, it would appear, including the communities that depend on forestry for jobs and income. It is not fair on them. The only beneficiary out of all of this would appear to be the woodchippers themselves, and the massive increase in that industry that we have seen go offshore without value adding. I think we can expect much better than that. Let us call upon the national competition policy to do what it was set out to do—create a level playing field—and talk about fairness in competitive arrangements. If it is good for other pieces of legislation, it is good for the regional forest agreement legislation. But of course this means that this place ought not consider this legislation until that has taken place.

Senator CRANE (Western Australia) (4.08 p.m.)—I rise to deal with some issues that have been raised during this debate. In particular, I want to deal with some matters that Senator Brown raised which I comprehensively disagree with, in toto. The report of my committee would indicate absolutely
why. But I must now take the challenge that has just been issued by Senator Allison. What was said about the establishment of plantations and the agreements on private land is just absolute nonsense. I talk about my state of Western Australia in particular. The offers that are being made in the agreements between private land-holders in terms of plantations, whether it be the private agreements or whether it be the CALM agreements—unfortunately the CALM agreements have stopped as a result of the demise of CALM by the previous Western Australian government—are by far and away the greatest commercial return that individual private land-holders can receive. That does not matter whether it is done on an annual basis or an annuity, whether it is done on a 10-year basis or, as in some cases, the life of the forest or the life of the timber or the life of the cutting, depending on what the particular production line is as the forests are thinned. It grieves me greatly to hear this poppycock that is dished up to us about the commercial aspects of it when it is just plain wrong.

The issues I wanted to deal with in particular go to Senator Brown’s comments in a previous debate where he says:

... this bill is being railroaded through the Senate and that the committee, which met last night, has not travelled to the places where it really matters so that, although the logging community gets the opportunity to have maximum input …

Let me say straight out here: the logging community got no advantage or disadvantage, and nor did anyone else who put in submissions or appeared before the committee. We went to great trouble as a committee, all of us. Senator Brown was involved in the process and he nominated some of the people we invited to give evidence before the committee. In terms of the first round of the inquiry, which was held in Melbourne, there were 371 submissions from across all states and all interested parties. There were 41 witnesses, which included some organisations and individuals, who appeared before us. There were two hearings in Canberra. In the final hearings, which did not deal with the full Regional Forest Agreements Bill 2002 but dealt with the amendments that were before us, there were another nine organisations and an additional 20 people, a cross-section of the people involved in the particular bill. So I say to Senator Brown that what you said on that night is absolutely totally wrong. I think it does the debate in this place and you and the people you represent no good to misrepresent the work that the committee did on this legislation. We dealt with those amendments the second time around. We even endeavoured on your recommendations, sir, to have a particular individual from the Reedy Marsh forest group hooked up on a radio phone. Unfortunately, we were unable to do that because something broke down with the technology.

I just want to put the record absolutely straight here in this debate that this piece of legislation—through the two hearings we have had, through the work that has been done in estimates and through questions asked—has had more scrutiny, more discussion, more questions asked about it, more witnesses at hearings and more submissions than most pieces of legislation that come before this Senate. There was nobody, not one, who sought to put a submission in who had a submission rejected. As I understand it, I know of nobody—and nobody came to me as chairman of that committee—who asked to appear before the committee who was not granted the right to appear before the committee. As I understand it, we had a clean bill. Certainly none of the other committee members came to me and said, ‘Listen, we have a couple of people or an organisation who would like to submit to the committee and they have not had that opportunity.’ As far as I was concerned, as chair of that committee, we covered it in total.

Another question I want to raise in this debate—which is becoming a real issue as far as the forests are concerned, and it is bigger than this bill—relates to how opponents of proper forest management think our forests are going to survive, not only in this country but also overseas, in terms of the wildfire threat that is around now? Without proper management, proper firebreaks, proper controls, we are not going to stop the devastation that occurs. We had very recently the wildfires in New South Wales. I person-
ally have no idea what percentage of that was private land, what percentage was forests used for commercial use and what percentage was public reserve, which is not being touched, but I have no doubt that there is a mixture right across the board. We saw the Californian fires just a few years ago and the devastation they incurred. There is a likelihood that some of that country in California, as in New South Wales, will never recover to its former state because there was so much timber burnt, so many leaves and branches burnt. When that catches on fire it is hot. I have been in more than one of these fires and I know how hot it gets.

We had, five or six years ago, the situation with the Fitzgerald national park in the southern part of the Western Australian coast. Of 1.6 million acres, one million was burnt in one fire. Some of that park had not had a controlled burn for 35 years. As a result, a number of the species which were growing there very thickly and very productively and which were an integral part of Fitzgerald park and the forest and the bushland are struggling to recover, because the seed was burnt. I have been in fires, or fighting fires, where the temperature was over 45 degrees and we had 70- or 80-mile an hour winds blowing. In those situations, unless we provide the management required to break the heat of these fires and the fronts that they build up—and they burn for weeks and weeks unless there is some way by which you control them—you get this absolutely devastating damage.

And the situation has become worse. It has become worse because no discipline is being applied to the management of the forests. I have not mentioned the loss of property. Fortunately, I understand that in New South Wales there was no loss of life. Certainly, in the big fire we had near Fitzgerald there was loss of life, and there have been a number of fires where loss of life has occurred. You then have the private freehold properties which adjoin these parks. So the issue that has to be dealt with—and which comes before us every time—is that a little more common sense has to be applied to how we manage our forests. What is the point in allowing a beautiful big tree to die and become a fire hazard for the young ones that are growing? We must remember that a forest is like us: it is a living thing. It comes up from a seed, it grows, and after a period—in some instances 1,000 years, in some instances only 15 years—it dies. I have not seen too many that have lasted the 1,000 years but I have the 15 years and I have seen the devastation in the Casuarinas and in the Christmas tree belts, where you get all the dead debris on the ground and, without control or sound management practices in between, devastation occurs.

Unfortunately, I agreed to speak for only 10 minutes, but I wanted to make those two points, which I will re-emphasise. The committee, which I chair and of which Senator Brown is a participating member, heard an enormous number of submissions. I have quoted them here. We called an extensive number of witnesses and, as I said before, as far as I am aware there was no witness who put their name forward and who wanted to appear who did not get that opportunity. We invited the various senators—Senator Brown was one who took up that opportunity—to put forward names of people or get in touch with individuals or organisations who wished either to appear before or to present to that committee. When you put it all together, we received well in excess of 400 responses.

The ACTING DEPUTY PRESIDENT (Senator Watson)—Senator Brown, do you have a point of order?

Senator BROWN (Tasmania) (4.18 p.m.)—No, I wish to make a comment on Senator Allison’s foreshadowed amendment if now is the right time to do it. Otherwise, I will wait until after the vote on the first amendment and then make the comment.

The ACTING DEPUTY PRESIDENT—You can do it now, provided you confine your comments to the precise terms of her amendment.

Senator BROWN—I will, Mr Acting Deputy President, and I will respond to Senator Crane at a later time. I knew you would give me good direction on that. Thank you, Mr Acting Deputy President. The amendment that Senator Allison is foreshadowing is a very important one. It provides
that, before there is further consideration of this bill after the second reading, we as senators should see the assessment of the regulation impact statement for the Regional Forest Agreements Bill 2002 which was conducted by the Productivity Commission to see if there are anticompetitive components in the industry, or indeed in this legislation, which should be brought to the Senate’s notice and therefore to the notice of the House of Representatives.

The debate has already pointed to there being anticompetitive measures in this legislation and attendant on the regional forest agreements. For example, $380 million of taxpayers’ money goes, through these agreement systems, into the cutting of wild forests, of native forests. But that is not available for the plantation industry, which is in direct competition. It has to be noted that 75 per cent of the wood used in Australia now is coming out of the plantations, not out of the wild forests. But the money being poured through the regional forest agreements is not going to ensure fairness in the matter; it is going to prop up the logging of wild forests where, for a whole range of structural reasons, it cannot compete against the plantation industry. It cannot compete in quality, it cannot compete in volume—it certainly cannot compete in efficiency. One is led to suspect that if the Productivity Commission has looked closely at the RFA legislation and process, that will be its finding. We have not yet seen that report and review from its Office of Regulation Review, and we must see that report and review. The Labor opposition should see that report and review. It should insist that, just for the fair working of the Senate, we get to see it.

It is obvious that this Senate and the committee that will come out of the deliberations here if the second reading goes through ought to be acquainted with that report. It is going to be a failure of good process in the Senate if we have to take measures which get us to see that report after this legislation has been dealt with. I suggest very strongly to the government that it produce the report to the minister, and I suggest very strongly to the shadow minister that he join us in insisting on this report. It would be a very unusual departure from process in this place if the opposition were not to assist the Senate in discovering information which is important to a Senate debate like this. This is a key piece of information.

The minister can put the matter to rest very quickly by producing the report. I have no doubt that he has had the matter brought to his attention, and certainly it has been done so by Senator Allison now. We should see that report. We should not be going to an amendment to the second reading, but if the amendment is necessary then I expect the opposition will be supporting it so that we make the government produce the report which we need to have in hand if we are going to properly deal with the legislation in the committee stage.

Senator O’BRIEN (Tasmania) (4.23 p.m.)—My understanding of the report which is sought to be compulsorily produced is that no such report actually exists. That is the advice I have been given: there is no requirement for the production of such a regulatory impact report, as referred to in Senator Allison’s amendment. On that basis we cannot see why we would support an amendment to lay on the table something which does not exist, and to delay the passage of this legislation while that is the case. I hope that the minister in his reply will clarify this matter because if that is the case then obviously we would not be supporting this amendment. I understand there is a regulatory impact statement in the memoranda for the Regional Forest Agreements Bill 2002.

If that is the process, then we are happy for this matter to proceed. If there is indeed a document as referred to in Senator Allison’s amendment, then we would ask that it be laid on the table now. We should not wait and delay the passage of this legislation while that occurs.

Senator IAN MACDONALD (Queensland—Minister for Forestry and Conservation) (4.25 p.m.)—I will start with the matter that Senator O’Brien referred to, and it deals with Senator Allison’s amendment. I had hoped Senator Allison would be here to hear what I am about to say. (Quorum formed) It is important that she understands what I am about to say, and that is that there is no such
thing as the ‘assessment’ of the regulation impact statement. There is no such thing. Were the amendment to pass, it would be incapable of being effected because there is no such thing.

Senator Brown—They did no assessment? Is that what you are saying?

Senator IAN MACDONALD—There is no such thing as the assessment of the regulation impact statement. What there is is a regulation impact statement which is actually contained in the explanatory memorandum. It is there in detail. What is being sought is already in the explanatory memorandum, except that I do concede that that refers to a statement on the previous bill that was coming through that we hoped to deal with before the election. It is all there in the explanatory memorandum. What we do have from the Office of Regulation Review is an advice, which I am happy to provide to the Senate, saying that the regulation impact statement is in the explanatory memorandum to the RFA Bill; that it is identical to that in the explanatory memorandum for the RFA Bill 2001; the office provided clearance for the RIS on 20 August 2001, their reference being 2392, which is the previous one; the regulation impact statement is a substantial expansion of the RAS provided in the 1998 bill and was developed in consultation with the Office of Regulation Review in August; and a substantial and wide ranging analysis of individual RFAs was conducted in the comprehensive regional assessments undertaken as part of the RFA process.

The Office of Regulation Review has advised that it was not the role or the purpose of the RIS process to duplicate this existing detailed analysis. Rather, the ORR advised that the RIS would add value, providing a high level summary of the national impacts of the combined RFAs. It was on this basis that the regulation impact statement for the RFA bill was endorsed by the Office of Regulation Review. The RFA bill 2002 is different to the RFA bill only in respect of clause 12 and a new schedule relating to the EPBC act. No change to the RAS was required by that change.

Senator Bartlett requested this at an estimates committee hearing, the appropriate place for this. The officers at the time said they would take it on notice. What I have just read out is the response that will be sent by me to Senator Bartlett in response to his question at the estimates committee hearing, but I will also table it here. I do so now. Senator Allison, your amendment was well-meaning. It was something your colleague Senator Bartlett was involved with. I hope that as a result of this here now you will withdraw your amendment because it is no longer necessary.

The Regional Forest Agreements Bill provides legislative support and commitment to the outcomes of the regional forest agreements and for ongoing action to implement the Forest and Wood Products Action Agenda through the Forest and Wood Products Council. The bill commits the Commonwealth unequivocally to the outcomes achieved in the 10 RFAs concluded with four state governments between February 1997 and April 2001. Those RFAs were the conclusion of a process which had its roots in a three-year inquiry into Australia’s forest and timber resources conducted by the Resources Assessment Commission as far back as 1989 to 1992. The commission found an overriding national need for improved intergovernmental institutions and decision making processes that would support comprehensive forward planning for forest use.

The National Forest Policy Statement of 1992 set in motion the regional forest agreements process. You will recall that was provided by an agreement between all state governments and the federal government—at the time, I might say, a federal government not of our political persuasion. But that is an agreement that we supported and one we have carried on because the Commonwealth government of the day did agree to that process. It provided a nationally agreed policy framework for a long-term and lasting resolution of competing forest industry, conservation and community interests and expectations concerning our nation’s forests. The statement committed the Commonwealth and all states to the ecologically sustainable management of forests and a balanced return from all forest uses.
The current bill has 12 clauses to address the three main objectives of the bill. The first objective is to give effect to certain obligations on the Commonwealth under the RFAs. These obligations involve ensuring that the forest operations in regions subject to the RFAs are excluded from Commonwealth legislation relating to export controls and the environment and heritage, binding the Commonwealth to the termination provisions of the RFAs and binding the Commonwealth to the compensation provisions of the RFAs.

In excluding RFA forestry operations from certain Commonwealth legislation, the bill draws a line in the sand for political and bureaucratic goal shifting—and that is what it is all about. The decisions have been made. The debate has been entered into. We have had a wide ranging consultation over more than a decade. Having reached a conclusion, we do not want politicians or bureaucrats then changing the goals once everyone is relying on that process.

The environmental, heritage and economic values of these regions have been comprehensively assessed through the RFA processes. Each RFA is signed only after the Commonwealth has satisfied itself that state regimes adequately address sustainable forest management, environmental protection and heritage. There is, therefore, no need for further assessment at the Commonwealth level for the 20 years of these agreements. The Commonwealth is satisfied that these assessments will take it through the 20 years of the RFAs. Any forestry operations inconsistent with the commitments in the RFA processes are to be addressed within state processes and reported in annual RFA reports and in the five-yearly reviews. The Commonwealth may terminate an RFA only in accordance with the RFA itself. The bill has the effect that dispute settlement procedures in the RFAs must be observed and the state provided with a 90-day notice on any failures to comply with the RFA provisions, such as implementation of the reserve system or codes of practice or management systems. Specific termination provisions are set out in each individual RFA.

In binding the Commonwealth to compensation provisions in the RFA, the bill provides legislative support to the provisions of the RFAs. The RFAs set out the circumstances under which the Commonwealth would be liable to pay compensation and the process by which the amount of compensation is determined. They provide that, in the event that the Commonwealth takes action inconsistent with the provisions of the agreement that leads to prevention or substantial limitation of the use of land outside the reserve system or sale or commercial use of products from those areas, then, as any reasonable person would quite rightly say, the Commonwealth must pay as compensation an amount equal to the reasonable loss and damage sustained by reason of that changed action—changed action on a decision previously made by a Commonwealth government.

The second and third objectives are to provide legislative commitment and support for the National Forest Policy Statement and the Forest and Wood Products Action Agenda and to provide for the continuation of the Forest and Wood Products Council. Clause 11 provides the Forest and Wood Products Council to be a forum for the minister and the industry stakeholders to consult on a range of matters, including the Forest and Wood Products Action Agenda.

The bill also provides for parliamentary oversight of the RFAs. It requires the publication of information about RFAs and requires the minister to table RFAs, amendments to RFAs, RFA annual reports and RFA five-yearly review reports. These clauses, along with the objectives clause, are a practical way of addressing the issues that were raised in the Senate during and around the debate in 1999. It gives the parliament full and comprehensive oversight of the RFAs and the RFA processes and allows enormous opportunity for any senator or member of the House of Representatives to oversee the RFAs.

The RFAs and the EPBC Act included some assumptions about future legislation, and some tidying up is now necessary to ensure that they are properly aligned. The bill, through a schedule, amends the Environment Protection and Biodiversity Conservation Act and provides that that act and the RFA
Bill have identical provisions relating to the application of the EPBC Act on RFA forestry operations.

The current provisions in the EPBC Act permit a person to undertake RFA forestry operations without approval but define RFA forestry operations in terms of a non-existent 1999 act. The schedule to the RFA Bill corrects that anomaly by repealing the existing provisions and provides that references in the EPBC Act to the RFA forestry operations are as defined in the current bill.

The effect of the schedule is to ensure that part 3 of the EPBC Act, which requires Commonwealth environmental approval for certain actions, does not apply to RFA forestry operations undertaken in accordance with the RFAs. This exemption is limited so that RFA forestry operations in world heritage or Ramsar areas—or those that are incidental to another action—may be subject to the EPBC Act.

The RFA Bill, then, is a fairly simple bill targeted at specific objectives of underpinning the commitments the Commonwealth has already entered into in the 10 RFAs with four state governments and in the National Forest Policy Statement of 1992 and the Forest and Wood Products Action Agenda of 2000. I urge senators to consider this bill on its merits. I repeat that these bills are the conclusion of more than 10 years of consultation, of negotiation, of working it through with all interested parties—with conservation groups, the industry, governments and local governments. Anyone who might have an interest in these areas has been consulted over the past 10 and more years. As a result of that, in the early days the National Forest Policy Statement came around. Following that, there were regional forest agreements signed by the Commonwealth and state governments.

This bill is about securing the Commonwealth’s obligations legislatively under the regional forest agreements. It is important to understand this, because some people—some, I think, deliberately, some innocently—misinterpret what this bill is all about. Perhaps unfortunately, we cannot by Commonwealth legislation make other people comply. But we certainly can bind ourselves legislatively to the regional forest agreements that have been signed, and we do provide then for the situation where, for some very significant and important reason, the federal government of the day decides to change the RFAs and, in doing so, causes loss or damage to people who have relied upon those RFAs to make investment decisions, to make job decisions. In that case, quite naturally, the Commonwealth would pay the cost that its change of attitude might impose on those who have invested on the strength of a commitment given by Commonwealth governments in the past. That is only fair. That seems very reasonable. I am surprised that anyone at all could object to that process.

There are some other comments that I did want to make about this bill, and I am not going to have the opportunity in this second reading speech, but I am sure that I will have the opportunity in the—(Quorum formed)

I do say to my colleagues and those in the gallery that Senator Brown is going to pull these sorts of stunts all the time because he does not want the will of the people—

Senator Brown—Mr Acting Deputy President, I raise a point of order. Even a minister may not reflect on another member. If I call a quorum, it is a proper process, and it is my right under the standing orders to do so. I draw that to your attention. He may not reflect on that.

The ACTING DEPUTY PRESIDENT
(Senator Watson)—Minister, try not to reflect on another senator.

Senator IAN MACDONALD—Mr Acting Deputy President, thank you for the ruling. What I was just saying to my colleagues and those who might be interested in this debate is that Senator Brown has indicated that by whatever means possible he will stop a vote being held on this particular bill because he knows that the majority of Australians, as evidenced by the two majority parties in this parliament, who represent clearly the majority of Australians, have agreed that it is essential to have this bill. It is an abuse of this parliament to stop this parliament having a vote on a bill which is of such great importance to the people of Australia.
There were a number of issues I wanted to raise but I will have to deal with those as we go through the committee stage. I am sure there will be lots of opportunities. What I did want to raise were the issues that Senator Brown spoke of in his contribution. Whilst I welcome debate on this very important issue, it must be debated on the basis of fact. For too long Senator Brown has misled the people of Australia as to what this bill is all about. Even this morning he was saying things like, ‘This will remove the jurisdiction of ministers in the future.’ Absolutely wrong—just plain wrong in fact. He also said that it will remove the right of the parliament to review the public interest in this area. Absolutely wrong—just simply not accurate in fact. Unfortunately this is the way the debate has gone on for the last 10 years. Senator Brown, and colleagues of his, repeat statements that are simply not factual, but if they repeat them long enough and loud enough they eventually rub off on someone. This is the way this debate has been going for some time. Senator Brown said that the bill will remove the right of the Senate to look at the impact of the RFAs. That is absolutely wrong; but someone will hear him and believe it. I think that after 10 years it is about time this debate got back on to actual facts—things that are real, rather than things that Senator Brown and others choose in order to pursue their own political agendas.

I might say, Senator Allison has pursued this—I will give her the benefit of the doubt; perhaps she has done it unwittingly, because I know her party are also totally opposed to any sustainable use of our native forests. She has followed Senator Brown in using the word ‘woodchipping’ in an emotive way—woodchipping overseas by multinationals and all the sorts of things that are guaranteed to bring a tear to some people’s eyes if they do not follow the debate fully. Of course, woodchipping and the sustainable use of the native forest really mean jobs; this is about people. Sure, we care about the forest—we all care about the forest—but we also care about people and jobs, and that is what this whole debate is about.

It should not need me to remind those who oppose this bill just what it is all about and what the whole debate is about. It is about security for jobs; it is about the future of small timber towns; it is about guaranteeing comprehensive, adequate, representative reserves that have substantially increased in Australia as a result of the RFA process. You know that, Senator Brown. This all happened because of the RFA process. Sure, there is some logging in native forest, but it is controlled and it is sustainable. It is about time the truth of this got out, rather than Senator Brown having the sole say on this, as he seems very skilful at doing. I congratulate you on that, Senator Brown, but it is not fact.

(Time expired)

Question put:
That the amendment (Senator Brown’s) be agreed to.

The Senate divided. [4.52 p.m.]
(The Deputy President—Senator S.M. West)

Ayes.......... 9
Noes.......... 52
Majority...... 43

AYES

Allison, L.F.        Barton, A.J.J. 
Bourne, V.W.        Brown, B.J. 
Cherry, J.C.        Greig, B. 
Lees, M.H.          Murray, A.M. 
Stott Despoja, N.   

NOES

Barnett, G.        Bishop, T.M. 
Boswell, R.L.D.     Brandis, G.H. 
Buckland, G.        Calvert, P.H. 
Campbell, G.        Carr, K.J. 
Colbeck, R.         Collins, J.M.A. 
Conroy, S.M.        Cook, P.F.S. 
Coonan, H.L.        Cooney, B.C. 
Crane, A.W.         Crossin, P.M. 
Crowley, R.A.       Denman, K.J. 
Eggleston, A.       Ellison, C.M. 
Evans, C.V.         Ferris, J.M. 
Forshaw, M.G.       Gibbs, B. 
Harradine, B.       Harris, L. 
Heffernan, W.       Herron, J.J. 
Hogg, J.J.          Hutchins, S.P. 
Kemp, C.R.          Knowles, S.C. 
Lightfoot, P.R.     Ludwig, J.W. 
Macdonald, I.      Macdonald, J.A.L. 
Mackay, S.M.        Mason, B.I. 
McGauran, J.J.J.    McKiernan, J.P. 

