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

MINISTERIAL ARRANGEMENTS

Senator HILL (South Australia—Leader of the Government in the Senate) (2.01 p.m.)—by leave—As I indicated yesterday, Senator Chris Ellison, the Minister for Justice and Customs, will be absent from the Senate today. He will also be absent tomorrow. Senator Ellison is travelling to Indonesia for consultations in the aftermath of the Bali bombings. During Senator Ellison’s absence, Senator Abetz will take questions relating to the Immigration and Multicultural and Indigenous Affairs portfolio, and Senator Vanstone will take questions relating to the Justice and Customs portfolio and the Attorney-General’s portfolio.

QUESTIONS WITHOUT NOTICE

Indonesia: Terrorist Attacks

Senator WEBBER (2.01 p.m.)—My question is to Senator Vanstone, the Minister for Family and Community Services. In relation to the tragic bombing in Bali, and particularly the devastating impact it has had on the people of the northern suburbs of Perth, could the minister detail what, if any, financial assistance may be available to victims and their families, particularly those who have had to travel to or remain in Bali to search for or identify loved ones? Can the minister detail what steps the government and Centrelink have taken in relation to this matter, particularly the difficulty of providing financial assistance to those who have had to remain in Bali, perhaps with very limited financial resources?

Senator VANSTONE—I thank the senator for her question, some of which I am able to answer and some of which is more appropriately addressed to the Minister representing the Minister for Foreign Affairs. That part which should be so directed relates to what assistance can be provided to people outside Australia. Inside Australia, of course, Centrelink may well have a role to play. That role will vary very much depending on the individual circumstances of the people concerned. There may be people who are already on some sort of benefit who, as a consequence of what has happened to loved ones in Bali who are either injured or now deceased, are entitled to a higher and/or different payment, and they should of course contact Centrelink in that respect.

The more difficult question involves people who are now not on some sort of benefit. There may be people who will, as a consequence of what has happened, be entitled to some sort of benefit. For example, if an income earner in a single-income family is now deceased, the widow or widower may be entitled to some sort of benefit. There may be people who are in difficult financial circumstances and are not able to establish in the short term, in terms of income and asset testing, that they would be able to access a mainstream benefit, in which case they may well be entitled to get a special benefit for a period of, say, a fortnight. Any payments in this respect will be streamlined and expedited and, in that fortnight, we would expect to be able to assist any families, and they themselves would be able to ascertain further details in respect of their own financial situations. Of course, any of those will be looked at as leniently as possible. For example, in relation to special benefit, there is a limit of cash available—that might not be the technical term for it; it really means things you can readily turn into cash quickly—which is $5,000. We would look at that as a long-term amount and be as generous as we possibly can be to assist people. I am aware, simply because of what I have read in the paper, that Foreign Affairs are able to assist people directly in Bali with, I think, up to $300. But, as I say, that question is better directed to another minister.

The short form of the answer is some people may now be entitled to a payment. If they are, that will be streamlined. Sadly, it might mean some will be entitled to bereavement assistance. That will be—or may be—people who are already on a benefit. There are others who are not, and who may not be certain whether they fit into a mainstream benefit, and we may be able to help them with a special benefit for a fortnight. But they should contact Centrelink as quickly as they can and...
they will get all the assistance they can. Centrelink also has additional services in the form of counsellors. I understand they are available through other means, but they will be available as well.

Senator WEBBER—Mr President, I ask a supplementary question. I thank the minister for her answer. Could she also advise the Senate whether the government has given consideration to extending the criteria of the one-off disaster relief payment to enable the provision of assistance to victims of the bombing?

Senator VANSTONE—I did have a look at that yesterday and it does not appear that the disaster relief payment is appropriate in the circumstances. I think the reasoning is that the disaster is meant to be in Australia, as opposed to elsewhere—or the recipient is meant to be in Australia. We have tried to not say, ‘You cannot have that benefit.’ We have tried to look at what we can do rather than what we cannot. We did look at that. That appears not to be an appropriate opportunity, because of the way the legislation is structured. So we have simply concentrated on looking at what we can do.