Monday, 11 March 2002
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Senator ALLISON (Victoria) (5.00 p.m.)—I move:

Omit all words after “That”, substitute:

“further consideration of the bill be an order of the day for the day after paragraph (2) of this resolution is complied with.

(2) That there be laid on the table by the Minister for Forestry and Conservation on or before 14 March 2002 the assessment of the Regulation Impact Statement for the Regional Forest Agreements Bill 2002 conducted by the Productivity Commission’s Office of Regulation Review”. The Senate divided. [5.07 p.m.]

(Ayes.......... 41
Noes.......... 9
Majority....... 32

AYES

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Tchen, T. Tierney, J.W.
Troeth, J.M. Watson, J.O.W.
West, S.M.

* denotes teller

Question negatived.

The DEPUTY PRESIDENT—The question now is that the Regional Forest Agreements Bill 2002 be read a second time.

The Senate divided. [5.07 p.m.]

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AYES
In Committee

Bill—by leave—taken as a whole.

The TEMPORARY CHAIRMAN (Senator McKiernan)—The question is that the bill stand as printed.

Senator BROWN (Tasmania) (5.10 p.m.)—I do not believe that the Regional Forest Agreements Bill 2002 should stand as printed. We have had some canvassing of the issues involved in this bill during the second reading debate, but a great deal more will come out in the course of the committee deliberations. The Australian Greens have put forward a number of amendments which would bring this bill into line with public expectations not just about the forests but also about democracy and the parliament’s right, and above that the parliament’s obligation to act as a watchdog for the interests of the Australian people—again not just as a matter of their interest in their heritage but as a matter of their interest in what happens to taxpayers’ dollars, and in this case what has happened to the hundreds of millions of taxpayers’ dollars that have effectively gone to the woodchip and logging industry through the regional forest agreements.

The fault in this whole process is that the regional forest agreements were not signed off by parliaments. They were not a process involving parliament to parliament agreement; they were a matter of signature between the Prime Minister and the Premier of the day in several states. They were backed up by a huge amount of money allocated by the Prime Minister from taxpayers’ funds. The problem there is that parliamentary scrutiny of how that money has been and will be expended ought to come through in a review of the regional forest agreements themselves. But you cannot have that if the regional forest agreements are not to be vetted by the parliament, and in the process that we have here that will not happen. The minister is quite wrong when he calls me to account over that, and I will be debating that with him further down the line. The parliament is selling out on its obligation to scrutinise these agreements if it does not insist that they be a matter for parliamentary review and indeed a matter for parliamentary amendment. That is not the case at present.

Of course, the woodchip and logging industry is entirely happy that this legislation is before the parliament. It has not passed my notice that since the legislation was drawn up the all-important compensation clause has been added at the behest of the woodchip corporations themselves. You see here a process whereby the woodchip corporations have come to the government of the day, the Howard government in this case, and said, ‘That bill is all fine and dandy but we want money out of the public purse. We put money and support into you as a government; we want in this legislation taxpayers’ money given to us in return,’ and the government has fallen over. So we have the amendment clause whereby if any forest in Australia is protected in the future—even World Heritage value forests like those that people are protesting about in the Weld Valley in Tasmania at the moment—along comes the woodchip corporation and it says, ‘Give us the money of the value of those forests as a pile of woodchips.’ It is tens of millions of dollars. If the public wants to create a national park out of its wild forests, it is going to have to pay compensation money to the woodchip corporations. The woodchip corporations have never done anything in there, have put nothing into it and have not paid a red cent towards the growth of those trees or, indeed, to the roads that go in when logging proceeds. The taxpayers, through this process, pay for all of that.

The public interest has indeed been bypassed by this process. We have seen the public interest boil up over that in Western Australia, where the RFA came to grief. Thousands of people at a time—6,000, 8,000 or 10,000 on occasions—were protesting about the regional forest agreement sending their forests to the slaughter for a quick profit by woodchip companies like Bunnings. In Tasmania, an even bigger corporation, Gunns Limited—now the biggest destroyer of forests in the Southern Hemisphere and the biggest destroyer of hardwood forests on the face of the planet—are tremendously behind this legislation. The compensation clause applies to nobody else in the country more than it does to them. It does not pass my notice that former Liberal
Premier of Tasmania Robin Gray is on the board of Gunns. He is the one who wanted to flood the Franklin and who at the time turned down a compensation proposal of some $500 million from the then Liberal Prime Minister, Malcolm Fraser, to stay his hand in destroying the Franklin and Gordon rivers. Those rivers now provide jobs, stimulate the economy of Tasmania enormously, and have made Strahan the one go-ahead town on the west coast, with Queenstown catching up—not because of dams but because of the railway suggested by the Greens back during the Franklin campaign—

Senator Ian Macdonald—Funded by the Howard government.

Senator BROWN—Twenty years late. What a pity that former Labor Premier of Tasmania Eric Reece pulled that railway out in 1968. So taxpayers are funding, to the tune of $20 million to $30 million, the putting back in of a railway which was pulled out by a man who had dams, dams, dams. That was all his credo was as far as the state was concerned. He was out of date, lacking in foresight and totally incapable of seeing the sort of Tasmania which is now emerging, where jobs and prosperity depend on the quality of the produce and the quality of the visit that people have when they go there. The people who come to Tasmania hate the destruction of forests. They hate the woodchip industry. They have their holidays wrecked by it. You see their letters in the papers all the time—there were more of them this weekend. It is no wonder, because this year alone 150,000 truck loads of logs from those great wild forests of Tasmania will go to the woodchip mills to featherbed the Japanese paper industry, the Chinese paper industry and the shareholders of Gunns—who are on the mainland and elsewhere; only a very small handful are in Tasmania.

Through this process, which has traditionally been supported by the government, the ALP and Senator Harradine, we have seen the profits ripped out of Tasmania and sent to the mainland and elsewhere. We have seen the public purse plundered to foster that profit, and the promise of jobs—which all three entities have repeatedly said is why they stand with the woodchip industry—has been broken time after time. Since the regional forest agreement, 460 jobs have been shed out of the Tasmanian native forest industry; 550 jobs were promised by the Prime Minister. On the day he signed the regional forest agreement, he made that commitment. I ask the minister: where are those jobs? Please give us a statement as a progress report. The Prime Minister made the promise; let’s see where the jobs are.

I also ask the minister: what about the $80 million of taxpayers’ money that has gone into the Tasmanian forest industry? What has that been spent on, and where is the spin-off for the industry? Where is the downstream processing that was going to create? Please list them; give us the facts that the minister was demanding of me only a minute ago. He is the man with the fact book, he is the man who is putting this legislation through. This is the government which has insisted and promised—the Prime Minister has promised—jobs. Where are they? List them. Show us that it has turned out, because the fact is that it has not. Gunns and other corporations have taken the money and run, and they have sacked stacks of people in the process.

I will be saying to the Labor Party during the course of this debate: you too have cried crocodile tears over jobs, jobs, jobs—with the CFMEU—and have stood shoulder to shoulder with John Howard, yet again, in putting this regional forest agreement legislation through. You get up and say whether jobs have been created. The CFMEU, above all, is connected to the workers, it says, and their interests. Let’s have the statistics from Labor, if the government will not produce them. Where are the jobs? We have been through the newspapers. We see that nearly 500 jobs have been shed, but you tell us where the jobs have been created—and I do not mean in the plantation industry, which is outside the purview of this legislation. This legislation is about native forests. You show us where the jobs have been created. The government cannot. The opposition cannot. Senator Harradine cannot. They are misleading themselves to put the best spin on it, so that if they say ‘jobs’, jobs will be created. It is a dereliction of public duty.
Senator Ian Macdonald—Everyone is wrong except you.

Senator BROWN—Produce the facts.

Senator Ian Macdonald—You are the only one who is right.

Senator BROWN—In this case that is true, because we have done our homework. If a debate is going to be honest and mature, the opposition—and the opposition on this occasion is confined to the Democrats and Greens—have to challenge the government and draw out the information which will attract their vote for or against. That is what I am saying to the government now. It is no matter for hilarity; it is a matter for serious production of information.

It is not the Greens and the Democrats who are not listening to what the public thinks here; it is the government. The minister gets up and says, ‘We’—that is, the government and the Labor Party—‘got the endorsement of the people of Australia.’ I challenge the minister to say where and when he mentioned the regional forest agreements in Tasmania during the election campaign. Would he please produce the information which can show the house that either the leader of the government—the Prime Minister, Mr Howard—or the then leader of the Labor Party addressed the issue of forests during the election campaign? I will tell you that they did not, because they knew that to do so was to lose votes. They are not in the business of raising the forest or environment issue at all, because they know that they are acting against the public feeling and the public interest in this matter. During this committee debate, there will be a need for the government to furnish information.

Let me go to the critical phrase upon which the regional forest agreement process is predicated. They are not my words but the words of the government itself and, previously, the words of the Keating government, so the Labor Party can join in here. Two weeks ago, I put it to the minister in this place that he should define what is meant by ‘ecologically sustainable’ when it comes to logging and woodchipping of forests. He has had two weeks to think about it. I put it to his previous defender of the chainsaws in this place, Senator Judith Troeth, when she was in the position that he is now in on this bill last time and, before that, I put it to Senator Hill. There has been a total failure to give a definition of this central phrase used by the Labor, the Liberal and the National parties in defending the environmental consequences of this legislation—but it is their phrase.

I ask the minister what is meant by the government when it uses the words ‘ecologically sustainable’. We see destruction. We see firebombing. We see forests razed. We see wildlife poisoned. We see ecological systems destroyed. We see the term ‘ecologically sustainable’ as a lie—L-I-E—but I ask the minister to define it so we, as a committee, can determine what we think about that matter.

I move Australian Greens amendment (2) on sheet 2432:

(2) Page 2, clause 3 (lines 13 and 14), omit paragraph (a), substitute:

(a) to give effect to the obligations of the Commonwealth to conserve and protect the conservation value and heritage of Australian native forests.

This is an amendment to the objects of the legislation. The chamber will be aware that, if it looks at the objects, the act says:

The main objects of this Act are as follows:

(a) to give effect to certain obligations of the Commonwealth under Regional Forest Agreements;

(b) to give effect to certain aspects of the Forest and Wood Products Action Agenda and the National Forest Policy Statement.

What on earth are ‘certain obligations’? Does this mean, right at the outset, that the government is saying that it wants to give effect to some of its obligations here; others, it is going to tread on? I have amended the first part of that, at least, to say that the object is ‘to give effect to the obligations of the Commonwealth to protect and conserve the value and heritage of Australian native forests’. If that is what the government says it is going to do, let’s spell it out. Let’s not be uncertain by using the word ‘certain’.

Senator BARTLETT (Queensland) (5.26 p.m.)—On behalf of the Democrats, I would like to indicate our support for this amend-
ment moved by Senator Brown. I think the reasons he has outlined in his commentary about the desirability of it are ones we would concur with. In many ways, it is—as a lot of these amendments to the objects of an act tend to be—an amendment that can be easily agreed to if there is any sense of genuineness on the part of others in this place about having the objects reflect the statements that are often made. If those statements are to be backed up and given the extra credibility that people making them often wish them to have, then supporting this amendment is an obvious way to go.

Senator BROWN (Tasmania)  (5.27 p.m.)—I asked the minister a series of questions when I was on my feet a moment ago. I will come back to the questions about jobs, the disbursement of taxpayers’ money and other matters further down the line if the minister wants to use the time between now and then to acquaint himself with some sort of answer that will be comprehensible or will add something to the debate. I can well understand that he may not be in that position at the moment.

When it comes to the objects, I say again that the bill fails. When you go to the objects of any bill which is to become an act, you ought to be able to see what the act is going to do. The third object is very clear—it says that the bill provides ‘for the existence of a Forest and Wood Products Council’—but the first two provisions are not. I read the first provision again:

(a) to give effect to certain obligations of the Commonwealth under Regional Forest Agreements.

What does that mean? The government has been saying that this will ensure the ecologically sustainable management of Australia’s forests in Western Australia, Victoria, New South Wales and Tasmania. The amendment I have moved says just that—it will ‘give effect to the obligations of the Commonwealth to protect and conserve the values and heritage of Australian native forests’. That is a very clear exposition of the government’s position and, indeed, the Labor Party’s position in developing the forest practices which are part of the regional forest agreements.

If the government is not going to protect and conserve the values and heritage of Australia’s native forests, then it should say so. If it is, it should support this amendment. If it does not support the amendment, the government not only is missing the opportunity to say what it is doing but also is defaulting on the obligation to be absolutely clear, in plain English, at the front of a piece of legislation, about what it is doing. The objects, as they are written at the moment, totally fail to do that. During the committee’s deliberations, we will be trying to draw an answer out of the minister, providing he gets to his feet. So far he has shown that he is no more able than his predecessors were to answer simple questions on this matter. But I will question him a little more about that a bit later.

Just for the time being, though, it is very important that we come to the object to protect and conserve Australia’s forest values. That gets us to the minister defining what is meant by ‘ecologically sustainable’. The Greens maintain that you cannot chainsaw, firebomb and poison ancient ecological systems and at the same time maintain them. Everybody would agree that that is the case. Even Senator O’Brien would agree with me on that. I ask the minister to define what he means by ‘ecologically sustainable’, because it is not obviously what is commonly meant by the use of those words. It is not what is meant by their use by experts around the world—ecologists, scientists, people in the conservation movement—or the public. There is some other meaning that the government has which it is hiding but which we need to draw out.

The Prime Minister himself has used the terminology. His comrade in the woodchip industry support system, Deputy Premier Paul Lennon, uses the phrase frequently. Senator Crane would remember that during the deliberations of the committee in Melbourne, I asked Mr Lennon—the chief advocate for woodchipping forests in Tasmania at the moment—what was meant by ‘ecologically sustainable’, and he could not answer. It was interesting that I asked a large number of people from the industry and they could not answer. There was one exception—a
former minister for the environment from Western Australia, now working in some association with the industry. He answered and his answer was correct: it means sustaining the environmental values and the ecological values of the forest, not damaging them. Is that what the government means here? Or is the minister, Senator Macdonald, going to fail, in his first presentation of himself as a minister with legislation before the Senate, to be able to answer a basic definitional question about the legislation which he puts before us. So I will again give him the opportunity: what does the government mean by 'ecologically sustainable'?

Senator O’BRIEN (Tasmania) (5.33 p.m.)—With respect to the amendment moved by Senator Brown, the opposition believes that the objects currently provide adequate reference to the matters contained in the new proposed subclause (a) which is proposed to be substituted for the existing subclause (a) in the objects clause. By referring to regional forest agreements in that subclause, you have to then go to the definitions. The definitions say that a regional forest agreement is:

... an agreement that is in force between the Commonwealth and a State in respect of a region or regions, being an agreement that satisfies all the following conditions:

(a) the agreement was entered into having regard to assessments of the following matters that are relevant to the region or regions:

(i) environmental values, including old growth, wilderness, endangered species, national estate values and world heritage values;

(ii) indigenous heritage values;

(iii) economic values of forested areas and forest industries;

(iv) social values (including community needs);

(v) principles of ecologically sustainable management;

(b) the agreement provides for a comprehensive, adequate and representative reserve system;

(c) the agreement provides for the ecologically sustainable management and use of forested areas in the region or regions;

(d) the agreement is expressed to be for the purpose of providing long-term stability of forests and forest industries;

(e) the agreement is expressed to be a Regional Forest Agreement.

So one would have thought that, if the Commonwealth were to recognise its role in protecting and conserving the conservation values and heritage of native forests, together with its role in providing adequate access to resources in the context of all of the matters to be considered in regional forest agreements, the objects clause as it stands would be quite adequate. That is the view of the opposition. We will not be supporting this amendment.

Senator IAN MACDONALD (Queensland—Minister for Forestry and Conservation) (5.35 p.m.)—The government will not be supporting the amendment, for the reasons that I outlined very briefly in the second reading speech, and I will not repeat those reasons. We are not on broadcast at the moment, but I suspect the tenor of the debate will vary depending on whether Senator Brown has an audience or whether we are on broadcast. Senator Brown has already started on a personal attack on me. I do not intend to respond, except to say that I saw Senator Troeth sit through the most vicious personal attack from Senator Brown during the time that Senator Troeth was in charge of this bill when it was last in the parliament. Senator Troeth is a very able senator who I think knows considerably more about the forest industry than Senator Brown. Senator Troeth did not respond because it is obvious to all of us in this chamber that Senator Brown’s approach to these matters is to continue the debate. In case anyone does not understand, this debate can continue forever as long as someone speaks after Senator Brown. It seems that perhaps the Democrats are going to provide Senator Brown with that foil.

I would hope, after the debate has been fully held and we have gone through all the sensible parts, that we will be able to ensure that the debate is brought to a conclusion by the democratically elected members of this chamber having a vote on the bill. I will try not to respond to the personal insults from Senator Brown, but I guarantee that they will come to me as they came to Senator Troeth and as they will go to Senator O’Brien, I am sure.
We have all heard this debate before and we have heard everything Senator Brown has had to say before. I hope that I can answer some of the serious questions that Senator Brown might put up, although I hasten to add that they have been asked and answered before. I do not want to give Senator Brown the opportunity to say that his serious questions have not been answered. To the best of my ability, I will answer those questions that are serious.

I note in passing—I made the interjection, perhaps in breach of standing orders, but Senator Brown responded—that what is being said here is that the Liberal Party is wrong, the National Party is wrong, the Labor Party is wrong, the state government is wrong, the CFMEU is wrong, and the people who represent a very substantial majority of Australians and a very substantial number of people involved in the forestry industry—not only from the industry point of view but also from the conservation point of view—are wrong. There seems to be only one person who is right and that is Senator Brown.

People can make their own judgments on that, but if Senator Brown is so confident in his assertions I suggest he put this bill to the vote of the people elected by the people of Tasmania and the people of Australia. Let the will of the people, evidenced by the senators sitting in this chamber, have its day. Let us not continue with a debate with contributions from Senator Brown in the way that he has contributed over the last several times when the debate has been before this chamber. There is nothing new, just a continuation of the filibuster to try to prevent a conclusion being reached and to prevent the will of the people, as evidenced by the elected representatives here, having its day.

Senator Brown should know this—he does know this—but he asks it as a question because it reads well: ‘I challenge you to show where this was an election issue.’ Senator Brown, if you are as astute and aware as you suggest you are, I refer you to the coalition’s policy which was taken to the last election where we said in a press release in relation to this issue:

While Regional Forest Agreements are a national issue, they have specific significance for Tasmania. The Coalition will pursue the passage of relevant legislation...

It then went on to blame Labor for deliberately blocking the legislation in the Senate. Perhaps we should not have said that because the Labor Party made it clear in their election policy, but that is not for me to talk about; that is for others to talk about. Certainly, every single person who was interested in this issue was well aware of the coalition’s election policy and. Senator Brown, if you are as astute as you try to tell us you are, you would have seen that in the coalition’s election policy. We went to the election on that policy to get this bill through this chamber.

As I say, it is for the Labor Party to say what their policy was, but my recollection—and I had an interest in it—is that the Labor Party also indicated that. That policy did not win us any seats in the lower house in Tasmania but it did return us five excellent senators—five times as many as were returned of your lot, Senator Brown. It did not return us any House of Representatives people—only three excellent Liberal senators. The Labor Party had two—they are excellent senators too—and one other. Our policy was listened to by Tasmanians and they voted for it by electing Liberal senators. Regrettably, we did not win any seats in the House of Representatives, so people voting in that chamber were not swayed by our policy. No doubt they were swayed by the policy of the Labor Party, which I understand also indicated that they were going to support it. Senator Brown, this is the myth that you keep on and on about—that people did not know what we stood for. They knew very well what we stood for and I suggest they knew very well what the Labor Party stood for as well.

Senator Brown, you ask the question about jobs. Again, as if to demonstrate the point I was making before, we have given you this information time and time again. Perhaps I should not say that because I do not know that, but I do know that we have provided you with the information in the time since I have been the relevant minister. We have given you the details of jobs in Tasmania that are relevant. Perhaps it is worth repeating the advice we gave Senator
Brown—it would be recorded in Hansard, of course—that there are some 8,259 persons employed in the industry, according to the Australian Bureau of Agricultural and Resource Economics. It is obviously a very substantial industry in Tasmania and one which sustains people—their livelihoods and families—and sustains small communities. It looks after people.

We are all very much aware environmentally and ecologically these days. Most Australians are. We do understand the need to conserve representative, comprehensive adequate forests. The RFA process was all about doing that. I could give you the numbers of the huge increases of reserves that followed the RFA process, but I know you have them already. We have a conservation system here in Australia—a reserve system—that is better than most others in the world. The reserves we have exceed the criteria issued by some of the more substantial environment groups, and so the RFA process has been a great win in more than one way for the conservation of our forests, and we are very grateful and pleased to have been part of that. But, Senator Brown, we also care about people. We care about people’s jobs and people’s families and people’s livelihoods in some of those small country towns that depend upon the sustainable use of the forest industry.

During the RFA process, ecologically sustainable forest management was defined in this way:

Ecologically sustainable forest management involves integrating commercial and non-commercial values of forests so that the welfare of society, both material and non-material, is improved whilst ensuring that the values of forest, both as a resource for commercial use and for conservation are not lost or degraded for current and future generations.

Put simply, therefore, ecologically sustainable forest management refers, among other things, to protecting biodiversity, forest ecosystem health and vitality and the conservation and maintenance of soil and water resources. It is all about managing our forests in a way that protects our forest environment while meeting the needs of all users, both current and in future generations. It also refers to maintaining the productive capacity of forest ecosystems and maintaining and enhancing long-term economic and social benefits from forest use.

In signing the regional forest agreements, the Commonwealth has acknowledged that state systems, subject to certain improvements, address all aspects of ecologically sustainable forest management. One of our tasks in the five-yearly review process for each RFA will be to assess how successfully each state is achieving ESFM, in terms of meeting relevant RFA obligations and also in terms of sustainability outcomes. Because of ecologically sustainable forest management, combined with world-class comprehensive adequate and representative reserve systems achieved by the RFA process, the Commonwealth is able to remove itself from state forest management decision making processes. This helps achieve the National Forest Policy Statement objective of removing duplication and uncertainty from forest management decision making. I want to elaborate a bit more on that when we get to some of Senator Murphy’s amendments.

We will not be supporting this proposed amendment, and I would urge the Senate as well to maintain the objectives which are clearly set out in this bill. They fully cover and canvass the purpose of this particular bill before the parliament. I think it is important, in this debate, to look at what this bill proposes—the 12 clauses there—and confine our arguments to that, pursuing the arguments in such a way that we can fully address each clause and every proposed amendment, but also in such a way that we can get a vote on it, so that the will of the people is understood and put into effect.

Senator BROWN (Tasmania) (5.49 p.m.)—The definition of ecologically sustainable management in that speech is an example of what happens when a lie is put forward in terminology and then dressed up by an attempt to explain it away: nevertheless, it is a lie. The lie that remains at the heart of this whole process is involved in what happens to the forests under the regional forest agreements in all the states involved. Let me tell you about Tasmania, where in the last few weeks a group of ster-
ling patriots of this country—young people in the main, but people from all walks of life and all age groups—have been encamped on the road to the Weld River, south of Hobart. The Weld River forests they want to protect and the region to the north of where they have been encamped are of World Heritage value. Even Senator O’Brien, who is not going to defend World Heritage values in Tasmania in this debate, cannot countermand the international union for the conservation of nature, the World Conservation Union, which has called for that area to be placed on the World Heritage list, along with the Picton and Huon valleys, which are adjacent.

These World Heritage value forests are being destroyed under the name of the ecologically sustainable management practices that the minister just read out. That is why that is a lie. I first went to the Weld Valley 10 years ago, and I came across an area which had just been logged and then firebombed. From the air, they dropped thousands of ping-pong balls with a napalm-like substance in them to create a firestorm so that nothing was left alive—no animal, no bird, no insect. You could see scores of native snails scattered across the rainforest floor, their beautiful shells burnt white by the heat of the searing fire. They were the only remnants of living creatures to survive the holocaust.

The people who are now involved in the regional forest agreement process growing out of those times then went in and dropped fast-growing seedlings, attenuated and foreign to that area, so that they, in turn, would grow up to be woodchipped 20 or 30 years down the line and in that next round of their being felled before reaching the age of 80 or 100 years, the branches of the big trees—which, in a natural forest, would provide nesting places for the next round of birds, possums, bats and so on—would drop out. The process is that the ecology is totally destroyed—totally and deliberately destroyed.

Behind this particular forest was a huge bank of still existing forest; it rose up far higher than the Great Wall of China, straight up into the air. That forest was full of all those things I have just spoken about. It was dramatic to see this great wooden wall of living forest, a living and breathing, ancient ecosystem—and, in front of it, a vast acreage of blackened deadness: the flesh, the feathers, the flowers, the fibre, all burnt to death; nothing left breathing or palpitating, no life whatever. There were huge stumps metres across, remnants of what had only just a year before been an ancient ecosystem dating right back to Gondwana, 65 million years ago. Even then, the rainforest species that were destroyed in this holocaust were growing on this planet. There was a continuum: the dinosaurs lived amongst them but did not destroy them, but the dinosaur woodchip industry has moved in and rapidly destroyed them—under the patronage of the then Labor government at federal level and at state level. Now we have Mr Howard’s Liberal coalition government and Mr Bacon’s Labor government in Tasmania both seeing eye to eye, having their arms around each other’s shoulders, engaging in what has now become an even faster way of destroying these very same forests.

Since that first time, I have been back to the Weld Valley and looked at what was that great wall of forest behind the blackened coupe, and it too has now been totally destroyed, razed to the ground, with its wild nature forever totally eradicated: not in order to create jobs, because no jobs have been created by that process—this is an industry that continues to shed jobs—and not for quality downstream processing, but to use less than 10 per cent of that forest to produce sawlogs and 90 per cent to go to the woodchip mills, then to the Japanese paper mills and then to the rubbish dumps of the Northern Hemisphere. In the process these huge forests, which are the biggest carbon banks on the face of the southern half of the planet, have been killed—and this government and the Tasmanian Labor Party have released all the carbon and methane out of those forests into the atmosphere, thus hastening global warming.

With global warming, it is interesting that the National Academy of Sciences in the United States, since we dissolved as a parliament last year, has reported to the world that the international planetary committee looking at global warming has found that human activities will lead to an increase in
temperature of between one and six degrees this century; that could happen any time soon. The National Academy of Sciences is saying that this is not necessarily going to be a smooth process, and that within the space of a year or two the whole thing could happen. When it does, we are going to see massive destruction of agriculture in Australia; we will see the living conditions and lifestyle for people throughout this country and the world change. We will see tens of millions of people displaced to the north of this country, and we have no readiness for that. We will see many of our own coastal towns and cities inundated.

But here we have a coalition government and a Labor opposition who, far from saying, ‘We want to do something to insure ourselves against that,’ are mindfully and wilfully destroying the most magnificent hedge against that horror situation that we have in this nation in our great wild forests. Manifestly, the coalition and the Labor Party in here today are moving to wilfully promote global warming and that scenario that the leading scientists in the United States—not a country which, at political level, is given to doing anything about it either—have warned against.

But there is not the collective sensitivity in the Labor Party ranks nor in the coalition ranks to look at this, because it is a hard job to think, ‘How are we going to look after our children and our children’s children?’ But every member of the Labor Party—and I mean ‘every’ member; whether from Western Australia, the Northern Territory, Queensland, New South Wales, the ACT, Victoria, South Australia or Tasmania—who votes for this legislation is voting against their children’s interests.

Now I do not accept that they have to do so in the service of the party. I have said publicly that Prime Minister Howard had a choice in the matter of supporting the Kyoto protocol, of going with President Bush or with our grandchildren, and he has chosen President Bush. But every single member of the Labor Party in this House and in the other place who votes for this legislation is also joining Prime Minister Howard and President Bush against the interests of our children in this particularly nasty fashion. They do not do it with their eyes closed. I am here amongst many other voices in our community to say, ‘You know and we are telling you what the situation is.’ The minister opposite might get up and say that Senator Brown vilifies people and makes vicious attacks, but that is the minister who is not going to go to the Tasmanian forests with the environmentalists to see what is happening in those forests, just as Senator Troeth did not.

Senator Ian Macdonald—When are you going to invite me?

Senator BROWN—And that is the minister who is conducting this, his first debate, in blinding ignorance of the destruction that is occurring there, and then laughs about it. Because, you see, he does not think about grandchildren and he does not think about what is going to happen in this nation and around the world unless we do something about the environment. If we do not do it in this state, in this country, we cannot ask other people in poorer places to do it. We cannot ask other people in less democratic places to do it. The corporate sector here, the big money interest, has Senator O’Brien’s party and Senator Macdonald’s party acting against the public interest, and if there were a loud voice that should be heard here but is not—it is not entertained and does not even have a vote—it is those grandchildren. The government and the Labor Party can both get up and say, ‘Well, that is Senator Brown.’

I reiterate: what I am quoting is the National Academy of Sciences in the United States and what they are quoting are thousands of other scientists and economists in the world including hundreds of Nobel prize laureates who are warning about the same thing. And yet we come in here and have a document like this put forward and a definition like the minister just gave in response to a world community that is facing huge human-made problems. And what does the Labor Party do? Arm in arm with the Howard government it says, ‘Full steam ahead. Let us do what we have done in the past, only let us accelerate it.’ Since the regional forest agreements were signed we have seen an
acceleration of logging in our Australian forests, not the diminution.

Today while I am standing here, and we are all sitting here, there are some 50 folk in the Goolengook forest in East Gippsland, which we were told the regional forest agreement would protect. But by unilateral action of the Victorian government that protection was reviewed and taken away—a heritage area. It says here that they are going to protect forest values but you find in fact that when it gets down to it they are not going to do anything of the sort. This legislation, supported by Labor, gives away the Commonwealth power and obligation to do just that. So, tonight, 50 sterling Australians are out there in the forest trying to protect a heritage area—which was guaranteed under the regional forest agreement and backed up by this legislation—because the chainsaws have moved in.

It is rampant hypocrisy, deceit, double-dealing, selling out, not just of the environment now but of all those who are going to come after us. And the minister over there says, ‘Don’t get up after Senator Brown because he will say more things that I do not like and don’t want to hear and this government wants to hide from. Let us truncate this debate and get home.’ We know the public out there is opposed to what we are doing, and the Labor Party the same, but the duality is there for all to see and it will be on the record. I recommend the amendment to the chamber.

Question put:
That the amendment (Senator Brown’s) be agreed to.

The committee divided. [6.09 p.m.]
(The Temporary Chairman—Senator S.C. Knowles)

| AYES | 9 |
| Noes | 42 |
| Majority | 33 |

AYES
Allison, L.F. Bartlett, A.J.J.
Bourne, V.W. * Brown, B.J.
Cherry, J.C. Greig, B.
Lees, M.H. Murray, A.J.M.
Stott Despoja, N.

NOES
Brandis, G.H. Campbell, G.
Colbeck, R. Cook, P.F.S.
Cooney, B.C. Crossin, P.M.
Denman, K.J. Evans, C.V.
Forshaw, M.G. Harradine, B.
Herron, J.I. Hutchins, S.P.
Lightfoot, P.R. Mackay, S.M.
McGauran, J.J.J. McLucas, J.E.
Payne, M.A. Schacht, C.C.
Tehen, T. Vanstone, A.E.
West, S.M. * denotes teller

Question negatived.

Senator BROWN (Tasmania) (6.14 p.m.)—I move amendment (3) on sheet 2432 revised:
(3) Page 3, clause 4, after the definition of ‘forest and wood products industry’, insert:

forest products industry means an industry that derives a benefit from the use or existence of forests, including tourism, water production, honey production, land and water users that benefit from the protection of soil and water, and the like.

I move this amendment because of the definition the government uses for the term ‘forest and wood products industry’ in the legislation. On page 3 of the legislation, under ‘Definitions’, it says:

forest and wood products industry means:
(a) the forest products industry; and
(b) the wood products industry.

What does this definition advance? I ask the Minister for Forestry and Conservation: what is the difference between the forest products industry and the wood products industry? As the government has made that definitional difference, that is my first question. Then I draw the attention of the committee to the Greens definition:
forest products industry means an industry that derives a benefit from the use or the existence of forests, including tourism, water production, honey production, land and water users that benefit from the protection of soil and water, and the like.

I ask the minister: is the mining industry part of the forest products or wood products industry—it gets a prominent mention in the legislation—and, if it is not, where does it come in the definitional line-up? I expect the government will have no difficulty accepting this definition. It does become important for matters of compensation and so on. When compensation goes to the logging and woodchip industry, does that include the more job-rich newer components of the industry? Are jobs growing rather than being shed? The sectors of tourism and honey production are very important in Tasmania.

Also important is the use of land and water for a whole range of products, including the sale of water. Tasmania is blessed with many natural springs. This is a growing industry in a world which is searching for non-contaminated water, where the sale of water has become a huge industry in itself. There is nowhere better placed than Tasmania to produce that water from natural springs. But there is one big ogre coming down on the back of the industry, and that is the logging of the mountains in the hinterland of Tasmania and along the ranges elsewhere which contaminates the natural water systems. This is not just soil contamination. There is massive soil contamination and washaways from the roads that are going into the native forests because after you clear-fell and burn there is nothing to hold the ground together. Each year millions of tonnes of soil are being washed into what were pristine rivers, with people downstream drinking the water.

Then there is the wide-scale use of chemicals in the form of pesticides by the industry which leaves long-term residual poisons in the water system. This of course counts out any system as a potential exporter of water that has come under spraying carried out by the industry. If you are going to export water, then you need organic use of the resources in all the adjacent regions. The logging industry—if any industry—is not organic. There are some private organic plantations in the country, but the industry itself is a poisonous industry in its use of pesticides, and it uses them in great volume. This has led to a great deal of community unrest in Tasmania. For example, in the Lorinna area people are fighting to keep their neighbourhood free of contamination from pesticides.

Under the minister’s and the Labor Party’s definition of ecological sustainability, the planes come in with the poison and drop it on to these ecological systems. That is claimed to be ecologically good. This leads to a large number of anecdotal stories of illness, anxiety and worry—even stories of people moving out of areas at great economic loss to themselves. But this industry does not care, the government does not care; and the Labor Party endorses this happening. However, these poisons are contaminating areas which will constrain the water products industry in Tasmania for a long time into the future.

The tourism industry is very important in Tasmania because there are more people employed by visitors wanting to see forests and wilderness than are employed by the logging industry itself in native forests. Nobody in the Labor Party is going to get up and countermand that because it is a fact. The minister is not going to get up and countermand that because it is a fact. As the jobs go up in the tourism industry based on natural amenity, the jobs go down in the logging industry because the logging industry is automating.

You cannot automate good tourism because it relies on human contact. You can automate chopping down trees and exporting them to the Japanese woodchip mills, and the more you automate it the better the profit line. There is a whole impulse within the woodchip industry to get rid of jobs and replace them with machines. In the tourism industry it is quite the reverse: the impulse is to give people a personable experience and for those people working in the tourism industry it is a pleasant rewarding job.

There are compensation provisions in this legislation for the job-shedding, forest-destroying woodchip industry and the mining industry. I ask the minister: why shouldn’t tourism be included? Where tourism interests are compromised, why shouldn’t those peo-
ple be given compensation? The honey industry in Tasmania depends, amongst other things, on native leatherwood. Leatherwood honey is a product which is singularly associated with Tasmania around the world. Honey producers are concerned that the woodchip industry is ruining native leatherwood forests and diminishing their resource year after year inexorably. Why is there no compensation for the honey producers? Senator O’Brien may get up and say why he supports the destruction of the leatherwood base for the honey industry without compensation but supports compensation for the out-of-state profit driven woodchip industry, which is shedding jobs—ditto the mining industry.

We will get to the compensation components a little further down the line, but it is very important to hear from the government what they mean by the forest products industry and why they include, ipso facto, in the passage of this legislation, mining—

**Senator Ian Macdonald**—I haven’t mentioned the word ‘fire’.

**Senator BROWN**—You have. Go back to the Hansard.

**Senator Ian Macdonald**—You might be confusing me with Senator Crane.

**Senator BROWN**—I might be, Minister, forgive me. It was your colleague Senator Crane who brought up the issue of fires. You are quite correct. The issue coming from the government was the increase in fires if forests are not logged. The minister will defend his colleague on this, but the fact is that, in 1934 when the biggest bushfire holocaust hit Tasmania since white settlement—there was a fire in 1898 that may have been of the same order but records are more scanty—that fire was lit on the Queenstown-Strahan road and burnt out all 14 bridges on the Abt railway at the time. It then burnt right across through central Tasmania to the south coast. According to Forestry Tasmania itself, 99 per cent of the fire damage done in Tasmania has come from man lit fires; it is very rare in Tasmania that fires come from lightning.

Look at recent performance. Who is the biggest agent of destruction of the forest property of the Tasmanian people? It is the woodchip industry. It is Forestry Tasmania, which announced just this weekend that, in this coming week because there is a late warm spell of weather, they are going to firebomb the forests of Tasmania again. They are in some strife because they could not burn all they wanted to last year—and this has not been a particularly hot summer—so they are going to do their darnedest. We have the example of the fire just a couple of years ago at Mathinna. They burnt out not only the plantations they had planted with public money but also the scenic reserve on the way to the Mathinna Falls, including the signs. Hundreds and hundreds of people are now going to the Styx Valley in central Tasmania, thanks to the Wilderness Society and the Greens for presenting the area, to see the tallest forest in the Southern Hemisphere.
Downstream of the forest domain there, Forestry Tasmania lit a fire a couple of years ago and it jumped the river and burnt into the mountain range on the southern side, creating a huge amount of damage and loss as far as potential logging is concerned—if that is how you value forests, and that is how the government and the opposition do. Senator O’Brien obviously wants to comment on this, so I will let him in a moment.

The biggest agent of fire is the logging industry itself. Of course, arsonists are a prodigious cause of fire. We saw that recently in Sydney. It has been happening on the northwest coast of Tasmania. The police, to their great credit, caught somebody after the fire very recently in the Tarkine Wilderness. But arsonists are the most dangerous form of potential bushfire in the state, and logging roads give them access and avenue.

Senator Ian Macdonald—All criminals are bad.

Senator BROWN—Definitionally the minister is on to another deep tour de force there, but I will let him proceed. His definitional record is consistent. The industry itself has caused millions of dollars of damage to Tasmania’s forests and nobody has accounted for it—the taxpayer picks up the tab. But that is not in this legislation. There is nothing in this legislation saying, ‘Forestry Tasmania and the woodchip industry shall compensate the people of Tasmania when they burn out thousands of hectares of Tasmania’s forests.’ That is not here because the lawyers in the woodchip industry did not ask the government and the Labor Party to do that. So Mr Howard and Mr Crean are not disposed to doing it. I have moved this amendment and I ask the government and the opposition, if they have any problem with it, to say why.

Sitting suspended from 6.29 p.m. to 7.30 p.m.

Senator O’BRIEN (Tasmania) (7.30 p.m.)—The opposition will not be supporting Senator Brown’s amendment (3). I would concede that it takes some reading to understand the intent of the definition of forest and wood products industry, which is in clause 4 of the Regional Forest Agreements Bill 2002. I believe that the intent is that it be related to the references in clause 11, ‘Forest and Wood Products Council’. They are the only areas I can find that in the bill. The intention is that it be a council which reviews both the wood production from forest sectors and the manufacturing from wood sector together to form the Forest and Wood Products Council. That is the purpose of the amendment, and the purpose of that body is obviously as stated in the bill in clause 11(2), for example:

(i) consult together; and
(ii) exchange advice and information; and
(iii) participate in the formulation of advice in relation to the Forest and Wood Products Action Agenda; and
(b) the promotion of co-operation between different sectors of the forest and wood products industry.

Understanding that as it is and understanding the meaning of the definition on its face, which is to do with production sectors rather than service sectors, I do not believe that it is appropriate to include the amendment proposed by Senator Brown, given that the only place in the bill where that phrase appears is in clause 11. It may be that Senator Brown is proposing amendments to include it in other sectors of the bill. But, for example, reference to compensation in Senator Brown’s contribution drew me to clause 8 of the bill, ‘Compensation for breach of RFA by Commonwealth’, and I could not find any reference in that section to the term ‘forest and wood products industry’. And on a quick scan of Senator Brown’s amendments to clause 8 I could not find that phrase appearing either. I may be wrong, and Senator Brown will no doubt draw my attention to any passage in those amendments where that appears, but I could not see the relevance of that reference to the particular clauses in the bill in which the passage ‘forest and wood products industry’ appears.

I was minded to make a couple of comments on some of the matters referred to by Senator Brown in his contribution. He referred to forestry operations in the Weld River in Tasmania. I had an opportunity to have a quick look at that area recently, but I
also obtained some maps of a couple of the catchments in that area, which I understood to be the subject of comment by Senator Brown earlier when he was talking about the state of the forest and the fact that the area was to be firebombed, poisoned and wood-chipped et cetera. I have a map of the catchment which indicates that over 80 per cent of the Weld River catchment is national park. And in that 80 per cent I would estimate that something in the vicinity of 90 per cent of the old-growth forest in that catchment lies in the national park. Also within that catchment we have an area of somewhere between, at a guess, five and eight per cent which is categorised as special timber management reserve. That area is set aside for very long rotation harvesting of specialty timbers. The remaining 10 to 12 per cent of the Weld River catchment can be described as state forest—that is, forest which is available for timber harvesting. And in that 10 to 12 per cent you would probably find no more than a few per cent of the old-growth forest which lies within the state forest area. There would be more—probably seven or eight per cent, at a guess—which lies in the special timber management sector on the map which is set aside for very long rotation harvesting.

So, contrary to the impression that Senator Brown gave about the harvesting of timber in the Weld River catchment, one would have to say that the overwhelming majority of the catchment is preserved in national park and will not be logged. It is not available for logging; it is protected. Some of the areas within the state forest are set aside in informal reserves. They are difficult to identify from the detailed map that I have but would comprise a small section of the state forest area. So there is a significant amount of that catchment protected by the RFA and certainly a small minority of the catchment which would be available for timber harvesting, which would involve—one would concede—forestry operations which would lead to harvesting regrowth timber predominantly, because most of the area is regrowth, not old-growth, forest, and for some harvesting of old-growth forest. I just want to contrast that to the contribution Senator Brown made about the Weld River catchment in Tasmania.

The other matter that Senator Brown invited some comment on was the question of the tourism industry and its interface with the forestry industry in Tasmania. I was at the Tahune Forest Air Walk in southern Tasmania—the ‘air walk’ as it is called. It is one of the greatest successes that exists in Tasmania, if not in Australia, in terms of a tourist attraction based on forests. I think the forecast of attendance in its first year was something less than 100,000. It has well and truly gone past that. They have now re-estimated that for its first 12 months of operation something in the vicinity of 200,000 people will visit the site. This is a site which has a platform where you walk through the tops of the trees and you can see out across the surrounding areas of the Hartz reserve. I think on one section you look down onto the junction of the Picton and the Huon rivers. In another section you look out on areas of regrowth forest, harvested areas and some old-growth forest. There is a variety of forest types which are able to be observed from this particular site. It is very popular. It is an example of how a very successful tourism operation can be based on a combination of forests, both protected old-growth forest areas and managed-for-harvesting forest areas.

In response to Senator Brown’s comments, I say that, yes, log trucks are not popular. No large trucks are popular on our road system; there is an element of intimidation about them. Notwithstanding that, we have a tourism feature in southern Tasmania which is a phenomenal success. One would have to say that that demonstrates that tourism and forestry can live together. One cannot exclude the possibility that managed forests can coexist with tourism, because the airwalk is a very concrete example of a substantial success in that regard.

I must say that that success owes nothing to the green movement, who have done what they can to dissuade people from visiting the airwalk, who demonstrated at its opening and who, I think, have shown that they are concerned that this very expression of success in tourism related to the forestry industry dispels some of the myths that Senator Brown has been putting before the Senate today. I would suggest that senators use their own
eyes and ears and not rely upon the view of Senator Brown with regard to whether the forestry industry can coexist with the tourism industry. I am sure that Senator Brown can point to examples where things could have been done better—I think we all could—but the reality is that the airwalk development shows that tourism and forestry can coexist. In short, we will not be supporting the amendment; we will be supporting the bill as it stands in this regard.

Senator IAN MACDONALD (Queensland—Minister for Forestry and Conservation) (7.42 p.m.)—The government will not be supporting the amendment. The definitions as they stand are, we think, adequate. As Senator O'Brien has mentioned, the definition of wood and forest products industry is referred to in clause 11. It is associated in that event with the Forest and Wood Products Action Agenda which was launched by my predecessor in November 2000. That clearly sets out what the action agenda is all about, and it does not involve the areas that Senator Brown has spoken of in his proposed amendment.

While I am on my feet, I do want to mention a couple of matters. Senator Brown said in an accusatory way that I had not been in the forest. I am not quite sure what that had to do with the debate. Senator Brown, I always adopt a policy of having an open door. I am happy to talk to anybody who wants to talk to me about anything within my portfolio responsibilities; that has always been my position.

Senator Brown—I am just the same, you will be pleased to know; my door is open at any time.

Senator IAN MACDONALD—I am terribly pleased to hear that. So anybody who wants to talk to me I am quite happy to listen to. A number of conservationists and conservation organisations have made appointments to speak to me and I happily await their contributions. I am one who never thinks that I know everything that needs to be known—I am always willing to learn—so I am looking forward to that. I have had some social contacts with members of the WWF and have spoken about forest matters with them, even though it was in more of a social context.