Indonesia: Terrorist Attacks

Senator SANDY MACDONALD (2.07 p.m.)—My question is to the Leader of the Government in the Senate and the Minister for Defence, Senator Hill. Minister, I preface my question by saying that I feel extremely privileged to be an Australian in the way that the Australian Defence Force, the community generally and Qantas have responded to the Bali murders. Can you now update the Senate on Australia’s continuing efforts to assist the victims of the Bali bombings?

Senator HILL—Yes, and I will concentrate particularly on the ADF, but I endorse what Senator Sandy Macdonald has said: it has been a tremendous effort by a whole range of people. From the early hours of Sunday morning, officials from the departments of Foreign Affairs, Attorney-General’s, Defence and Prime Minister and Cabinet have been working around the clock to ensure that every assistance possible is provided to those injured in the bomb blasts. A key element of our response has been provided by the men and women of the Australian Defence Force. I again pay tribute to their efforts and express our nation’s thanks to them. The Royal Australian Air Force have deployed five C130 Hercules aircraft and associated aeromedical evacuation teams to assist with the evacuation. These aircraft have transported urgently needed medical stores to Darwin, and have been flying an aeromedical shuttle between Darwin and Bali. The ADF have also provided two ambulances in Bali, which were used to ferry casualties from Bali hospitals to the airport.

The RAAF also transported Australian Federal Police and DFAT consular staff from Canberra to Bali to assist Australian tourists and their families and to begin the work of tracking down those responsible for this attack. Five ADF medical teams, including reserve members, have assisted in patient care and prioritisation and coordinated the transfer of casualties to Darwin. These personnel have also been involved in the aeromedical evacuation teams flying in the shuttle flights between Bali and Darwin. There have now been six medical evacuation flights, transporting a total of 66 casualties to Darwin. As well as Australian citizens, these flights have evacuated 14 foreign nationals from South Africa, Sweden, Germany, New Zealand, Hong Kong, Canada and the United Kingdom. The ADF effort has now been joined by a C130 from the Royal New Zealand Air Force with a seven-person medical team. We again thank the New Zealand government for this valuable assistance.

It would now appear that the immediate task of evacuating the most seriously injured is all but complete, but the work goes on. Four RAAF aircraft have today been tasked to transfer the injured to specialist care facilities in Perth, Adelaide, Melbourne and Brisbane to help take the strain off the facilities in Darwin. Attention is now being turned to those who have lost their lives. The ADF has accepted the sombre task of flying in refrigerated containers to local authorities in Bali for the storage of human remains. These units will be vital in helping to ensure that victims of the blasts can be identified. This morning the RAAF also flew a 22-man AFP disaster victim identification team into Bali
to conduct identification of bodies prior to recovery to Australia. These are difficult tasks which bring home the awful reality of what has happened to so many innocent Australians.

Mr President, the men and women of the Australian Defence Force have performed magnificently in this time of need, and they stand ready to provide whatever future assistance is required. Their efforts have earned our nation’s admiration and gratitude.

Indonesia: Terrorist Attacks

Senator SHERRY (2.11 p.m.)—My question is to Senator Alston, representing the Minister for Employment and Workplace Relations. Is the government aware of people injured in the Bali bombings whose injuries would prevent them from returning to work before their leave entitlements are exhausted? Has the government considered what steps may be necessary to preserve the continuity of employment of these people and to assist their return to work when they have recovered from their injuries? How has the government taken into consideration the particular difficulties casual or fixed-term workers may find themselves in, with their much diminished rights to leave entitlements?

Senator ALSTON—I am not aware of the specifics of what might be happening in this area, but we would certainly, in the general spirit of the very positive and speedy response that has been evident in the community to date, hope that many employers will be sufficiently flexible in their attitudes and we will not need to come down to a point of arguing about entitlements. It may well be premature to be pursuing the issue in the way that Senator Sherry suggested at this point in time. We would obviously keep the matter under consideration but in the first instance would rely on the sympathetic understanding of employers to ensure that people are not disadvantaged.

Indonesia: Terrorist Attacks

Senator FERGUSON (2.12 p.m.)—My question is to the Minister for Health and Ageing, Senator Patterson. Can the minister update the Senate on how Australia’s health sector is helping the victims of the Bali terrorist attack?