I have visited quite a number of forests over the years. When I first came into this parliament, I was very familiar with some of the rainforests up in the Atherton Tableland area, and I remember the magnificence of some of those forests. They were absolutely magnificent forests, and there was a lot of agitation to preserve those forests in the state they were in. Of course, those were all forests that had been logged for nigh on a century prior to that; they had been logged very responsibly by the Queensland loggers of the time.

Since I have been in this portfolio, I have visited forests in the Launceston area in your state, Senator Brown, and forests in south-east New South Wales. I am familiar with some other forests in the state of Queensland; I am on my way to Western Australia at some time; and I will be heading to Hobart to have a look at some forestry matters—and I have invited contact from some of the conservation people who have contacted me from the great southern capital. I will be very interested to hear what they have to say and, if time permits, to look at anything they want to show me. As Senator Murphy knows, I am very happy to talk to anyone. I am very happy to talk to Senator Murphy. Unfortunately, our timetables did not cross when I was in his city of Launceston, but I am very happy to talk to him. Time is always a difficulty, and there are constraints on a minister’s time, as there are on a senator’s time, particularly when you have Australia-wide obligations as well as those of your own electorate—which in my case is the fairly diverse state of Queensland. As much as I can, I will be going to any forests that anyone wants to show me. If that is of great interest to you, Senator Brown—and it seemed to be of great interest to you when you thought I had not visited forests—then I mention that for your benefit.

You mentioned something about arsonists, Senator Brown. I assume you meant people who deliberately and with criminal intent light fires. My comment, which you seemed to take exception to, was simply that we should not single out arsonists. Anyone who
takes part in criminal activity should be pur-
sued and condemned by all of us in this
chamber and by all reasonable Australians.
There are criminal elements in our country,
unfortunately. There was some bad criminal
activity in your own state recently, Senator
Brown, when people’s jobs, livelihoods and
life savings were destroyed by criminals who
set out to destroy property, machinery and
articles that did not belong to them. I know
that you would join with me and all other
senators in condemning any form of criminal
activity—in the forests or anywhere else in
Australia. As I said, you seemed to take
some exception to my interjection, so I just
wanted to explain that. If you do not agree
that we should pursue criminals and criminal
activity, be it in the forests or anywhere else,
then perhaps you should explain to me why
that is the case.

Senator Brown—You are so clever,
aren’t you? I have been around a lot longer
than you, obviously, but—

The TEMPORARY CHAIRMAN
(Senator Hogg)—Order! Senator Brown,
you will get the call in a moment. Let the
minister finish.

Senator IAN MACDONALD—I just
want it to be recorded that Senator Brown
said that he thinks I am very clever. Thank
you, Senator Brown. I do not know whether
you have been around longer than I have; I
do not know in what capacity you mean that.
Are you talking about age, years in the Sen-
ate or knowledge of timber matters, perhaps?
Whatever it may be, it does not detract from
the approach that I am sure all of us in this
chamber would follow, and that is that
criminal activity—in the forests or anywhere
else—is something that should be con-
demned by all of us. Any of us with infor-
mation on criminal activity, be it in Sydney,
Melbourne, Townsville or the Tasmanian
forests, has a duty to come forward. That
should go without saying. I would almost
think. Hence, I was not quite sure why you
took exception, Senator Brown, when I in-
terjected when you were talking about ar-
sonists and indicated to you that we would
be talking about any criminal elements, no
matter where in Australia or in what cate-
gory.

I also wanted to talk briefly about wood-
chipping, which Senator Brown mentioned
in his question and which has raised its head
in this debate. As I said to Senator Ellison,
the word ‘woodchipping’ is usually used in
this debate with feigned antagonism and a
sneer. It is usually followed by talk of multi-
nationals, exports and those sorts of thing. If
Senator Brown were as well versed in the
timber industry as he says he is, he would
know that woodchips are the by-product of
three things: the thinning of forests, so that
the forests will be healthier and will grow
better sawlogs; the waste on the forest floor
from harvesting operations; and the waste
from sawmill operations. It does not make
any sense for the timber industry to make
woodchipping the main focus of its forest
harvesting operations, because sawlogs will
normally fetch around 10 times the price of
woodchips. Why would you chip something,
when you could get 10 times the value from
sawlogs?

We look at our forests on a whole-of-
landscape basis. A very high proportion of
our public forests in the RFA regions is lo-
cated in a comprehensive, adequate and rep-
resentative reserve system. This includes the
bulk of crown old-growth forests, and it in-
cludes some 86 per cent of crown old-growth
forests in Tasmania. Eighty-six per cent of
crown old-growth forests in Tasmania is in
the CAR reserve system, Senator Brown.
That is a pretty good result for Tasmania and
a pretty good result for Australia, and it is
one that this government has been pleased to
be involved with. I know the governments of
Tasmania—be they Liberal or Labor—have
also been pleased to ensure that 86 per cent
of crown old-growth forests in Tasmania is
in CAR reserve systems.

Part of the forest estate not in reserve and
available for timber harvesting is managed
according to very strict codes and regula-
tions. This is the basis on which the RFAs
accredited state forest management system is
able to provide ecologically sustainable for-
est management, and we spoke about that
before. Pursuant to the ecologically sustain-
able forest management, forest managers
have to ensure that forest harvesting does not
harm the environment, including by pre-
serving a nominated level of habitat trees in each area and also by providing adequate buffer protection near watercourses.

Senator Brown, you would be aware of all that because, as you say, you have been around the debate for some time. Whilst the best use of the forests is for conservation and for things you have mentioned like tourism, water quality and sawlogs, certainly there is a use for the waste products, the thinnings, to create value for someone and to create jobs, and that is where the woodchipping comes in. Senator Brown, you would also know that thinning of forests helps to make the forests healthier and to grow better sawlogs, and that silviculture is part of the management processes. With those comments, we will be opposing the amendment suggested by Senator Brown.

Senator MURPHY (Tasmania) (7.55 p.m.)—I want to ask a question of the minister. I would be interested to know what the government’s definition of the forest products industry is, if you have a definition, because that might help us with regard to the amendment. I only want to go to this in brief because we will debate this in much greater detail as we move through the legislation. Minister, with the greatest respect to you—and I say that sincerely—whilst what you just read out about the woodchip industry may be the intent with regard to the value placed on the wood that is extracted from the forests, it is not the reality. It is quite the contrary.

It is a very easy argument for the industry. I am someone who would know, because I participated in that argument and I probably have been a conveyor of that argument on numerous previous occasions before I became more informed and more knowledgeable about this overall industry. But then it says:

... areas within Class 1, 2 and 3 streamside reserves should:

—be considered for longer rotations and wider spacings, to mimic natural shading over watercourses ...

Under this Forest Practices Code, in establishing a plantation you can actually plough to within two metres of a class 1 stream—that is, a river. None of the scientific research, evidence and consideration that went into the development of the regional forest agreement ever took account of that or ever
sought to agree to that sort of practice. So I
would say to you, Minister, do not take as
gospel what you are being told by some state
authorities, because it is far from it.

As we go through this debate, I have a lot
of other evidence that I will present to the
Senate for the purpose of demonstrating to
not only the minister but also the Senate that
there are major problems with regard to the
forest industry in this country. There are
major shortcomings. As we go through life
with things changing, we usually learn to
improve the management systems that we
employ for the purposes of any industry.
History has taught us to do that, and that is
what we must do in this instance. At the end
of the day, the Commonwealth must adopt
legislation that leads to improvement. That is
what we must do. I ask you again, Minister:
what is the Commonwealth’s definition of a
forest products industry?

Senator IAN MACDONALD (Queens-
land—Minister for Forestry and Conserva-
tion) (8.01 p.m.)—Senator Murphy, I suspect
that you are much more familiar with the
Tasmanian forest system and its management
than I am. I have come to this relatively re-
cently, and so I am not absolutely confident
of the terminology. I am aware of the code of
practice. I will not claim that I have read it
all in detail with a lawyer’s eye, but I did
dare a glance through it. To my inexperi-
enced eye, it seemed to be a fairly substantial
document. I understand that in Tasmania
there is a fairly rigorous oversight process.
There is the Forest Practices Board and there
are protection officers—forest practices offi-
cers—who I understand are reasonably well
regarded.

This is not a political debate, as such. I
have said this to you before and I have writ-
ten to you. Another letter about a query you
raised with officials about the RFA monitor-
ing process is on my desk awaiting my sig-
nature, and I apologise that we have not sent
that to you; I am assured you will have it
first thing in the morning. That letter ex-
plains the Commonwealth’s role in this. I
suspect you know a lot of it anyhow. It is
germaine to the amendments you have raised,
but it is not so much about this bill and the
RFAs as about the Commonwealth’s posi-
tion.

You quoted from the Forest Practices
Code. I have a question I would like to ask
you, but I should not ask you it now, because
this debate is going to be prolonged for too
long by people whose only interest is pro-
longing it. I hesitate to enter into a genuine
debate with you, Senator Murphy, because I
know we will have ungenuine debates about
lots of other things, and I do not want to
prolong things more than I have to.

I do not speak for the Labor Party, but I
am sure the Labor Party and ourselves—and
everybody—would feel that, if there are
practices that are not appropriate and that are
not scientifically based, that is not a political
issue; it is an issue of fixing that. If you think
that code is wrong, have you raised that with
the relevant authorities? If you have, what
was their answer? Do they agree with you, or
do they just say, ‘No, we’re out to hoodwink
everybody because there is a buck in it’? Or
have they sat down and said to you, ‘No,
you’re wrong, Senator Murphy, because of
this and this’? I do not know which it is.

To return to the letter that is about to come
to you, covering the memo on what the
Commonwealth’s monitoring processes are,
what I have said is that, if you have evidence
of improper or inappropriate practices, you
will be aware that that is not specifically a
matter that the Commonwealth can do any-
thing about at this time. I am very happy to
join with you and anyone else to make an
approach to the Tasmanian government. Per-
haps they will take more notice of me than of
you, but perhaps they will not. But I am
happy to lend my name to an inquiry.

Senator Brown interjecting—

Senator IAN MACDONALD—Senator
Brown, could you pipe down. I am talking to
the Senate, but I want Senator Murphy to
hear this.

The TEMPORARY CHAIRMAN (Senator Hogg)—Just address the chair,
Minister, and you will be safe.

Senator IAN MACDONALD—I will do
that, Mr Temporary Chairman. I am quite
happy to work with Senator Murphy, Senator
O’Brien or anyone else to fix inappropriate
practices, if possible. There is no politics in this; we all want to achieve the same thing. I know you say you have the evidence, but I have spoken to others who have said, ‘We’ve seen what he’s got, but it is wrong’, because of this, that and the other. I cannot judge, and you would be aware of that. But somewhere in the end result there must be, one would hope, an independent scientific—or whatever—authority that can say, ‘Yes, Murphy has a point there, and we should change it.’ I cannot see why governments of any persuasion, state or federal, would not be interested in that particular point.

Certainly, Senator Murphy, I have a lot to learn, but if I can help in a genuine complaint that is able to be corrected within the limit of the Commonwealth’s powers, then count me on your side. I am really only here to help. This probably is a debate not for this area but for somewhere where we might be able to make a difference. The RFA five-year review is under way at the moment. What the Commonwealth did was accredit state processes. Our scientists, our experts, have said that their assessment of the state processes is that they are pretty good—they seem to work, they say all the right things, they adopt the right science and they adopt the right approach. So the Commonwealth will accredit the Tasmanian state government and every other state government for the processes which they have offered us as to how they will manage regional forest agreement areas. If there is something going wrong, the five-year review process is the time to make sure that that is again brought to the Commonwealth’s attention.

Under the regional forest agreements that are in place, we have an obligation to raise this with the state authority, be it Tasmania or wherever, and the state government, having entered into the RFA process, have their part to play in that review into practices which might be found, on proper investigation with the proper science and the proper expertise, to be shown to be inappropriate. I know you are interested in this matter. I know of your background. You would know that some of your former colleagues in the industry do not necessarily agree with you these days.

**Senator Brown**—They don’t have the gumption.

**Senator IAN MACDONALD**—Thank you for that important contribution to this debate, Senator Brown. Senator Murphy, it is not for me to judge whether you are right or whether the CFMEU are right. If there is a right position, can I help and be on the side that makes it right, because this RFA process and the timber and forest products industry are so very important to Australia and Tasmania. I know that you, Senator Murphy, as well as Senator O’Brien, the Tasmanian government and most parliamentarians representing Tasmania, whether in this parliament or in the Tasmanian parliament, are interested in the proper outcomes. If there is a way that we can better do that, then we should all be heading towards that.

Senator Murphy, I will say this to you a number of times between now and then: if you have genuine complaints, let me know. If there is anything within my power that I can do to correct them, I am with you. If it is a process, a complaint or an issue that rightly should go before the RFA review, then I am sure you will make that point, as I know a lot of Tasmanians will, and that is what the process is all about. You asked a question in relation to definitions. I am not sure whether you were using that to get into the debate, but I have answered that question previously.

**Senator MURPHY** (Tasmania) (8.11 p.m.)—You are right: I do have a genuine interest in making sure that this industry is built into a better industry for this country, not just for Tasmania. I do not want to prolong the debate either. It is important, at some point, that we get on to the public record of some of the facts about what is really happening. If I can go to the Forest Practices Board annual report 2000-01 and draw page 23 to the attention of your officers, it says under ‘Enforcement’ that there were 37 notices issued by Forest Practices Board officers—that is, for breaches of the code. There was one fine imposed. There are two prosecutions pending in the court. Who got the fine? Lo and behold, it was Forestry Tasmania, the managers of the public land on which the state forests are held. They were fined $1,000.
I know that under the Forest Practices Act, which the board operates, it so happens that when a notice is issued, they should all be prosecuted. There is no capacity for them not to be prosecuted. Again, I draw to the attention of your officers, under section 40 of the Forest Practices Act, the powers of forest practices officers. I will tell you why there are no prosecutions and let you make an assessment of whether or not that is an acceptable practice in the management of public forests in Tasmania. The same process is not employed in other states, but similar processes are. To prosecute someone under the Forest Practices Act, when you advise them that you think they have committed a breach of the act or the code, you have to ask them a particular question. Under section 40(6) it says:

Information provided by a person in response to a question under subsection (2) is admissible against that person in any civil or criminal proceeding if and only if (a) the question is asked by the Chief Forest Practices Officer or by an officer appointed under section 38 who is authorised under section 47 to make complaints under this Act, and (b) the Chief Forest Practices Officer or that officer warns the person, before asking the question, that any information supplied in answer to the question is so admissible.

What happens is those forest practices officers are instructed not to ask the question; therefore, they avoid the consequence of the act. That is what is happening. If we ever have a proper inquiry into the forest industry, there are people who are prepared to supply written, documented evidence of that, and one way or another that evidence will come forward. I suggest again that with regard to the regional forest agreement in Tasmania there is an obligation under that agreement for the state to maintain the biodiversity of the forests that it is harvesting. That is a fact; it is in the regional forest agreement. That is clearly not what is happening.

As I read out to you before, with regard to the Forest Practices Code, you can clearly breach the requirements of the regional forest agreement and the Forest Practices Code when you deal with a plantation. As I mentioned earlier, page 83 of the Forest Practices Code says:

Plantations will not be established within 2 m of any watercourse.

That means that you can plough and plant trees up to within two metres of any river in Tasmania with no regard for streamside reserves and with no regard to threatened species such as the freshwater crayfish. I will give you a further example. It says in the regional forest agreement that where a landowner seeks to establish a plantation where a threatened species, such as the freshwater crayfish, or its environs, are threatened they have to seek special permission. But of course what we are about to do is remove that obligation.

There are reserves that have been established by previous landowners. At Preolenna, there are two properties. On one in particular, known as the Gunns Marriott property, the new owner, Gunns, has written to other landowners in the vicinity and informed them that they intend to harvest forests that were left for the purposes of this threatened species and that they intend to establish a plantation on that land and on other land in the vicinity. Yet one of my great adversaries in the forest industry when I was a trade union official, North, conducted a study on behalf of the previous owner. They wrote a report and said that this land could not be harvested under the current forest management regime. These are but two small examples of where the system is failing, in two different respects.

I will get to the issue of utilisation during the course of this debate but, no matter how much I support the industry, I for one am not prepared to allow this sort of thing to go on. It is not in the interests of the industry, it is not in the social interests of future generations of this country and it is not, I have to say, putting in place the best forest practices that we can have, and that is what we should be striving to do. Minister, as I said I do not want to prolong the debate, but these things will be put on the record. At some point in time maybe this parliament, or maybe another parliament, will come to the realisation that we should have taken some steps earlier. But they will be taken ultimately. I have always hoped that this parliament, this Senate, will be mature enough to have some proper
analysis and proceed to implement and put in place legislation that will lead us to have a more environmentally sound industry that will provide long term economic benefits to the community. I am sorry, Minister, that I missed your definition of what the forest products industry is from a Commonwealth point of view. I will read the Hansard, unless you want to tell me again. But let me assure you that there are some serious issues here and unfortunately we may have to have a long debate about them.

Senator IAN MACDONALD (Queensland—Minister for Forestry and Conservation) (8.20 p.m.)—I appreciate that Senator Murphy wants to make certain points and wants to have them recorded for posterity, and good luck to him. Senator, do not lose sight, please, of what the RFA bill is really all about, what the Commonwealth’s constitutional position is, and what we can do and what we cannot do. You have a series of complaints against the forest manager, which, constitutionally, is not the Commonwealth; it is the state government. I do not endorse or for a moment accept that your complaints are accurate, but I do not enter into that. I am not saying you are not telling the truth, but that is not for me to do. Whatever we can do, let us try to do it; but defeating or stopping this bill from getting to a vote will not help us to do that. I really do not want to get involved in this because it is getting down to the minutiae, which is a matter for the forest manager rather than me. I must confess to not having read the Tasmanian act. I am not sure what your point was when you spoke of the forest officer who had to warn the suspect. I thought that was the complaint you were making. You went through that at some length, and I thought, ‘Oh well, he’s making that point.’ Then you said, ‘Oh no, they’ve been instructed not to ask the questions.’ This is the first I have heard of it, but I am sure that, if I put that to the Tasmanian government, it would say, ‘That is simply not true; get him to prove it.’ If he can prove it, then I am quite sure that the Tasmanian government would do something about it.

Senator Murphy—But they know it to be true.

Senator IAN MACDONALD—Again, with respect, they contain a fundamental misunderstanding of the Commonwealth constitutional position and what we can do and what we cannot do. Whatever we can do, let us try to do it; but defeating or stopping this bill from getting to a vote will not help us to do that. I really do not want to get involved in this because it is getting down to the minutiae, which is a matter for the forest manager rather than me. I must confess to not having read the Tasmanian act. I am not sure what your point was when you spoke of the forest officer who had to warn the suspect. I thought that was the complaint you were making. You went through that at some length, and I thought, ‘Oh well, he’s making that point.’ Then you said, ‘Oh no, they’ve been instructed not to ask the questions.’ This is the first I have heard of it, but I am sure that, if I put that to the Tasmanian government, it would say, ‘That is simply not true; get him to prove it.’ If he can prove it, then I am quite sure that the Tasmanian government would do something about it.

Senator Murphy—But they know it to be true.

Senator IAN MACDONALD—Senator, you shake your head, but I have faith in governments, even Labor governments. I have to say—no, I had better not say it; it might be used against me at some other time—the Tasmanian government appears to be doing a very good job in relation to its forestry management. Now you are saying they do not.

Senator O’Brien interjecting—

Senator IAN MACDONALD—Yes. Of course, a Liberal government would do equally as well and perhaps a little better. But I do understand; in fact, Senator O’Brien, you raise a point there. I think governments of all political persuasions in Tasmania have tried their best to do what is best for Tasmania while, at the same time, looking after the forests. I re-emphasise the point I made earlier about the very significant areas of CAR reserve in Tasmania—very significant, far in excess of international conservation standards, I might say. But, if you have a point, let us work together and try and fix it.
I wanted to make the point that the forestry officer having to warn people that anything they might say could be taken down and used in evidence against them is, as you know, a very basic tenet of the British system of justice, and so there is nothing unusual about that. I thought you were going to say that was unusual, but then you diverted and did not say that and you are agreeing with me that it is not unusual. Your point is that they have been instructed not to carry out the law. I cannot believe that would be right. But, if you have evidence, let us have it. Perhaps this matter is that blatant. But I am no expert on Tasmanian politics, I have tell you; far from it. But, if it is that blatant, one would think that someone in Tasmania would be running the bandwagon on it. Surely not all of the newspaper editors are in the pockets of someone else, as you might suggest others are; surely they are not.

**Senator Murphy**—I suspect you should have an analysis of the advertising arrangements in the Tasmanian papers and you can see who is paying the biggest advertising bill.

**Senator IAN MACDONALD**—So you are in the Senator Brown conspiracy theory: everybody is wrong, except Senator Brown—everybody.

**Senator Murphy**—I work on the basis of fact.

**Senator IAN MACDONALD**—If you work on the basis of fact, that is good. Senator Murphy, if you have facts, I say to you and to any other senator that, within the limits of my limited power, whatever I can do persuasively, legally or anything, I am on your side. I think most Australians would be, and I am sure the industry would be. Sustainability should be No. 1 in the industry’s set of goals, as it should be in the Tasmanian government, as it should be in the unions—and I am sure it is. So, if we are all working to the same goal, why can’t it happen? Personalities and other things get tied up in it. I do not want to delve into Tasmanian politics—that is for other people in this debate, and there are plenty of them here. But I have faith in the Tasmanian government, and in Tasmanian governments present and past. If you can show me that my faith is misjudged then, as I say, I am on your side and let us try and fix it. But, until then, I think they are doing a pretty good job—not perfect, but none of us are perfect, and we really should move ahead.

Having said that, do not forget what the constitutional power of the Commonwealth is or what this bill is actually about. It is a nice debate to have, as you say; perhaps it needs to be put on record. But do not forget the underlying purpose of this debate, and that is to get the regional forest agreements with legislative backing to make sure that this Commonwealth government and future Commonwealth governments do what they have agreed to do with other sovereign governments.

**Senator BROWN** (Tasmania) (8.28 p.m.)—The whole point of this bill is to divest the Commonwealth of the sovereign and constitutional powers it has and the obligations it has under international treaties and domestic obligations to popular feeling. In that way, it will not have to implement the proper management of the forests of Australia, let alone preserve them, let alone introduce ecologically sustainable management.

Some 15 years ago, this Senate and the Australian nation were debating the Daintree rainforests. I am grateful to this minister for reminding me that he was one of those who wanted the logging to continue in what has now become one of the world’s great World Heritage areas and national parks and what has become an enormous job spinner for northern Queensland. But, had it been left to this minister and, indeed, this government, that would not have happened. The logging would have continued to eat away into the Daintree and other pursuits, relating to friends of his government—I do not know whether they are his friends or not; he can tell the chamber that—who had a mind-set that was self-invested, greedy and avaricious. That continued logging would have taken away that 950,000-hectare World Heritage area, because that is the philosophy of this minister.

A couple of years ago I sent the minister a book on the Styx forest in Tasmania and, inter alia, an invitation to go and see the world’s tallest hardwood forest—but no re-
response there. He says he has an open door; I respond that I have an open door. But if this minister, who is new to this portfolio and proclaims he has not got a thorough going knowledge of what goes on in the Tasmanian forests, expects me or other people who are better versed than him to waste a lot of time going to somebody who has made up his mind already through his own past actions then he should think again.

Auschwitz was legal. Did that make it not a crime? In my books this legislation is criminal because away from the human realm, when we get into the natural realm, this legislation is a script for the destruction of what is left of Australia’s wild unprotected forests and their wildlife, including in the Tarkine large tracts of the greatest temperate rainforest in Australia, those that match the Daintree that this minister and this government would have destroyed back at the end of the eighties had it not been for the Hawke government responding to popular feeling at that time.

The minister tries, in a very specious way, to tempt senators in here with his definition of what is criminal behaviour. If you look at the definition of that in the Macquarie Dictionary, the fourth definition of a crime is ‘serious wrongdoing; sin’ and the fifth, colloquially, is a ‘foolish or senseless act’. This legislation and the behaviour of this government falls into both of those definitions of criminal behaviour. And so does that of the Tasmanian government. It is a crime against nature and a crime against future generations that is being enhanced by this legislation. So, if you want my definition, there you have it. Simply making a law—

Senator Ian Macdonald—We didn’t.

Senator BROWN—You asked for it, Minister, and you are now getting it. The simple passage of a law does not make the indefensible defensible, does not make serious wrongdoing right. Those who pass this law, if they do, in my view are culpable in the way the dictionary definitions I have just referred to mean. That is a matter of opinion, but that is my opinion.

Senator Murphy has the best working knowledge of anybody in this place about the industrial implementation of the regional forests agreements and, before that, the behaviour of the forest authorities in Tasmania. I have no doubt he will give more examples to the government and the Labor opposition—which is arm in arm with John Howard in this matter—as the debate unfolds. Senator Murphy and I disagree on a lot of things, but I admire him because he does have gumption. I said earlier tonight that the Labor members of parliament who support this legislation against their own feelings and their own impulse and their own ethics do not have my respect. Senator Murphy does because he made the sacrifice of saying—

Senator Ian Macdonald—They will still have your preferences, though.

Senator BROWN—You can demean that, Senator, and remember that when you are having a go at people who interject on this side, but the fact is that he had the gumption to do what you will not. You go around espousing your sense of balance and your sense of what is right, but you are not about to do anything that is going to upset either the logging industry or the people to whom they donate—the Howard government. Senator Murphy, amongst other things, mentioned buffers around streams and pointed out how easy it is to subvert the intent, the public intent at least, of protecting stream sides so that you do not get contamination of rivers and streams in Tasmania.

Senator O’Brien can tell you that the Forest Practices Code in that respect is corrupted because he, like me, has at least been to the permanent stream coming out of the Mount Arthur logging operations, which citizens were opposing all through last year, where the loggers went through that permanent stream and cut the trees down in the middle of the stream and left them there—an absolute breach of the Forest Practices Code. But he has done nothing about it. He will not speak up against it, and when it gets to the Forest Practices Board on which members sit—the wolves themselves, representatives of the logging industry through Forestry Tasmania, the former Tasmanian Forestry Commission, which is an extension arm of the woodchipping industry—of course it is all covered up. The eyes are turned against it.
The Forest Practices Code is treated with utter disdain within the industry by those at the top. The workers know about it and the small operators know about it; but here we are in the position of codifying a system which allows that corruption to continue.

What can you do about it? The Commonwealth has the powers to stop it now. It has the powers to stop logging in World Heritage areas where proper practices are not implemented. Under external treaties it has the power to stop.

Senator Ian Macdonald—We don’t log in World Heritage areas.

Senator BROWN—The advisers over there are shaking their heads, but let me tell the minister that the World Heritage convention instantly empowers governments right round the world to protect forests that are threatened by processes which are inimical to those areas. The minister does not know about that. Nor will he at the end of his ministry know about that. It is not convenient and maybe it is too difficult for him to get his mind around. But the fact is that is how the convention is framed and Australia is a signatory to that convention. That is why the Daintree is protected. That is why the south-west of Tasmania mainly, excluding the forest areas, is protected. But when it comes to forest areas such as the Weld Valley and the Picton and the Huon, which the World Heritage authority say should be included because they have World Heritage values, they are given over to logging.

Senator O’Brien weekly gets up and says, ‘I’ve got a map which I got from the forest industry.’ I was explaining earlier how I had been down there and seen the chainsawing and the firebombing and the 1080 poisoning and the pesticides put into these natural ecosystems in the Weld Valley. He gets up and belittles it and says, ‘Well, 80 per cent of the Weld Valley is a national park.’ But of course I am talking about the other 20 per cent. If it were the Opera House, would he be happy to say, ‘It is okay that we wipe out 20 per cent of the Opera House. That is convenient’? Of course you do not do that with a pristine wilderness valley like the Weld. You do not do that. And you, Temporary Chairman Knowles, will know and be able to inform the minister at another time that there are export powers that the Commonwealth has to stop this breach of proper forest management and this destruction, unnecessarily, of forests in Tasmania and their wildlife. But that has been given away, too, and Senator Harradine voted for that. Then you get to this legislation, which gives open slather to the chainsaws and the firebombing and the poisoning of these forests.

This minister says, ‘We don’t have the power.’ That is because it has been given away in this legislation, given away to the woodchip industry against the wishes of more than 70 per cent of the citizens of this country. You can go to any high school in this country and give them a balanced view of what is going on in these forests and you will find they do not agree with you, because they are going to have to live with the legacy of this. As I said earlier, there are millions of Australians coming down the line who do not have a vote here. Yet the minister sits there with a self-satisfied grin on his face and says, ‘That’s not my responsibility.’

Well, it will not be when this legislation, supported by the Labor Party, selling out the much finer sentiments of the Australian people, goes through. It binds the hands of that minister and the minister for the environment and cuts away the powers. The Greens will be moving amendments which ensure that if the Forest Practices Code is breached in Tasmania or anywhere else the regional forest agreement lapses. There is a power. Not only will the government oppose that amendment; so will this weak, vacillating excuse for an opposition which agrees 100 per cent with John Howard on this matter of destruction of Australia’s grand forests, sight unseen.

Senator Ian Macdonald—Speak up, Bob. We can’t hear you.

Senator BROWN—I have a loud voice but it is not as loud as the chainsaws you send screaming into those forests.

Senator Ferris—We can actually hear you, Bob. You don’t have to shout.

Senator BROWN—as far as Senator Ferris is concerned, it is a pity she cannot
hear the wildlife that is sent to destruction through this perfidious and destructive process which is ravaging the forests of this rich nation which does not have to do it because it has two million hectares of plantations to meet all this nation’s wood needs. At least Senator Murphy, through conviction, is standing up on this issue. But this government will not and this pathetic opposition will not either. If they think this is going to be the end of this struggle to protect the nation’s forest heritage, they are very wrong indeed. I will be interested to see whether the minister will give a definition of wood products and forest products, as he has been asked to in this committee stage on a number of occasions.

Question negatived.

Senator BROWN (Tasmania)  (8.43 p.m.)—I move Greens amendment:

(4) Page 3, clause 4, definition of RFA or Regional Forest Agreement, omit paragraphs (b) and (c), substitute:

(b) the agreement includes legally binding provisions for the establishment of a comprehensive, adequate and representative reserve system;

(c) the agreement includes a legally binding commitment to the ecologically sustainable management and use of forested areas in the region or regions

This is the definition of the regional forest agreements. It changes the definition so that a regional forest agreement—the agreement between state and Commonwealth—is required to include legally binding provisions for establishing a comprehensive, adequate and representative reserve system and is required to include a legally binding commitment to ecologically sustainable management. This is exactly the point. The minister says, ‘I don’t have the powers; I have to leave it to the states.’ Here is an amendment which gives him the power. The question is whether he is going to be honourable enough to support this amendment to ensure that the power stays there.

I ask the minister: do any of the regional forest agreements in Western Australia or Victoria or New South Wales or Tasmania include legally binding requirements to implement the reserve system or to implement ecologically sustainable management? There is a binding requirement in this legislation that the woodchip company gets compensated if any forest gets protected. They get taxpayers’ money to the value of that forest, as if it was reduced to a pile of woodchips. They have done nothing. They have invested nothing. They have given nothing but they get millions of dollars of taxpayers compensation. That is a legally binding requirement. Is the requirement to implement a reserve system and to implement ecologically sustainable management legally binding?

Senator MURPHY (Tasmania)  (8.45 p.m.)—While the minister is taking advice, he might like to take account of what it says, in the Tasmanian RFA at least. Part 2, which talks about the basis for the agreement in the National Forest Policy Statement, says:

The Parties confirm their commitment to fulfilling the goals, objectives and implementation of the NFPS by:

• developing and implementing ecologically sustainable forest management and use;

• establishing a CAR Reserve System ...

But at the start of that, at point 18, it says:

This Part is not intended to create legally binding relations and provisions in Part 1 in so far as they relate to Part 2 are also not binding.

In reality, the drafters of this agreement must have been away with the fairies. The Commonwealth was required to part with a substantial amount of money for agreeing to these things, and I think that was correct. I accept, the point that the minister made earlier: we have to bring to an end this approach whereby the Commonwealth or the government of the day, at its own whim, might decide to treat this industry as a political football. That has happened for far too long. But, by the same token, the national parliament has a responsibility to ensure that the forests of this country are managed responsibly. I do not see anything wrong with the Commonwealth taking a position to ensure that the commitments that are made are adhered to. I think it is our responsibility because, if there is no legally binding requirement, the states can, in effect, chop down all the trees in all the forests. As I think you pointed out, Min-
ister, there is not much we can do about that constitutionally.

I have a view that this whole process went awry a long time ago—not necessarily when the coalition was in government. In fact, I think it went awry when the Labor Party was last in government. It did so over a long period, when former Senator Graham Richardson and others participated in a process which sought to wring out of the forestry debate in this country some two per cent of perceived environmental votes, which I always thought was terribly wrong. It was a great injustice to the forests of this country and to the industry of this country. That is not something I want to see happen in the future, but I do believe that the Commonwealth has a responsibility to ensure that what occurs in this country’s forests is responsible management. We ought to be putting the acid on the states with whom we have signed an agreement, requiring that the commitments they make be legally binding. The Commonwealth has parted with substantial amounts of money to compensate for various things; we should be ensuring that those commitments under the regional forest agreements are being met and delivered upon. I see no reason why we should not take a step to make those matters legally binding. Unless you can give me some legal argument as to why that cannot be the case, Minister, I am of a view to agree with Senator Brown’s proposed amendment.

Senator BROWN (Tasmania) (8.49 p.m.)—I think the minister should have the courtesy to respond to Senator Murphy, if he does not have the courtesy to respond to me. I did ask if any of the regional forest agreements include legally binding requirements to implement a reserve system or ecologically sustainable management. I presume from the minister’s silence that they do not; that silence is an admission that that is not the case. I also ask the minister whether, if a state fails to implement the requirements under the regional forest agreement, the regional forest agreement is invalidated? If a state fails to implement the requirements in the time frame specified, does that invalidate the regional forest agreement?

Regarding the Victorian government’s unilateral change to its Heritage Rivers Act to reduce the reserve area that was in place when the regional agreement was signed in East Gippsland, I draw the minister’s attention to the fact that, beside the heritage Goolengook River and other rivers, there were 1,000 hectares which were protected by law and, therefore, under the regional forest agreement. Today, 150 police and forest officers went in to prevent the good citizens who are protesting about the destruction of those forests from getting in the way of the logging company which is about to log them. Those forests were protected under the regional forest agreement, but they are being logged today. How can that happen? I ask the minister: is there any legal requirement for him to sit on his hands while a state government manifestly breaks core components of a regional forest agreement? It is a very important question because, if there is no legal requirement, the minister himself is aiding and abetting the breach of the regional forest agreement which he says this legislation is going to uphold. If that is happening now and he cannot answer it in this chamber, we know he is not going to do it after the legislation goes through.

In the Tasmanian Regional Forest Agreement there is a commitment by the Tasmanian government, which he is proud of and feels so close to, which says:

The state intends to further improve its Forest Management Systems across forest management agencies and land tenures, by ...

I will read out what Forestry Tasmania is committed to, and I am going to ask the minister at the end whether any of it is binding, because if it is not it is not worth the paper it is written on. Senator Murphy has just mentioned a fine Forestry Tasmania, as the protectors of the forest, got for breaching their own codes. You can imagine that that is just the tip of the iceberg. They are part of the system that systematically breaks the Forest Practices Code in Tasmania. I ask the minister whether it is binding that the Tasmanian government implement:

... the state policy Setting New Standards for Water Quality.
Is that binding under this agreement? The code says that the state government develop:
... a State Policy on integrated catchment management.

Three years down the line, if that is the case, where is it? It also says that the state government, which he puts so much store in, will develop and implement ‘a Threatened Species Protection Strategy’ and recognise:
... the role of subregional plans where appropriate (by 31 December 1998) and the Tasmanian Biodiversity Strategy (by 31 December 1999).

Did that happen, Minister? If it did, what has been the outcome? Has the Tasmanian government implemented ‘the Historic Cultural Heritage Act 1995? They wrote this agreement in 1997, so it says they had not by then. If not, why not, and is that legally binding?
What redress will the Commonwealth have if it does not? The state government has said that it will be ‘developing new legislation in relation to Aboriginal cultural heritage to replace the act of 1975’. Can you tell the committee whether they have done that, Minister? That is part of the regional forest agreement and here we are in parliament vetting it. You are the minister. The question is: has that been implemented? Furthermore, the government said it will be:
Developing and implementing within the first 5 years of the Agreement—so we have had that—
State-wide policies across all tenures on fire management—
Senator Crane will be interested in that—
I would be interested in that—and recreation management, cultural heritage management in Forest lands, and Forest pest and disease management.

Could the minister please produce those policies for this committee to look at? His advisers, I know, will have it there, so will he produce it for the committee to see? That is a part of the commitment of the state government. If he cannot produce it, why not? It says that the state government will be:
Ensuring that management plans are implemented for all State Forest and National Parks by the year 2000, and all other reserves within the Formal Reserve element of the CAR Reserve System by the year 2003 or as soon as practicable thereafter. Management plans will include objectives and be periodically reviewed to assess performance against each objective.

There is a bit of a problem there, because there is a management plan for the World Heritage area in Tasmania, and the minister’s colleague Senator Hill, when Minister for the Environment and Heritage, has breached that twice. He and his state colleague have twice breached that management plan to allow damaging processes to occur to the World Heritage area. What store do we have in that as far as this document is concerned? It says that the state government will be:
Implementing as a high priority—so it will be done by now—the mechanisms for improving the transparency and independence of the Forest Practices Board.

All I know about it, Senator Murphy, is that they have removed Forestry Tasmania itself from the Freedom of Information Act—ditto the Forest Practices Board. Yet here it says that they are going to improve transparency. What a travesty. What have the Commonwealth done to make sure that transparency is there and that freedom of information applies to these forest authorities that are supposed to be managing the forests in the interests of the Tasmanian people? It says that the Bacon government that the minister likes so much will be:
Developing and implementing by the year 2000, a code of practice for reserve management to cover all environmental practices, including guidelines concerning erosion risk from roads and tracks within reserves.
Where are they? Go down to the Styx, which is the tallest hardwood forest in the world, and look at the erosion that is occurring there—whole hillsides collapsing into gullies and then into the Styx River and then into the Derwent River, because the Forest Practices Code has been breached. If they cannot abide by their own code in logging areas, what hope in national parks and reserves? It says:

- In relation to the Forest Practices System, including the Forest Practices Code—
- the government of Tasmania, the Bacon government, will be:
- ensuring that:
  - where the management intention of the Forest or Private Land is to regenerate forest, timber harvesting plans will specify best-practice reforestation standards and provide for ongoing monitoring ...

We know that the monitoring is corrupt. Where there are breaches of the Forest Practices Code a blind eye is turned to them. This minister says, ‘What can I do? All I can do is put this legislation before the Senate and the Australian people to divest myself of any powers because I would not want to get involved in that.’ I ask the minister: is his motivation—the donations to the Liberal Party—coming from the logging corporations? I cannot think of any other reason to get this sort of behaviour from this government, this ministry and this opposition, tugging their forelock to the woodchip corporations. The code will also ensure:

- where endangered species have been identified in an area for which timber harvesting plan approval is sought by private landholders, the plan will include conditions which ensure the application of appropriate management prescriptions to those species.

The endangered wild snail in north-east Tasmania was taken off the list because it was threatening logging. It was not a case of logging threatening the snail, the snail was threatening logging; so they took it off the list. What has the minister got to say about that?

The code then goes on to say in No. 13 that they will be:
- Ensuring that management plans for Formal Reserve and Informal Reserve elements of the CAR Reserve System clearly identify the CAR values identified in the CRA and the actions being taken in each reserve to appropriately manage those values.

You have got to look at four hectares in Hobart up on Mount Nelson where the rare and endangered Swift Parrot is in summer dependent upon the rare and endangered *Eucalyptus ovata*. Did the Commonwealth intervene when it was proposed to flatten part of that area containing rare and endangered species to put up a development by a Western Australian entrepreneur, who has since withdrawn because of a howl of public protest? Did the Commonwealth, or the state, intervene there? No, it did not. So the whole thing is a charade. When it comes to giving compensation to the woodchip corporations, it is binding; when it comes to protecting the Australian heritage component, or even good forest practices, it is not binding. This minister, weakly, insipidly, says, ‘What can I do? I want to pass this legislation so I will be able to do nothing at all.’ I will leave it to the Labor Party in Tasmania, which has the approval of John Howard when it comes to implementing this destructive process. I have asked a number of questions there. I do not expect the minister is capable of answering any of them, but he will have his opportunity when I sit down.

Senator O’BRIEN (Tasmania) (9.02 p.m.)—Having looked at this amendment, which appeared on the revised list 2432, I have to say I do not completely understand where Senator Brown is proposing to take this. We are talking about provisions which relate to a definition in the act to define an RFA for the purposes of understanding the rest of the act. As I understand it, an RFA must provide for a comprehensive, adequate and representative reserve system to be an RFA under this act. An RFA must provide for the ecologically sustainable management and use of forested areas in the region or regions to be an RFA under this act. I do not completely follow how Senator Brown would improve this legislation by including the term ‘legally binding’, unless that is to create some device to undermine the 11 regional forest agreements that have been signed. If that is the intent of this amendment—that is, to remove those agreements from the protection of this legislation—the opposition can-
not support it. And I think that is all that the amendment can do, because we are talking about an amendment to a definition, not an operative provision in the legislation. So that would be the opposition’s position on the amendment.

Having heard some of Senator Brown’s comments, I am reminded, when we are talking about the reserve system, that not only is there a reserve system established for public forests in Tasmania but there is a private forests reserves program. There are some statistics available on the Tasmanian government web site which I think are quite illuminating of what has been taking place there, remembering that we have a huge amount of area under public control in national, World Heritage or other reserves of various sorts. But let us look at what is happening in the Private Forest Reserves Program.

There are 60 properties comprising 11,441 hectares included in private forest reserves. There are 14 properties involving 3,260 hectares purchased under the program. There are 44 properties involving 7,703 hectares covenanted under the program—that is, they are still owned by the owner but there is a covenant to manage them in particular ways to reserve forested areas—and there are two involving 478 hectares that are the subject of management agreements for the same purpose. In terms of areas where negotiations are continuing, we are looking at 268 properties involving 40,214 hectares. With 47 of those properties, involving 10,235 hectares, there are agreements reached, those agreements have been approved by the state, but they are not yet approved by the Commonwealth. I am hopeful that that means they are about to be approved and added to the negotiations successfully completed. In any case, there is at least a potential of 50,000 hectares in reserves from private forest areas being added to the public reserves. There are 341 properties involving just under 12,000 hectares where negotiations are not continuing for various reasons.

That is probably a fact that does not receive a lot of attention: that there are many thousands of hectares of private land that are under a process, involving the state and Commonwealth, that is leading to and will lead to a massive increase in the reserve area within the state of Tasmania. I saw a couple of examples on the web site. One is a delightfully named area of Dead Dog Hill CAR reserve, which is 20 kilometres west of Swansea. The web site says it has been purchased under the private forest reserves program as an addition to the CAR reserve system, it supports the under reserve forest community old-growth *Eucalyptus pulchella*, *Eucalyptus globulus* and *Eucalyptus viminalis*, and it will be managed as an IUCN protected area category 1A, strict nature reserve.

There are other examples on the web site of additions to the reserve system consistent with a process of preserving a comprehensive, adequate and representative reserve system where not only is public land being included in the reserve system but there is also a program of adding areas of private forest to that reserve system by purchase, covenant or management agreement. That is an example that does not receive a whole lot of attention in the public arena. In the context of what has been put on the record, I think it is quite important for that to be stated.

I did note Senator Brown’s comments criticizing my reference to the fact that 80 per cent of the Weld River Valley was reserved in national park. He was talking about 100 per cent of the park being unavailable for timber harvesting. It seems to me that, if a substantial part of the unreserved area has been available for harvesting and indeed has been harvested over the years, he does not quite have the case that this is pristine wilderness and therefore has special properties which should make it unavailable for harvesting. I suppose it demonstrates a proposition that the industry puts about Senator Brown’s arguments: that is, there is no satisfying the Greens in relation to forestry because whatever agreements are reached—and here we have a catchment where 80 per cent of the area is protected and will never be logged—it is not good enough. What Senator Brown is putting is that the only thing that is acceptable for this catchment, notwithstanding the fact that it has been subject to timber
harvesting on a number of occasions, is 100 per cent protection.

One wonders whether that is simply an argument so that the proposition Senator Brown puts about the industry will be self-fulfilling. If you keep taking away from the timber industry those sections of forest that are capable of being managed for other than woodchipping, then the industry can only ever be a woodchipping industry. If you take away forests that can be harvested for sawlogs or rotary-peeled veneer or any product other than a chip product, then that is all that will be left for the timber industry. So it is a self-fulfilling proposition for Senator Brown and the Greens to attempt to salami-slice the resource and argue about every possible area to which the industry can actually be value adding on the basis that, if you apply enough pressure, eventually those areas will not be available and the industry will be only a woodchipping industry. If that is the intent, I must say that the opposition cannot support it and will not be supporting the sorts of amendments which ride along with the arguments of that type that the senator puts.

Senator IAN MACDONALD (Queensland—Minister for Forestry and Conservation) (9.10 p.m.)—The government will not be supporting this amendment. Amongst other reasons, there were no compelling arguments put forward by the mover of the amendment as to why it should be adopted. Senator Murphy asked some questions in relation to the legally binding nature of regional forest agreements and related them to this proposed amendment. Senator Murphy, this amendment refers to a definition of a regional forest agreement. It says that a regional forest agreement is:

... an agreement that is in force between the Commonwealth and a State in respect of a region or regions, being an agreement that satisfies all of the following conditions ...

It then lists a number of conditions. One of them is that the agreement provides for ‘a comprehensive, adequate and representative reserve system’. Another is that the agreement provides for ‘ecologically sustainable management and use of forested areas’. Senator Murphy, you inquired as to the legally binding nature of the agreements that have been entered into. I suppose all I need do is to refer you to part 3 of the agreements. I am assured that they all contain these same provisions, but the one I have in front of me is the one for the south-west forest region of Western Australia. In this agreement it is clause 94 in part 3. It may be a different clause in the other agreements, but I am advised that they are all there. They do say that it is the intention of the parties that this part creates legally enforceable rights and obligations. That part then deals with the comprehensive, adequate and representative reserve systems and ecological sustainability. So the amendment is really not necessary and this is provided for as things stand.

Senator O’Brien raised, I think by way of a question but certainly an urging, that certain private lands that are being offered with conservation conditions attached have been submitted by the Tasmanian government. He was urging the Commonwealth to support those. He means support in the way of provision of money to pay the land-holders who are offering those lands with conservation conditions. I am pleased to say, without being specific—and, of course, I am not defining individual pieces of land or pieces of forest, because that will have to be done more precisely—that certainly Minister Kemp, Minister Truss and I are supportive of that proposal, and money will be provided out of the Natural Heritage Trust for many of them and perhaps for most of them. I cannot be more specific than that because I am not sure of the exact ones that you are talking about. But we are supportive, as you are, and so this is another win for the reserve system in your state, Senator O’Brien, and thank you for your support for that.

While I am on my feet, I will refer to some of Senator Brown’s comments. As the debate wears on, they are becoming shriller and shriller and more and more abusive. When there happens to be an audience in the chamber, we really get into the theatrics from Senator Brown. I expect that I will be the target of more and more abuse as the debate goes on and as Senator Brown’s rhetoric gets shriller and shriller, but I must say that sticks and stones will break my bones but those sorts of names will not worry me.
I do hope that the debate can proceed with a semblance of a factual basis. Senator Murphy is being factual, Senator O’Brien is being factual, but we have Senator Brown again pursuing the lie that this bill will divest the parliament and the government of any rights. As I said in my second reading speech, that is absolutely wrong and factually incorrect, but that does not stop Senator Brown. He will keep saying it on the basis that the shriller and louder he says it, the more likely it is to become part of the written history. When there was an audience here, Senator Brown quite deliberately yelled out, ‘World Heritage listed areas are being logged!’ He heard every other interjection and answered every other interjection I raised, but when I interjected and said, ‘Tell me which World Heritage listed properties are being logged,’ he kept talking. He would not stop then, because he knew he had told a mistruth, he knew he had been caught out, and he knew he did not want to have to answer that truthfully in front of the audience, such as it was at the time. That is, unfortunately, the way that Senator Brown pursues these debates. (Quorum formed) For those who have left other important business to come here, I mention that when Senator Brown is exposed for the fraudulent way he has pursued matters in here he calls a quorum.

The TEMPORARY CHAIRMAN (Senator Knowles)—Order! Minister, I ask you to withdraw that remark.

Senator IAN MACDONALD—I withdraw it. When Senator Brown misrepresents the facts and is caught out, he calls a quorum. That is the nature of this senator. Senator Brown told the chamber, with a loud voice when there was an audience, that World Heritage listed forests are being logged. I say again, Senator Brown: tell me which ones they are, because we could do something about that. Tell me which ones they are. Perhaps you could just interject and tell me. Absolute silence. This is the way the debate goes.

Senator Brown—Madam Temporary Chairman, I raise a point of order. I object to being asked directly to interject, when you know that that is disorderly. I will speak to this at the right time, but I ask you to call the minister to order.

The TEMPORARY CHAIRMAN—There is no point of order, Senator Brown.

Senator IAN MACDONALD—We are told, and the Australian public is told that—

Senator Brown—Madam Temporary Chairman, my point of order was that the minister was demanding that I interject across the chamber. I ask you to acquaint him with the fact that that is disorderly conduct, that it is against the standing orders of the Senate, and that he ought to invite me to reply to him at the appropriate time.

The TEMPORARY CHAIRMAN—Senator, I am sure that there is a common understanding among honourable senators that they are not to interject. Equally, there is a common understanding among senators that they will address their comments to the chair. If all senators would obey those standing orders, it would be useful.

Senator IAN MACDONALD—As always, Madam Temporary Chair, you make a very good point. If the senator believed what he said rather than just trying to get this emotive story going, as he always does with forest debates, he would tell us about it and we would take the appropriate action. But there he is saying World Heritage listed forests are being logged, raped, pillaged, with chainsaws roaring—

Senator O’Brien—Probably duelling banjos as well.

Senator IAN MACDONALD—Indeed, duelling banjos as well. When challenged, Senator Brown raises his voice and does not take a breath, so his misrepresentations cannot be corrected on the spot. It only happens when we are on broadcast—fortunately we are not today—or when there is an audience, no matter how small, although I suspect the audience that was here was the biggest one that Senator Brown has had for some time.

Senator Brown—They left when you got up to speak.

Senator IAN MACDONALD—No, Senator, they left giggling as you were speaking, and I can well appreciate why. Senator Brown calls for nature based tour-
ism, and I suppose the sort of tourism he is talking about is the Skyrail project that went up through the wet tropic rainforest—the sort of thing that Senator Brown and his colleagues opposed and opposed and opposed. They set up tree houses there and broke the law as often as they could to prevent it. Now it is the most fabulous ecotourism facility, I would say, in the world—

Senator Calvert—We had a proposal in Hobart to put one up the mountain.

Senator IAN MACDONALD—You had one in Hobart; I do not need to guess what happened to it. This project, opposed by Senator Brown, is now a world-class ecotourism facility, to the extent that the former president of the World Wildlife Fund, Prince Philip, went on it last week—

Senator Brown—I rise on a point of order. I did not oppose the Skyrail. I challenge the minister to now say where he got that information from and where it stands, because he is misrepresenting himself to the Senate.

The TEMPORARY CHAIRMAN—Senator Brown, you know that is not a point of order, that is a debating point, and you can make the point when you have an opportunity to speak next.

Senator Brown—I have just made it now, thank you.

The TEMPORARY CHAIRMAN—You know that is not a point of order.

Senator IAN MACDONALD—I tell you, Senator Brown, I am not going to spend my night reading back through Hansard, but I will guarantee that you were totally opposed to it. You were totally opposed to all of those things, as were most of your mates in the green movement at the time. What was it called?

Senator Calvert—KAFNIC.

Senator IAN MACDONALD—KAFNIC.

Senator Brown—KAFNIC is in Queensland. You really do not know what you are talking about.

Senator IAN MACDONALD—I am talking about the Skyrail project in Queensland—you know, behind Cairns, up in the wet tropics area. That is in Queensland, in case you did not know. You should know, because you used to go up there protesting. You should know.

Senator Brown—KAFNIC is not in Tasmania.

Senator IAN MACDONALD—This bill is Australia-wide, Senator. There you are, now getting worldwide rave commendations—

The TEMPORARY CHAIRMAN—Minister, could I encourage you to direct your comments to the chair?

Senator IAN MACDONALD—Madam Temporary Chair, you would know that the Skyrail project behind Cairns is getting worldwide rave commendations as an ecotourism facility to such a great degree that Prince Philip, the former president of the World Wildlife Fund, happily went on it a couple of weeks back and, like everybody else who has been on it, said what a marvellous experience it was in ecotourism. This is the sort of ecotourism that was opposed by Senator Brown all those years ago. We do not want to talk about that anymore. We do not want talk anymore about where the World Heritage forests are that Senator Brown will rush out and say are being logged when he has an audience that cannot object to him, cannot argue with him and cannot point out the fallacy of the comments that he makes. This is what the debate has been to date, I regret to say—these mistruths, this misinformation, these emotive things that appeal to some people who really do not know better, who do not have the capacity to find out the truth or who are bullied or threatened out of raising a voice in opposition.

They are the types of activities we have from Senator Brown, and they are not based on fact. I do not mind what sort of debate we have here. I appreciate the involvement of Senator O’Brien. We do not see eye to eye on all of this bill, I regret to say, and we will have our debates about it. I do not suspect that I will be agreeing with Senator Murphy on too much, but his comments are based on what he believes to be fact. But other senators must make sure that their comments are
factually based and are not just this rhetoric thrown around to get an emotive response from people who do not have the ability to find out the truth of what happens.

I am sure the debate will get shriller and shriller and that the personal attacks on me will get shriller and shriller and more abusive, but that will not worry me. What I want to do is to get through the parliament this bill that provides security for jobs, for people, for families and for small communities. This bill will provide for those comprehensive, adequate and representative forest reserves which give us a reserve system better than that which the leading world conservation groups have called for. That is what this bill is about: security for reserves and security for jobs, families and small communities.

Senator MURPHY (Tasmania) (9.29 p.m.)—I will just go back to the amendment that we are now considering. As I understood the minister to say, the government is opposed to the amendment because, in effect, we are dealing with it in the context of it being in the definitional aspects of the bill. I have indicated that I support the amendment—and I will go to that in the broader sense. It would obviously have to be in the definitional aspects of the bill if it is then to subsequently be included in the body of the bill, which I understand Senator Brown’s next amendment proposes.

Minister, when you were responding to some questions I raised earlier, I heard you say that you were reading from part 3 of the standardised regional forest agreement, and I think you referred to clause 94 of the Western Australian RFA. What you read was, in fact, clause 92 of the Tasmanian RFA, which says:

Nature of Obligations under this Part
It is the intention of the Parties that this Part— that is, part 3—
is to create legally enforceable rights and obligations. It is also their intention that, in the event that any provision of this Part exceeds the power of either Party or is unenforceable for any other reason, that provision is to be read as not intending to create legally enforceable rights and obligations.

So that is interesting. I would now like to go to the termination clause of an RFA, which is standard in all the RFAs. Clause 102 of the Tasmanian RFA says: This Agreement may only be terminated by the Commonwealth:
a) with the consent of the State; or
b) where the dispute resolution procedures in clauses 11 to 15 have been observed and the State has been given a 90 day period of notice on ...

It then lists a number of matters. I particularly want to go to (b)(v) and (c) of clause 102, which say:

(v) a failure by the State to comply with clauses 58, 60, 64, 68 or 73 other than a failure of a minor nature which is not one or a part of a series of deliberate or reckless failures of a minor nature save that the above provisions do not apply if rectification is possible and has occurred before the end of the 90 day period; or
c) on a fundamental failure by the State to comply with the spirit of the Agreement after the observance of the dispute resolution procedures in clauses 11 to 15.

I would now like to refer to clause 60 of the RFA which, under ‘Maintaining a permanent forest estate’, says:
The State agrees to adopt the broad policy framework specified in Attachment 9 which is designed to maintain an extensive and permanent Native Forest Estate and to maintain the sustainability of the total Forest Estate.

Then clause 64 says:
The State agrees that, in providing for environmentally sustainable forest management, its forest management systems will be amended to reflect undertakings of this agreement and in particular those undertakings specified in Attachment 10.

I do not want to take up too much of the Senate’s time by reading all these clauses but, of particular interest with respect to clause 9, subsection 10 says:

Reafforestation following harvesting on both public and private land will meet the appropriate stocking standard. Naturally regenerated areas, including reseeded areas, are to maintain as far as is practicable the native forest tree species composition of the area.

I would like to know where that is happening in my state.

Senator Ian Macdonald—Put it on notice and I will try to find out for you.
Senator MURPHY—Minister, I wish you all the luck in the world.

Senator Brown—I add my wish.

Senator MURPHY—I wish you all the luck in the world, because I have endeavoured to do that for a long time. I would now like to take the Senate to the Forest Practices Board annual report. I said earlier that the only body that had been prosecuted under the Forest Practices Act and the Forest Practices Code was Forestry Tasmania. There is an audit process that is required, even under the RFA, to be undertaken. Minister, your officers may want to take note of these pages in the Forest Practices Board annual report. At page 53 you will see an example of the documentation that is filled out as part of the audit process. It is worked on a score system. There is an indicative percentage score numbered from one to five and they then rate in percentages. If you get a score of one, you get a 95 per cent or better score.

On page 61 of the Forest Practices Board annual report there are the results of the audit of forest practices plans. Bear in mind that they conduct audits on only 15 per cent of the forest activities in Tasmania. Also bear in mind that Forestry Tasmania was prosecuted. Let us look at their results, because they are published in the Forest Practices Board annual report—which I find interesting. I will not go to all the results because there are several pages of this stuff, but I will go to those that I can prove have not been complied with. The following questions were asked:

Are table drains properly constructed?
Forestry Tasmania’s score was 100 per cent.
Are table drains clear?
Forestry Tasmania—100 per cent.

Senator Ian Macdonald—Are clear?

Senator MURPHY—Yes, are clear. The questions continue:
Has drainage been diverted in the 50 m before stream?
Forestry Tasmania’s score—100 per cent. Just on that point, Minister, I showed video footage to a former senior officer in your department in terms of forestry. This video footage showed breaches of that particular matter by Forestry Tasmania. The officer looked at that video with his offsider and said, ‘Shock, horror, this is just not on; we need to do something about this.’ When he left my office that was the last I heard about it.

As I have said before in this place, I rang the Regional Forest Agreement Monitoring Unit and asked them to come to Tasmania—not to just take my word for it. As I have said to you, Minister, I will take you there and show you. I do not want anybody to take my word for it; there is plenty of evidence there. I want a situation where legislation is put through this parliament that will ensure that, where those breaches occur, something will be done about them—which cannot happen at the moment. But I will continue with the questions:
Have streambanks been restored?
Forestry Tasmania—100 per cent.
Have bridge embankments been protected?
Forestry Tasmania—100 per cent.
Are stream crossings minimised?
Forestry Tasmania—100 per cent.
Were temporary log crossings constructed where needed?
Forestry Tasmania—100 per cent.
Has snigging avoided streams?
Forestry Tasmania—100 per cent.

I have to say that that is the greatest, most misleading load of crap you would ever want to read, and I can prove it. If you want to take some time tonight, Minister, after we conclude this debate, I have at least six videos that we can spend time going through. If you want to have an on-the-ground look, I am happy to take the day off from the Senate tomorrow and take you down there. I am really happy to do that because we can have an on-the-ground look, and I say that to any senator in this chamber. Indeed, I am prepared for them to meet some people who are almost scared for their very lives, who want to give evidence but will not because they feel so threatened. I am sure they would give it to you, Minister, in confidence. I am sure they would produce documentation to you in confidence. I am sure we could trust your confidence. They would demonstrate that
what I am saying here tonight is true. It is the very reason that I entered this debate. In fact, in large part it is the very reason why I am here right now.

We have to do this right. This is but our last opportunity as a national parliament to proceed to put in place mechanisms that will ensure that the objectives of the National Forest Policy Statement, which I support, will be adhered to and delivered upon. Frankly, anything we can do with this legislation that will shift that objective forward one inch is worth supporting. That is why I support what Senator Brown is proposing. I have had many disagreements with Bob Brown. In fact, I tried to blockade him in his office once a long time ago. I will support any objective that enhances the outcomes and leads us to the realisation of the objectives of the National Forest Policy Statement. That is why I support what Senator Brown is proposing on this occasion.

Senator IAN MACDONALD (Queensland—Minister for Forestry and Conservation) (9.40 p.m.)—In response, Senator Murphy, that is everyone’s objective, I am quite sure. I am sure it is the Labor Party’s objective, but they will speak for themselves. I am sure it is the Tasmanian government’s objective. It is certainly our objective.

Senator Murphy—I didn’t cast aspersions on you.

Senator IAN MACDONALD—No. Thank you for your offer, but I enjoy my work, I am paid to be here, particularly at question time, and so I cannot take you up on your offer. As I said before, it does not cost me anything to listen. If people have a view and can make a point, I am very happy to listen to them. Again, I think everyone is in that situation. I would think that the Tasmanian government is, but obviously I do not speak for them. Thank you for the offer of watching videos, but I have a day’s ministerial work sitting on my desk at the moment, which I will have to do tonight rather than watch your films. If you are able to identify them by a description that would mean something to people, if you could say, ‘It’s this coupe, of this forest, on this road, in this town,’ if there is a description where you say that the stream banks were not restored, the bridges were not put back or the fords through the creeks were not properly dealt with, perhaps we can help you follow them through or at least find out from the agency what their answer to it is. Perhaps you know what they will say.

Senator Murphy—I do. I wrote to them about it.

Senator IAN MACDONALD—What did they say?

The TEMPORARY CHAIRMAN (Senator Hogg)—Order! Minister, you should address the chair, rather than carrying on a conversation across the chamber with Senator Murphy.

Senator IAN MACDONALD—You are quite right, as always, Mr Temporary Chairman. The point I am trying to make to Senator Murphy is that we are all in the same boat. If errors have been made, let us try to resolve them. I am a great believer in confronting one with allegations made by others.

Senator Murphy—Well, confront it tonight instead of ducking it.

The TEMPORARY CHAIRMAN—Allow the minister to answer the question. Then if you need to participate in the debate, you will be given every opportunity, Senator Brown.

Senator IAN MACDONALD—Thank you, Mr Temporary Chairman. That interjection just shows the standard of the debate from the senator who interjected. I predicted that we would get abuse and shrillness, and of course here it comes. I was making a sensible point to Senator Murphy, but others who have no interest in this debate are interjecting all the time. (Quorum formed)

Senator IAN MACDONALD (Queensland—Minister for Forestry and Conservation) (9.46 p.m.)—That fortuitous little break has allowed me to answer part of Senator Murphy’s query, which I will move on to now. Senator Murphy referred to clause 60 of the Tasmanian RFA. The agreement there was that the state would agree to adopt the broad policy framework specified in attachment 9 which is designed to maintain extensive and permanent native forest estate and to maintain the sustainability of the total forest estate. Senator Murphy also referred me
to attachment 9. As part of the ongoing monitoring process and as part of the work on the review, which is not yet published because we are still doing it, I am advised that, in accordance with the agreement, the broad policy framework in attachment 9 has been adopted and further information is reported against attachment 9, clause 11 in the work that is being done. These things are enforceable, they do mean what they say and they are being monitored and reviewed as we proceed through the review process. This whole process is working.

Senator, you have individual examples of flaws and, as I say, let us try and sort those through. The agreements do mean what they say. There are checks and balances through them. This bill before the Senate is designed to cement them from the Commonwealth’s point of view. Of course, as a Commonwealth legislature, we can only legislate for ourselves and not for things over which we have no constitutional responsibility. We can ensure that we follow up our obligations in making sure the various state governments provide systems that are ecologically sustainable and are otherwise in accordance with the agreements.

**Senator BROWN (Tasmania) (9.49 p.m.)—**The Minister for Forestry and Conservation says the process is working, that the whole setup is working according to plan but he will not go and look at Senator Murphy’s videos tonight which show that they damn well are not working—they are not working at all. There is no way that anybody looking at this industry in Tasmania will say that the Forest Practices Code is being implemented and protected—it is not. That studied ignorance by the minister will not do.

Progress reported.

**ADJOURNMENT**

The **DEPUTY PRESIDENT**—Order! It being 9.50 p.m., I propose the question:

That the Senate do now adjourn.

**International Women’s Day**

**Leonard, Ms Helen**

**Senator CROSSIN (Northern Territory) (9.50 p.m.)—**I rise this evening to provide a contribution in recognition of International Women’s Day, which was celebrated last Friday, 8 March. By way of background, International Women’s Day was first observed around the world many years ago. International Women’s Day is renowned internationally and women around the world will have celebrated the day in some form or another. International Women’s Day grew out of the women’s struggle for better working conditions and the right for women to vote. The movement sought equality and justice for all women. In recent times, though, it is a day on which women have celebrated change, a day when women have reflected on the progress they have made or, at times, the lack of progress we seem to have made in some areas. It is a day to assert, again, our right as women to have political, social and economic rights, and to look at a way in which we can ensure that those rights are achieved for women around this world.

There is some debate about the origin of International Women’s Day. It is said to have started somewhere between 1857 and 1908. International Women’s Day was first held in March 1911. At a gathering in 1910 of around 100 women from 17 countries—in fact, the Second International Conference on Socialist Women being held in Copenhagen at that time—it was unanimously resolved to honour the women’s rights movement through some sort of international celebration. The first public event in Australia was an International Women’s Day march in 1928. However, it was not officially recognised until 1974—some 46 years later—by the then Prime Minister, the Hon. Mr Gough Whitlam, in the lead-up to the United Nations International Women’s Year in 1975. In 1977, the United Nations General Assembly adopted a resolution proclaiming that 8 March would be a United Nations day for women’s rights and international peace.

I also want to talk about the new development in recent years of the Women’s History Month. During the 1970s, there was a growing sense that much of the history of women who had fought for the vote, for equal pay, for better access to education and other strategies had been lost or, indeed, forgotten. History, as taught in schools, did not
meet the need for honouring these stories. However, in some universities in Australia and throughout the world, we have seen a growth in women’s studies and women’s histories programs. In 1978, in California in the USA, an education task force on the status of women began a Women’s History Week celebration. This was to coincide with the March 8 International Women’s Day. Schools in the USA began to host their own Women’s History Week program, and the movement spread. In 1981, the United States Congress passed a resolution establishing a national Women’s History Week. In 1987, at the request of the National Women’s History Project, the US Congress expanded the week to a month. Every year since then, US Congress has issued a resolution for Women’s History Month and the US President also issues an annual proclamation for the event.

Meanwhile in Canada, Women’s History Month has been celebrated annually since 1992. In that country October was chosen, because it celebrates the famous 1927 legal case when five women petitioned the Judicial Committee of the Privy Council of Great Britain for clarification of women’s rights under the British North America Act for women to be appointed to the Canadian Senate. In fact, on 18 October 1929 that committee ruled that section 24 of the British North America Act should apply equally to women. One year later we had a woman, Carine Wilson, becoming the first woman to take her place in the Senate of Canada. It is interesting to note that in 2002 the President of the Canadian Senate, as in our own Senate, is a woman.

I also take this opportunity to pay tribute to a leading feminist in our country, Helen Leonard. Many people who have known Helen and who have worked with her will realise that, quite tragically, during the federal election, she passed away. This is the first opportunity that any of us have had to publicly pay tribute to her work. Helen was born on 7 March—the day before International Women’s Day—1945 and she died last year on 12 October. Many of us did not have the opportunity to pay our respects at that time, as we were caught up in the federal election, as Helen would have wanted us to be. Helen was a mother of three, a lobbyist, a networker extraordinaire and, of course, the creator of the largest and most remarkable photographic record of the women’s movements from the 1970s onwards.

I had only known Helen for three years. She was terrific in making sure that whenever newly elected women parliamentarians arrived in Canberra she was there to meet you. She was always there to ensure that her lobbyist views were imparted to you and she was always there as a person who would encourage and support whatever work you were trying to do in terms of improving outcomes for women. Helen was one of those who created the Nursing Mothers Association at a time back in 1973 when it was seen to be offensive to breastfeed in public and relatively few Australian mothers were encouraged to breastfeed. She went on to be appointed to the National Women’s Consultative Council, as a representative of the national Nursing Mothers Association. She was one of those who founded the National Women’s Media Centre, at a time when only 20 per cent of interviewees in the media were women, and she led the project to produce the 1998 National Women’s Media Directory.

Helen moved on to Canberra in 1998 and became a national executive member of the Women’s Electoral Lobby. From there she became a lobbyist for numerous organisations such as CAPOW—the Coalition of Australian Participating Organisations of Women—as the peak national women’s organisation. She was the person some years ago in March 2000 who created Women’s History Month for us here in Australia—and, of course, that month continues on, hopefully, in memory of her.

I want to use this time to publicly pay tribute to Helen, to her work as a lobbyist, to her commitment as a feminist and to her unending passion to improve life for women in this country, no matter what the cost. Helen was always on the phone, always emailing you, always there to ensure that you knew what the issues were and that, in fact, you were there standing up for women, as she would want us to do. She is survived by her partner, Judy and children, Christopher,
Robin and Carolyn. I am sure that, along with many other women, they are extremely proud of the work that she has done.

She would have been bitterly disappointed at the outcome of last year’s federal election, having worked tirelessly for a number of achievements in areas of the women’s movement where she wanted to see change occur. But perhaps I can best sum up some of the work that she did by quoting many tributes that are on the web site in her honour. Susan Halliday, the former Equal Opportunity Commissioner, said:

Her enthusiasm was contagious, her ability to motivate people inspiring and her willingness to look for the bright side throwing caution to the winds and get out there and make a difference when it appeared all had been lost, goes unmatched.

So, Helen, on behalf of women in this country and politicians in this House, we pay tribute to the work that you did through the years on our behalf.

Queensland: Consolidated Meat Group Meatworks, Rockhampton

Senator CHERRY (Queensland) (10.00 p.m.)—I rise tonight to speak on the industrial problems of the Rockhampton Consolidated Meat Group meatworks. Rockhampton is a city with major unemployment problems. Its unemployment rate is over 10 per cent, half as much again as the national average. It is a city doing it tough and it cannot afford too many more knocks. Yet late last year it received a very big one. Its biggest private sector employer, the Kerry Packer owned Consolidated Meat Group Lakes Creek meatworks closed early and is yet to reopen. It has been closed because its management insists on its staff taking a very hefty cut in their working conditions. As a result, for four months now 1,300 workers have been out of work. That is almost $1 million a week in wages taken out of that struggling regional economy. The workers have exhausted their savings and are now, in many cases, turning to the welfare sector. The local Salvation Army reports a 114 per cent increase in requests for emergency assistance and is struggling to meet it.

No-one should expect CMG to run its meatworks as a charity, at a loss. Indeed, CMG to its credit has invested in the order of $50 million in the meatworks over the last four years in capital upgrades. But ironically the new equipment appears to be part of the problem with system shutdowns and technical glitches adding to the down time and continuing losses at the plant.

Industrial disputes are always very difficult things to speak about. CMG is within its rights to insist on increased productivity to ensure that the plant is made profitable in a very difficult meat market. But, equally, the Australian Meat Industry Employees Union is justified in arguing against reductions in wages, particularly for a work force which has not had a pay rise since 1999. What is desperately needed is intervention to bridge the gap between the two sides. Simply put, if the CMG plant fails to reopen, the economy of Rockhampton will be devastated. The failure of the plant would push Rockhampton’s unemployment rate up over 20 per cent, plunging the entire region into a deep depression. On that basis alone this dispute needs urgent public policy attention. It needs a government prepared to approach the dispute with a determination to solve it, to listen to both sides and to achieve an outcome that delivers a viable plant to CMG and a reasonable set of conditions for its work force.

There are several things I believe the government could do. Firstly, it could intervene in the AIRC hearings this week to argue that, rather than cancelling the current enterprise bargaining agreement, both sides should be forced into conciliation talks. Secondly, it should try to test the various assertions and counterassertions about work and management practices. A government committed to ensuring that the plant did not fail would ensure the plant did not fail. If the problem is the new plant equipment, then the relevant experts should be brought in to fix it. If the problem is the productivity of the work force, then the existing work force should be retrained or jobs redesigned to improve productivity outcome. But there has to be a recognition that the problems of Lakes Creek cannot be solved by management fiat or by total resistance to change by workers. It can be solved only by both sides working together.
In many respects, Lakes Creek is a test of enterprise bargaining. Rockhampton needs to get the plant back to work to end the current lockout by the employer. Every regional development plant for Rockhampton that does not involve the Lakes Creek plant reopening starts with the region in recession. The government needs to show that enterprise bargaining will not mean a return to the 19th century where an employer could lock out its work force until the workers were starved into submission. Is that the industrial relations system that the Howard government supports? I do not believe so. But the system is not working at Lakes Creek and it is appropriate and in the national interest for the government to intervene in the dispute and try to bring both sides together.

There are plenty of precedents for government intervening with big dollars to help industries readjust. The Australian dairy industry has received over $400 million to help the adjustment of around a thousand farmers out of the industry. The Australian automotive industry receives over $680 million in assistance each year to help support the 15,000 direct jobs it provides in Australia. The Australian meat processing industry, which employs over 30,000 workers in often depressed regional centres around Australia, receives virtually no government assistance. The fundamental problem in Rockhampton is the collapse of meat exports to the US and also to Japan on the back of the BSE crisis. Around 80 per cent of its produce is exported. The collapse in the export markets combined with record high beef prices at home was a vice that brought festering productivity issues to crisis point.

It is not just Lakes Creek. The Blue Ribbon meat plant at Launceston closed in December with a loss of 430 jobs. The Kilcoy plant closed briefly and was only reopened with large pay cuts for its 300 staff. The Garfield abattoir in Victoria and the Mooney meat plant at Neerim South also closed last year. IBIS Consulting in January reported on meat processing, warning that the industry is in long-term decline, characterised by over-capacity and inefficient plants. The report listed six key impediments to growth: industrial relations problems, slow growth in domestic demand, trade restrictions facing exports, growth in live trade, low growth in herd and stock numbers, and low rates of return. ABARE, at least, is forecasting an eight per cent increase in exports over the next two years, which should improve things a bit.

However, as the Cattle Council points out, what we need is a recovery of exports to Japan. That requires branding Australian beef as clean and green and distinguishing it from Japanese BSE affected meat. The Cattle Council has called for government backing for a major marketing exercise into Japan. That marketing exercise would work better if all meat processors in Australia were working together to promote the Aussie beef brand. It would also work an awful lot better with sustained government backing and funding.

IBIS also points out that the long-term future of meat processing depends on processors developing consistently high-quality meat products tailored to the needs of particular customers. This in turn will require higher quality work skills which in turn require training. The report concludes: Training has been identified as perhaps the single most important issue affecting industry productivity. All this requires far closer attention to a strategic industry plan to bring meat processing up to scale. We cannot afford to allow this industry to continue to slowly wither without more attention to an orderly readjustment process. Both workers and management at Lakes Creek believe the plant can be made profitable. It needs goodwill on both sides, a government prepared to play its part in bridging the gap between the two sides. It also needs, as the entire industry needs, a supportive industry policy, a strong overseas marketing campaign, the implementation and promotion of Australian standards at home, a commitment to boosting training, genuine readjustment assistance for plants and towns that fail, and a preparedness for all parts of the industry to work together.

I urge the ministers for primary industries and workplace relations to take a long hard look at what is happening in Rockhampton and to make their best efforts to try to fix it.
It is the government’s industrial relations policies and its commitment to regional development that are on trial in Rockhampton this week and this month as an employer lockout on a federal EBA threatens an entire region. I urge the federal government to stop spectating and become an active participant in resolving this dispute which has gone on too long with too high a human cost.

Independent Committee to Review Veterans’ Entitlements

Senator MARK BISHOP (Western Australia) (10.07 p.m.)—This is my first opportunity to address the Senate in this the 40th Parliament, as I was absent in the first week of sitting due to my attendance in Singapore as shadow minister for veterans’ affairs to commemorate the fall of Singapore to the Japanese in 1942. I rise tonight to bring to the Senate’s attention a serious matter in the Veterans’ Affairs portfolio concerning the terms of reference for the Independent Committee to Review Veterans’ Entitlements, chaired by Justice John Clarke QC. Having commenced with some general remarks, I will then go on to deal with some specific matters in the terms of reference, putting them in some context and expressing specific concerns. Those items in particular are qualifying service and what it means; perceived anomalies on access to the Veterans’ Entitlements Act; provision for peacetime service in the VEA; and the special rate. From the outset let me say that these terms of reference are either the result of a need to take remedial action with respect to government failing in the administration of the Veterans’ Entitlements Act or an attempt to undermine and diminish veterans’ entitlements. Either way, veterans need to be vigilant. As terms of reference, they are as broad as they could possibly be, requiring the committee to:

… make recommendations on the current policy relating to eligibility for access to VEA benefits and qualifying service under the Act; and the benefits available to disability compensation pensioners under the VEA.

More specifically, the terms of reference then go on to identify a large number of matters within that broad ambit, some of which will be a massive undertaking for the committee if it is to do its job thoroughly.

As the Senate knows, to achieve qualifying service is to gain eligibility to all the benefits that the VEA has to offer, in particular the service pension which is available at age 60 and, on current trends, the gold card at age 70. These are very considerable benefits. Hence the pressure which has been exerted over a long period of time to have one’s service reclassified. The test for that, in shorthand, has been the ‘danger from hostile forces’ test on which government policy has been consistently upheld in the courts for many years, despite that policy being a bit erratic from time to time. It is becoming clear to me that, following the government’s acceptance of the recommendations of the previous report by Justice Mohr, that policy is now in considerable doubt. The setting up of this review is in fact a confession that this is the case, as acknowledged in the estimates hearing on 22 February this year by the Secretary of the Department of Veterans’ Affairs.

Despite the rhetoric and the technicality, what we now have seen in fact is a seismic shift from a danger test to a geographic test based on allotment. The consequences of that are, firstly, the value and status of prior service under the danger test has been debased; secondly, there would now seem to be much more open access to qualifying service; thirdly, significant cost implications flowing from this, including the wider availability of particular benefits, the costs of which are seriously blowing out; and, fourthly, the practicality of any danger test for future deployment as a gateway to higher benefits has been eroded. So, to that extent, the need for an inquiry by the government is self-inflicted, and it is difficult to see how the few remaining deployments overseas since 1946 would not now be covered, including the British and Commonwealth Forces in Japan, and all peacekeeping missions for that matter, though the terms of reference make no specific mention of the latter at all.

That there should even continue to be access to different schemes is an issue in itself. As the government has accepted the recom-
mendation of the report by Mr Noel Tanzer AO that there should only be one scheme of compensation for the ADF in the future, it is to be hoped that the findings of this review do not re-cover that ground, nor create impediments to its implementation. The terms of reference are silent on this very important linkage.

The use of the word ‘anomaly’ in the terms of reference leads one to believe that there is an unjust reason for individual deployments being treated differently in the past with respect to their cover for compensation. The fact is there are differences and they may have been drawn for very good reason. Historical reconstruction, however, has proved pretty successful, and the anomaly argument based on considerations of equity seem to have prevailed. I suggest to the Senate that the main reason for this reconstruction is to simply access benefits which are considered to be more valuable, both by those who served overseas and were not considered at the time to satisfy the danger test sufficient to warrant a formal determination or legislation and by those who served or continue to serve in Australia and who see their service as being equally dangerous and hence worthy of coverage by the VEA under its provision for hazardous peacetime service.

With the exception of the period 1972 to 1994, governments have successively and deliberately removed access to the VEA for peacetime service. But in the face of the Tanzer report, which the government has accepted, and this history these terms of reference openly countenance the extension of the VEA to that service. No mention is made of the adequacy or otherwise of the schemes of compensation which did in fact apply, nor to alternative means of recognising the claim of those who believe they have not been adequately compensated for the hazard they faced. Let there be no doubt that within the Australian military forces there is much activity which would be considered by any public standard to be dangerous. That the record of injury is a good one speaks much of the training which is done to minimise that risk. The real policy issue is: how do you recognise that risk in terms of modern military employment, which is significantly different from civilian employment? On this same note, the terms of reference make no reference to conditions of service issues which have recently been the subject of review in the Nunn report. Again I ask: where are the linkages?

May I also suggest that the ex-service community and current serving members do not believe that their compensation is or ever has been adequate; hence the ambition of those not covered to gain access to the VEA, which is considered more generous and more available. Yet these terms of reference make no connection. The focus on the VEA to the exclusion of all other options in the terms of reference might well be taken as a clear signal that the government would be prepared to consider such a proposition.

Finally, I refer to the inclusion in these terms of reference of the TPI issue. Since taking responsibility as shadow minister for veterans affairs for the Labor Party, this issue has loomed very large as one which, more than any other, symbolises the archaic nature of the VEA. The Tanzer report made this point well. In short, the special rate pension, as it is known, is by itself no longer adequate. In some individual circumstances, it also may not be adequate for some even when the wide array of additional benefits, such as the service pension and allowances, are included in the sum. This is an issue on which the TPI Federation has been engaged in dialogue for nearly two years, and after that time the response is to wrap them up in a review which should put the matter on ice for another two or three years.

Quite frankly, this is not good enough. While we will await the outcomes of the judicial review patiently, there is nothing to preclude the government from moving immediately to at least exempt ex-service disability pensions from the means test at Centrelink. This would at least bring immediate relief to about 1,000 ex-service people who struggle to make ends meet after a career in the service cut short by serious injury or illness, to the extent they can no longer work, and to another 3,500 on age pension whose pension is similarly reduced.
I have spoken at some length in recent times to the TPI Federation, as has my colleague from Western Australia the member for Cowan, who, as the Senate knows, holds these issues very close to his heart. There is no doubt that some members of TPI community find making ends meet very difficult when they have young families. It is unfortunate that it has taken so long for the government to wake up to the fact that the structure of the TPI pension is so ad hoc and outdated. The Senate will know that the special rate was first established around 1916 and has changed little, except that it is technically correct to say that it has lost value dramatically since that time. However, in 1936 the means tested service pension was introduced, but even taking that into account there are still some major issues to be addressed. I have encouraged the TPI Federation to look broadly at the case they put to the review and to think to the future, which, sadly, the terms of reference do not. It is to be hoped that the committee will view their terms of reference more widely than they are written.

I conclude by saying that these terms of reference are poorly drafted and can only be seen as a plea for help in developing new policy. Let us hope they have more success than those who have tried before. To summarise, while we on this side are supportive of the review of veterans’ entitlements, the terms of reference are misguided and, if they are followed without clarification, they will inevitably lead to a contradiction of other policy.

In particular, I make the following points. The government has by its own actions destroyed the meaning of ‘qualifying service’ and the review has been asked to dig it out of the hole it has dug for itself. From the history of this subject, it should now be quite clear that attempts to link compensation benefits to judgments of risk have now become unworkable. The invitation to consider the inclusion of past ex-service people and currently serving personnel in the VEA is totally contradictory of other government policy, which is to move to one single new military compensation scheme. It is clear from the case of the special rate pension for the TPIs that the VEA is no longer a suitable policy framework as a compensation scheme for the ADF, or veterans for that matter, and further extensions—(Time expired)

Johnson, Mr Stephen Edward Ingram
Brockwell, Mr Maurice John

Immigration: Detention Centres

Senator McKIERNAN (Western Australia) (10.17 p.m.)—I will not delay the Senate too long tonight, but I want to put on record a tribute to the memory of two great Western Australians who passed away earlier this year. Western Australia has lost by the passing of both these individuals, but they came from opposite ends of the political spectrum.

The first I want to refer to is a former member of the Western Australian parliament, Mr S.E.I. Johnson, better known as Ted Johnson. I did not know Ted during his political life, but I certainly knew him during my political life. Ted was a very prolific letter writer, and I found that, while I did not agree with everything that he put forward to me, I found it very stimulating responding to the matters that he raised with me as a member of parliament representing him. He was also a prolific letter writer to our local newspaper, the *West Australian*, and indeed he sparked some very interesting debates, again on economic matters in that great state of Western Australia. I have already missed his passing, because we have not been getting his letters of recent times, and obviously they came to a sudden and complete halt in January. I want to pass on my and my office’s condolences to all of his family members on their very sad loss.

The other person I want to refer to is from the other side of the political spectrum, a man named Maurice John Brockwell, who I came to know reasonably well through the Irish community in Western Australia. Maurice was an active member of the Irish Australian Business Association, the Celtic Club, the Irish Australian Chamber of Commerce of Victoria and of course he also had links with the Australian British Chamber of Commerce in Western Australia. He was a member and sponsor of the Australian-Irish Heritage Association and a foundation chairman of the Irish Heritage Scholarship
Foundation. He was, for quite a period of
time, treasurer of the Liberal Party in West-
ern Australia and was also very senior in the
Australian Hotels Association.

It would take me quite some time to go
through the complete CV of Mr Maurice
Brockwell. He was a man of substance; he
had considerable wealth, which he generated
for himself through his work in the hospital-
ity industry, which he had been involved in
for some 35 years. But it was not wealth that
he just took for himself; it was wealth that he
shared, and shared with enormous generos-
ity, with the community and with those in
need in Western Australia. He is sorely
missed within the Irish-Australian commu-
nity in Western Australia and again I want to
put on the record my condolences and pass
on the sympathy of myself, my wife and my
office to Marianne and their three daughters.
He left this earth at the age of 53 and it really
was a very untimely passing and that man
will be sorely missed, as indeed will Ted
Johnson, whom I referred to earlier. The re-
gret I have about Ted is that his passing and
his funeral did not come to my notice until it
was all over, and I sincerely regret not being
present at his final interment.

I had, during the course of the Senate es-
timates committees, the opportunity to read a
number of documents relating to the matters
being addressed within the Senate estimates
committees, and I came across an interesting
article from the December 2001-January
2002 edition of arena magazine, entitled
Authoritarianism in the name of freedom:
how our detention camps breach the most
basic human rights. It was written by Mr
Julian Burnside. I think Mr Burnside is a
Queens Counsel; he is certainly somebody of
great eminence within the legal profession in
Australia. I have enormous admiration for
Mr Burnside and the work that he has done
within the legal profession, and I will put
that on the record before I tip a bucket over
him for some of the matters that he raises
within the article.

I do not take exception to his comments
and critique of what goes on in our detention
centres. He has a right to believe what he
chooses to believe. Whether he has tested
what he was told prior to writing what he
wrote in this particular article is a matter for
Mr Burnside to reflect upon. But I do recog-
nise his great work within our judicial sys-
tem in this country. He has defended many
cases which many lawyers would think twice
about defending. He has certainly been to the
forefront in advocating human rights, and he
is addressing a number of what he asserts are
human rights breaches in this particular arti-
cle.

In one area he gets it horribly wrong, and
he insults me as a representative of constitu-
ents in Western Australia and, indeed, he
insults the constituents of Western Australia.
It is for that reason I am using this opportu-
nity to tip that proverbial bucket on Mr
Burnside. I quote a small part of the article:

It is notable that a disproportionate number of
asylum seekers are held in the most remote loca-
tions.

Woomera is about 6 hours drive from Adelaide, in
the middle of the desert. To get to Curtin, you
drive six hours east from Perth, through Kalgoor-
lie and Boulder.

Madam Deputy President, if you head in that
direction you are going well away from the
Curtin detention centre, which is at the
Curtin Air Base, which is in the Kimberley
region of Western Australia, right up the top
end beyond Broome and certainly well be-
yond Port Hedland. Mr Burnside needs to
take a lesson in geography from whoever is
informing him because Curtin is in almost
the opposite direction—certainly going north
rather than going east. He goes on to say in
his article:

Port Hedland is north of Perth, about an 18 hour
drive.

He is right about that, although these days
you can do it in a little quicker than 18 hours.
When I last drove that full distance it took 18
hours non-stop, other than for petrol and
food and other necessities of life. But you
can do it a lot quicker if you are using other
drivers. Of course, if you use modern trans-
port methods you will be there in two hours
and 10 minutes, which is just double the time
between Melbourne and Canberra. The part
of the article that really upsets me is at the
end of this particular paragraph:
These God-forsaken places, in the least hospitable parts of Australia, hold over 80 per cent of asylum seekers.

I resent Port Hedland, Curtin and Derby being described as ‘God-forsaken places’. All of the constituents I seek to represent in those places just outside of Derby, and indeed Port Hedland, would resent being described as ‘God-forsaken’. Certainly they are tough. Port Hedland was a port town servicing the mining industry and Derby has had its own claims to fame over the years, but there is no way in the world that they could be described as ‘God-forsaken’. It is tough in these places. As I said just after a report was handed down last year from the Human Rights Subcommittee of the Joint Standing Committee on Foreign Affairs, Defence and Trade, the conditions at these detention centres at Curtin and Port Hedland are not what you would regard as Hilton or Sheraton standards, but if you go a few miles up the road to one of the Aboriginal town sites close to Port Hedland or close to Derby then you really see where it gets tough. There is no air conditioning in those town sites. Food and medicine are sometimes very hard to get. As for education, as we know in this place, that is very difficult.

I want to end by giving Mr. Burnside an accolade. I am aware of, and do put on the public record, the work he and his partner do for homeless people in the great city of Melbourne. I know, and it has been reported, that the doors of their home are open on a regular basis to homeless people, who are given food, shelter and support. I commend Mr. Burnside and his partner for that great effort they make for humanity in Melbourne. I hope that work continues, but I hope that when he next writes an article, certainly if he is writing anything about the state of Western Australia, he checks some of the facts on the geography of the place. I would hope that some of the other purported facts contained in the article have been better rehearsed than his geography has.

Parliamentary Committees: Administration

Senator SCHACHT (South Australia) (10.27 p.m.)—I rise to speak on a matter concerning the administration of the parliamentary committees, particularly the joint committees, and even more particularly a committee that I have had the good fortune and honour to be a member of since I was elected to this parliament in 1987, other than for the three years I was a minister in the Keating government, and that is the Joint Standing Committee on Foreign Affairs, Defence and Trade.

During the period of the election, membership of all joint committees from the previous parliament is declared null and void—there is no membership. It has come to my attention that during that period the Clerk of the House of Representatives has made administrative changes to various committees and has shifted secretaries around. He has removed the present secretary of the Joint Standing Committee on Foreign Affairs, Defence and Trade, Ms Margaret Swieringa, and transferred her to another committee.

I think there is a weakness in the system of administration when the Clerk, a statutory office holder, can make these decisions while there are no members of parliament, members of those committees—members whom he should consult and seek the views of, particularly the previous chairman of the committee, who the secretary worked with. In this case, Senator Alan Ferguson was the chairman of the committee. I do not know whether he will be reappointed by the Liberal Party, but I give Senator Ferguson great credit for carrying out the duty of chairman of that committee with considerable distinction. At the moment, I think, he is on the border of Mozambique and Zimbabwe observing elections.

I find it extraordinary that we have a system of administration where the Clerk, a statutory office holder, can make these decisions while there are no members of parliament, members of those committees—members whom he should consult and seek the views of, particularly the previous chairman of the committee, who the secretary worked with. In this case, Senator Alan Ferguson was the chairman of the committee. I do not know whether he will be reappointed by the Liberal Party, but I give Senator Ferguson great credit for carrying out the duty of chairman of that committee with considerable distinction. At the moment, I think, he is on the border of Mozambique and Zimbabwe observing elections.

I find it extraordinary that we have a system of administration where members of the committee are not consulted in any way by the Clerk of the House of Representatives, who then chooses, of his own volition, to remove people from the position of secretary of the committee. It is a power that I think should be tempered by consultation and advice from the members of the committee. The Clerk of the House of Representatives and the Clerk of the Senate are not here to exist in their own right; they are here to administer the chambers on behalf of the elected members of parliament—whether
they are Labor, Liberal, Independent, Democrat does not matter. The sovereignty of this place is through the ballot of those who get elected, not through those who get appointed to be administrators of the system. If it were not for the elected members there would be no Senate, no House of Representatives, no staff.

I think we may have gone overboard in establishing statutory authority. I think the Clerk of the House of Representatives and the Clerk of the Senate are guaranteed appointment for five or seven years under the guise of not being able to be interfered with by politicians, in order to ensure that the place is administered fairly. I accept that view. But for the Clerk of the House of Representatives to shift staff around without consulting those members that the staff work is an abrogation of good management. What was the reason the Clerk of the House of Representatives removed Miss Swieringa as secretary? We all know—this was a matter I spoke about last year—that there was a dispute between the members of the committee and the Clerk of the House of Representatives over a visit the committee was making to East Timor. The members of the committee unanimously recommended that Miss Swieringa, as the secretary of the committee, accompany the delegation. The Clerk refused to let her go. In the end, he appointed another officer to go on the visit who had no previous experience in looking at the work of the United Nations and was not even a member of the staff of the committee. After the committee returned, apparently that person from another committee asked the staff of the committee, including Miss Swieringa, to help draft the report when she had been excluded from going to East Timor.

I find it extraordinary that the members of the parliament unanimously recommend one course of action and the Clerk of the House of Representatives says, ‘No, I am the statutory officer holder, I will choose who should be serving the committee, irrespective of the wishes of the members.’ To put it bluntly, there was a blue about this. I have spoken on it previously in this chamber. Afterwards, members of the joint committee, in a meeting of the committee, unanimously supported Margaret Swieringa’s work and the view that she should have accompanied the committee to East Timor.

What really upset the Clerk, apparently, was that on previous work, on a reference to look at the work of the United Nations, the members of a subcommittee of the JSCFADT made arrangements to visit the United Nations, using some of their travel allowance, and they insisted that Miss Swieringa, as secretary of the committee, accompany them to help prepare the report. The Clerk did not want her to go, but after much pressure from the members Miss Swieringa accompanied the committee and produced, with the members, an excellent report. But it was clear from that time on that Miss Swieringa’s days in the committee were numbered because—and I think we have got down to the bottom line here—the Clerk of the House of Representatives wants to have the absolute power to decide which members of the staff of the House of Representatives on various committees get the trips overseas. It is the ultimate power to say, ‘I select who goes on various trips for the parliamentary committees,’ done as a way of ensuring management control. I think it is disgraceful if that is the case. But, in the case of Margaret Swieringa, we have evidence that that is the way the Clerk wants to run it.

When I was Chairman of the Joint Standing Committee on Foreign Affairs, Defence and Trade from 1990 to 1993 we established for the first time a Human Rights Subcommittee of that committee. At that time, Miss Swieringa was a member of the staff and was the secretary of that subcommittee. After many hearings and much evidence, the committee produced the first human rights report ever tabled in this parliament. It was called A review of the Australian efforts to promote and protect human rights, dated December 1992. As the then chairman of the subcommittee and chairman of the joint committee, I am extremely proud of that report. Even to this day, people from around the world quote it as a seminal report of this parliament promoting political human rights. Margaret Swieringa, we acknowledge in this report, did much of the work to bring together the ideas, the evidence and the views...
we had in a way that is extremely readable. It is a document of which we are all proud.

This is no criticism of other staff members, but I have to say that there has been no better writer for any committee I have served on in this parliament than Margaret Swieringa, and that is why this human rights report of 1992 is so exceptionally good. I want to draw the attention of the Clerk of the House of Representatives, Mr Harris, to the fact that at the beginning of each chapter we quote from some famous person in history who has done something to promote human rights. Those quotes were obtained by Margaret Swieringa under advice from me and others. The Clerk of the House of Representatives should read them. If he does he might understand that there is a wider issue of human rights, there is a wider issue of how you deal fairly with people, even in this place, in this parliament—even in the House of Representatives.

Finally I want to say that I think the parliament, the Speaker and the President should ensure that, when a committee has no membership while it waits for a resolution of the parliament to reconvene and reconstitute it, the void should not be used by the Clerk of the House of Representatives to shift staff around on the basis that there is no-one to consult. That is a cheap escape route for him to avoid consultation. I am disappointed that the President and, in this case in particular, the Speaker were not able to say to him, ‘Just wait a minute, Mr Clerk, until the committee is reconvened. Talk to the previous chairman about his view.’ That should be the very minimum that happens. If it does not, we are allowing a system to grow here where, on joint committees, the Clerk of the House of Representatives has more power over the running of committees than the elected members sent to this place by the people of Australia. I draw the attention both of the President and of the Speaker of the House of Representatives to that matter. In conclusion, I wish Margaret Swieringa every success wherever she chooses to go in the future. She has provided great assistance to the committee. (Time expired)

Senate adjourned at 10.37 p.m.

DOCUMENTS
Tabling
The following documents were tabled by the Clerk:

Aged Care Act—Determination under section 52—ACA Ch. 3 No. 1/2002.
Australian Antarctic Territory Act—Ordinance No. 1 of 2002 (Ordnances Amendment (Application of Criminal Code) Ordinance 2002 (No. 1)).
Australian Communications Authority Act—Telecommunications (Charges) Determination 2002.
Telecommunications (Facility Installation Permit—Application Charge) Determination 2002.
Telecommunications (Facility Installation Permit—Public Inquiry Charges) Determination 2002.
Australian Research Council Act—Determination No. 5 of 2001—Determinations under section 51, dated 19 September [7]; and 4 October 2001 [2].


Civil Aviation Act—Civil Aviation Regulations—Civil Aviation Orders—Civil Aviation Amendment Order (No. 3) 2002.

Directives—Part—
106, dated 14 January; and 4, 8 and 13 February 2002.
107, dated 14 January; and 4, 5, 6, and 7 February 2002.

Exemption No. CASA EX03/2002.

Instrument Nos CASA 107/02 and CASA 123/02.


Commonwealth Places (Mirror Taxes) Act—


Crimes Act—Regulations—Statutory Rules 2002 No. 5.


Customs Act—
CEO Instruments of Approval Nos 1-14 of 2002.


Defence Act—Determination under section 58B—Defence Determination—2001/34.
2002/1.

Defence Force Discipline Act—


Second Management Plan.


Health Insurance Act—Health Insurance Determination HS/6/01.

Heard Island and McDonald Islands Act—Ordinance No. 1 of 2002 (Ordinances Amendment (Application of Criminal Code) Ordinance 2002 (No. 1)).

Higher Education Funding Act—Determination under section—
T12-2002.


Migration Act—
  Regulations—Statutory Rules 2002 Nos 10 and 11.
  Statement for period 1 July to 31 December 2001 under section 417, dated 6 December 2001.

National Health Act—
  Declaration No. PB 4 of 2002.


Primary Industries (Excise) Levies Act—Regulations—Statutory Rules 2002 No. 3.

Privacy Act—Determinations under paragraph 11B(1)(b)—Determinations 2002 Nos 1 and 2.

Product Ruling—
  PR 2000/5 (Addendum).


Radiocommunications Act—
  Radiocommunications (27 MHz Handphone Stations) Class Licence 2002.
  Radiocommunications Miscellaneous Devices Class Licence Variation 2002 (No. 1).

Remuneration Tribunal Act—Determination—
  2001/23: Judicial and related office—remuneration and allowances.

Social Security Act—


Sydney Airport Curfew Act—Dispensations granted under section 20—Dispensation No. 1/02 [8 dispensations].

Telecommunications Act—Telecommunications Numbering Plan Amendment 2002 (No. 1).
Telecommunications (Consumer Protection and Service Standards) Act—Levy Debit Formula Modification Determination (No. 1) 2002.

Indexed Lists of Files

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

Indexed lists of departmental and agency files for the period 1 July to 31 December 2001—Statements of compliance—Aboriginal and Torres Strait Islander Commission.

PROCLAMATIONS

A proclamation by His Excellency the Governor-General was tabled, notifying that he had proclaimed the following Act to come into operation on the date specified:

QUESTIONS ON NOTICE

The following answers to questions were circulated:

Environment: Chevron Gas Pipeline Project
(Question No. 3648)

Senator Brown asked the Minister for the Environment and Heritage, upon notice, on 26 June 2001:

With reference to the answer to question on notice no. 3572, (Senate Hansard, 20 June 2001, p. 24697):

(1) When was the Minister invited to the Chevron Gas Pipeline Project at Moro in Papua New Guinea and by whom.
(2) (a) What was the purpose of the visit; and (b) how was this relevant to the Minister’s responsibilities as Minister for the Environment and Heritage.
(3) Who from the Minister’s office, Environment Australia or any other Government agency participated in the trip.
(4) What was the cost of the trip.
(5) What was the nature and purpose of the briefing by the World Wildlife Fund (WWF) at Moro camp.
(6) Was the Minister briefed on the Kikori Pacific Limited (KPL) ‘eco-forestry’ project.
(7) Did the Minister visit the KPL mill in Kikori.
(8) Did WWF indicate that it would be seeking funding from the Australian Government, through AusAID, to match the financial support provided by Chevron for its work in the area.
(9) What was the purpose of the flight over the Lake Kutubu area.
(10) Who paid for, and participated in, the flight over the Lake Kutubu area.
(11) Does the Government consider the logging of mangroves to supply the KPL mill in Kikori appropriate; if so, why; if not, why not.
(12) Has WWF communicated with the Minister, his staff or Environment Australia about the KPL operations subsequent to media reports of the concerns over mangrove logging; if so, when and what was the general nature of the communication.
(13) Did the Minister visit other project sites while in Papua New Guinea at that time; if so, where else did he visit during the trip.
(14) What and when was the response from WWF.

Senator Hill—The answer to the honourable senator’s question is as follows:

(1) In March 2000, the Hon Herowa Agiwa, PNG Minister for Environment and Conservation, invited me to PNG to specifically look at some of the resource projects currently operating in the country. The Chevron Gas Pipeline Project at Moro was one of those Projects. In August 2000, through the PNG Minister, Chevron invited me to visit their Gas Pipeline Project at Moro.
(2) (a) The purpose of my visit to the Chevron Gas Pipeline Project was to observe environmental aspects of the Gas pipeline infrastructure within the Kikori Integrated Conservation and Development Project, an operating Non Government Organisation (NGO)/private sector partnership that is contributing to the development of economic opportunities while being linked to environmental conservation;
(b) This was relevant to my responsibilities as Minister for the Environment and Heritage to work with our PNG neighbours on environment and sustainable resource management issues.
(3) Members of Environment Australia or any other Government agency who participated in the trip to the Chevron Project were:
   Dr Meg Keen (Environment Australia);
   HE Mr Nick Warner (Australian High Commissioner to PNG); and
   Mr Paul Cartwright (Australian Federal Police);
(4) Costs for the visit to the Chevron Gas Pipeline Project at Moro were met by Chevron.
(5) The briefing by the World Wildlife Fund (WWF) at Moro camp comprised an outline of the Kikori Integrated Conservation and Development Project and an update on its progress.

(6) The Kikori Pacific Limited (KPL) ‘eco-forestry’ project was briefly mentioned by WWF personnel during their presentation on the Kikori Integrated Conservation and Development Project at the Moro camp.

(7) No.

(8) No.

(9) The return flight to Moro from our inspection of the Chevron plant and oil well location took us over the Lake Kutubu area.

Chevron Niugini Ltd provided the charter flight from Port Moresby to Moro and the helicopter from Moro for our inspection of the Chevron oil well and gas locations. Apart from myself, the charter flight participants were:

- The Hon Herowa Agiwa, MP (PNG Minister for Environment and Conservation);
- HE Mr Nick Warner (Australian High Commissioner to PNG);
- Dr Wari Iamo (Director, Office of Environment and Conservation, PNG);
- Dr Moseley Moramoro (Director Commercialisation, Chevron Niugini Ltd);
- Dr Meg Keen (Environment Australia); and
- Mr Paul Cartwright (Australian Federal Police).

(11) Timber harvesting approvals are an internal matter for the PNG Government.

(12) No.

(13) Yes. During my visit to Papua New Guinea as Australia’s representative at the 25th anniversary celebrations of independence, in addition to the Kikori Integrated Conservation and Development Project, I also visited the following sites:

- Ramu Nickel mine (Madang Province); and
- Porgera Gold Mine (Enga province).

(14) There has not been any formal response from WWF.

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Environment: Ravenswood Waste Management Centre

(Question No. 10)

Senator Brown asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 14 January 2002:

With reference to the proposed Ravenswood Waste Management Centre for the Hunter Valley:

(1) What involvement or responsibility does the department have for this proposal.

(2) What evidence does the department have that this proposed development will not adversely affect the health of the Hunter Valley residents nor damage the local environment and wine and tourism industries.

(3) Given the high incidence of a number of rare diseases in the Hunter Valley, what investigations will be carried out to ensure that this proposal and others like it will not further damage the health of the residents of the Hunter Valley.

(4) Has the Minister received any representations from wineries in the districts surrounding the proposed ‘superdump’, expressing concerns about possible contamination by the vine disease phylloxera from waste imported from infected regions; if so, what steps is the government taking to allay these concerns.

(5) What is the government’s position on the establishment of new toxic waste dumps.

(6) Is the Minister concerned that this massive landfill site is an old mining void with a significant spontaneous combustion problem and is located alongside underground mining operations, is on a fault line and will be close to several creeks that feed into the Hunter River.

(7) What communication has the department had with other federal departments that are affected by this proposal, including the Department of Health and Ageing and the Department of Agriculture, Fisheries and Forestry.
Senator Hill—The Minister for the Environment and Heritage has provided the following answer to the honourable senator’s question:

(1)-(7)—

States and Territories have full responsibility for the establishment of landfills, including those that accept hazardous wastes, and waste recovery centres within their jurisdiction.

The Commonwealth would only become involved with this proposed development if the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) is triggered. As at 11 February 2002 no referral for this proposal had been received for determination as to whether or not approval is needed under the EPBC Act.

State approval to establish the Ravenswood Waste Management Centre will be determined by the process set out in the New South Wales’ Environmental Planning and Assessment Act 1979. The Hon Dr Andrew Refshauge, the New South Wales Minister for Planning, is the consenting Minister and will be required to give consideration to an environment impact assessment as well as determine whether there is a justifiable demand for the new waste management centre.

NSW officials have advised an environment impact assessment has been carried out with two rounds of general public submissions sought. While the Commonwealth was advised that 90 submissions were received, there was no indication whether they were from wineries in the districts surrounding the area, or whether potential water pollution issues, combustion problems or health impacts were addressed.

Small Business
(Question No. 16)

Senator Murray asked the Minister representing the Minister for Employment and Workplace Relations, upon notice, on 24 January 2002:

(1) How many small businesses are there in each state and territory.

(2) For each state and territory, how many small business fall under the Federal Workplace Relations Act provisions for unfair dismissal, as opposed to state provisions for unfair dismissal.

Senator Alston—The Minister for Employment and Workplace Relations has provided the following answer to the honourable senator’s question:

(1) The following table provides information on the number of small businesses in each State and Territory:

<table>
<thead>
<tr>
<th>State / Territory</th>
<th>Number of small businesses</th>
</tr>
</thead>
<tbody>
<tr>
<td>New South Wales</td>
<td>360 600</td>
</tr>
<tr>
<td>Victoria</td>
<td>264 300</td>
</tr>
<tr>
<td>Queensland</td>
<td>205 800</td>
</tr>
<tr>
<td>South Australia</td>
<td>78 200</td>
</tr>
<tr>
<td>Western Australia</td>
<td>116 300</td>
</tr>
<tr>
<td>Tasmania</td>
<td>22 700</td>
</tr>
<tr>
<td>Northern Territory</td>
<td>9 100</td>
</tr>
<tr>
<td>Australian Capital Territory</td>
<td>18 000</td>
</tr>
<tr>
<td>Total</td>
<td>1 075 000</td>
</tr>
</tbody>
</table>

Sources: Australian Bureau of Statistics Catalogues 1321.0, 8127.0, 8141.0 and Yellow Pages Special Report on E-Commerce and computer technology July 2001.

Approximately 50% of these businesses are non-employing businesses. 34% of small businesses employ between 1 and 4 people, and 16% employ 5 to 19 people. A total of 3 181 000 people are employed by small businesses in Australia.

(2) Further time is required to obtain from various sources the information needed to answer this question. The information will be tabled when it is available.
Environment: Great Barrier Reef Marine Park
(Question No. 18)

Senator Bartlett asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 29 January 2002:

(1) Was a spearfishing competition held in the Great Barrier Reef Marine Park in 2001?
(2) Where in the Park did the competition take place?
(3) Did the competition apply for and receive a permit from the Great Barrier Marine Park Authority?
(4) Was the permit application publicly advertised, allowing for public comment on the proposal?
(5) Who assessed the permit application?
(6) Who signed the permit?
(7) Can details be provided of the environmental assessment of the proposal that occurred, including sources of information and studies conducted?
(8) Can a detailed summary of the findings and recommendations of that assessment be provided?
(9) Was the competition proposal assessed in terms of the World Heritage obligations owed to the Great Barrier Reef World Heritage Area?
(10) How does a spearfishing competition conform to those World Heritage obligations?
(11) What conditions were imposed on the permit holder?
(12) What zoning was the competition site?
(13) How many fish were killed during the competition?
(14) What species (and numbers of each species) were killed during the competition?
(15) Did any Authority staff participate in the competition; if so, who and what positions do they hold?
(16) Were any Authority staff present during the competition as monitors; if so, who?
(17) What number of killed fish were subject to scientific study?
(18) Can details be provided of; (a) all scientists involved; (b) the nature of the studies undertaken; and (c) the results, if available, of those studies.
(19) Were the dead fish used for other purposes; if so, what purposes and what numbers?
(20) How many fish were not used at all but were discarded for whatever reason?
(21) What impacts occurred as a result of the competition?
(22) What post-competition monitoring has occurred.

Senator Hill—The Minister for the Environment and Heritage has provided the following answer to the honourable senator’s question.

(1) Yes. Spearfishing is practised in the Great Barrier Reef Marine Park in accordance with the Great Barrier Reef Marine Park Act and the provisions of zoning plans, Queensland regulations also apply to spearfishing in the area and competitions are held. No specific permit is required provided the competition meets Marine Park regulations.
(2) No records are kept of the location of specific competitions.
(3) to (9) No permit is required.
(10) World Heritage obligations require the resources of the Great Barrier Reef Marine Park/World Heritage Area to be managed sustainably. Fisheries resources and regulations are in place and to ensure the World Heritage values are protected, are monitored.
(11) No permits are required.
(12) Spearfishing is only allowed in General Use zones and, in the case of the Cairns and Far Northern Sections of the Marine Park, Habitat Protection zones (these are principally non-trawling areas).
(13) and (14) No records are available.
(15) The Authority does not monitor the private activities of its staff and does not propose to do so. Senior officers of the Authority are required to lodge a declaration of interest, which is kept by the Chairperson of the Authority. These declarations are intended to assist the officers identify any...
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possible conflict of interest. Information in these declarations is personal and can only be divulged to third parties in accordance with the provisions of the Privacy Act 1988.

(16) The Authority does not provide monitors for such events. Officers of the Authority may do so in their private capacity and individuals have done so.

(17) and (18) The Authority did not conduct scientific research based on samples collected as part of fishing competitions in 2001.

(19) The Authority does not collect information of this type but it is common practice for fish to be used as food.

(20) The Authority does not collect information of this type.

(21) The impacts of spear fishing competitions are not individually monitored. However, the potential for impact is managed by Marine Park zoning provisions and regulations as well as Queensland fisheries regulations.

(22) There is ongoing monitoring and research of the state of the Great Barrier Reef Marine Park eco-systems. Based on expert scientific advice, priority in this work is given to key threats such as coral bleaching, crown-of-thorns starfish, catchment water quality, trawling and reef line fishing. Follow-up monitoring of individual spear fishing competitions is not judged a high priority for available scientific resources. Broad-scale sampling and sporting club data on recreational fishing (including spear fishing) is collected by the Queensland Fisheries Service. This information, on the cumulative catch of recreational fishing is reviewed and assessed by the Great Barrier Reef Marine Park Authority.

National Archives of Australia

(Question No. 60)

Senator Allison asked the Minister for the Arts and Sport, upon notice, on 13 February 2002:

(1) Is it the case that material from the National Archives in South Australia is to be destroyed; if so, when is this scheduled to take place.

(2) Can detailed information be provided on this material and the reasons for destroying it.

Senator Kemp—The answer to the honourable senator’s question is as follows:

(1) The National Archives of Australia (NAA) has custody of two types of records. Archival value records are retained indefinitely, whereas temporary value records are retained for specific periods and then disposed of in accordance with the relevant records disposal authority. Following the move of the NAA in Adelaide from the old repository in Collinswood to Adelaide city, 2849 shelf metres of archival value records remain in Adelaide. Approximately 11000 shelf metres of archival value records were moved from the Collinswood repository to NAA offices in Sydney, Canberra, Melbourne and Perth, where they will be retained.

In 2000 the NAA issued new guidelines dictating how documents should be classified (these guidelines are publicly available on the NAA website). As a result, many Commonwealth agencies are now reviewing the status of their records. It is possible that some documents currently classified as archival value records may be reclassified as temporary value records. This could include records held in Adelaide. Any documents that are reclassified as temporary value records will be disposed of in time. However, no specific disposal decisions relating to the reclassification of archival value records from Adelaide have yet been made.

Earlier this year approximately 3300 shelf metres of temporary value records were moved from the NAA's former Collinswood repository in Adelaide to NAA offices in Sydney, Canberra and Perth, and will be disposed of in time. It is the NAA's policy to not take custody of any new temporary value material. However all repositories still contain such material, and will progressively dispose of these records as they reach the requisite age.

(2) The temporary value records moved from Adelaide consisted mainly of personnel, medical, and compensation case files and general correspondence records of the Department of Immigration and Multicultural Affairs, the Department of Veterans’ Affairs, Australian National Railways, the Defence Department and Telstra. The majority of the temporary value records moved from Adelaide are personal files. Such files are usually destroyed some years after the retirement or death of the subject. Such periods vary from Department to Department.