Senator PATTERSON—I thank Senator Ferguson for the question. First of all, I would like to take the opportunity to offer my sincere condolences to the families and loved ones of those who have lost their lives and those who are missing—it must be incomprehensible to be waiting for news when you are not there—and also to those who have suffered and are suffering through the horrific events of the last few days. I want to say that I appreciated very much a phone call yesterday from Jane Aagaard, the new health minister for the Northern Territory, updating me about what was happening in Darwin and thanking the Commonwealth for its cooperation and for the speedy way in which it responded. I also had a telephone call from Bob Kucera today, asking me to pass on to Robert Hill his gratitude for the tremendous effort that has been put in by the defence forces and telling me how well he thought the operation was going. He thought maybe we could look back and clear up some things about communications, but he said that overall it had been an enormous response. He also said that two young people from the major burns unit in Perth who happened to be in Bali have been working round the clock. As we know, so many of our doctors, nurses and allied health professionals just happened to be there on holiday and have been doing a tremendous job under the most difficult circumstances. I am sure the survivors will thank them for the fact that they were able to be there and assist.

I also assured Jane Aagaard and Bob Kucera that if they felt there was some way in which things had fallen between the stools—and that can sometimes happen when you are working across departments and across states and territories—we were ready to assist in any areas in which they needed assistance from the Commonwealth. In times of tragedy, some comfort can be found in the way in which Australians work together. I am proud to report that officials of the federal, state and territory governments, the medical community and all those in the allied health professions and of course many others who have been involved have re-
sponded to this crisis with the highest level of cooperation.

The government’s response to the emergency has been led by the Department of Foreign Affairs and Trade. The whole emergency operation is under its leadership. My department is working closely with Emergency Management Australia, the Department of Defence and state and territory health departments to ensure that critically injured Australians who have been airlifted to Darwin can be safely transferred to major hospitals in other capital cities. The Department of Health and Ageing has been in touch with all state and territory health departments to ensure the use of our health resources is managed in a coordinated way. For example, the Department of Health and Ageing arranged for the dispatch of four medivac teams to Darwin and for a quantity of medical supplies to be sent to Bali and it also played a role in facilitating the transfer of 15 critical burns patients to major hospitals in other states. The department has been working closely with state and territory health departments to ensure less severely injured people are transported from Darwin to hospitals in southern capitals. These transfers have now been completed and should relieve the pressure on the Darwin hospital. So far, 28 less critical patients have been airlifted from Darwin to hospitals in other states. We have the notional capacity to supply the medical services required by the victims of the Bali bombings.

Because of the unique circumstances of this tragedy, my department, in conjunction with the Australian Quarantine and Inspection Service, has put in place arrangements to waive the normal requirement for a death certificate to accompany a body being brought into Australia. This action will simplify the process of returning deceased Australians from Bali to their families. Again, my sincere condolences go to the families and friends of the victims of this terrible tragedy. (Time expired)

Antiterrorism Legislation

Senator FAULKNER (2.17 p.m.)—My question is directed to Senator Vanstone, representing the Attorney-General. In the light of the Prime Minister’s announcement yesterday that, in the wake of the tragic bombing in Bali, the government will be undertaking another review of the antiterrorism legislation, can the minister inform the Senate of the terms of reference for the review? Will an assessment be made of the adequacy of the recently passed package of five antiterrorism bills? And, if the minister is able to indicate this at this stage, who will conduct this review and what is the proposed time frame of the review?

Senator VANSTONE—I thank the senator for his question. Senator, no, I cannot give you that information. I will get it for you as quickly as possible.

Senator FAULKNER—Mr President, I ask a supplementary question. I thank the minister for doing that. As you do that, Minister, would you also be able to indicate when you come back to the Senate what mechanisms are planned in relation to the review for any public consultation?

The PRESIDENT—I assume you accede to that request, Minister?

Senator VANSTONE—Thank you for that supplementary, Senator. Yes.

Foreign Affairs: Government Initiatives

Senator BARTLETT (2.18 p.m.)—My question is to the Minister representing the Minister for Foreign Affairs. I note the government’s intention to review Australia’s antiterrorist laws and capacity. What, if any, of the government’s plans are to better undermine some of the root causes of terrorism such as poverty and racism? Does the government plan to increase non-military engagement in cooperation with, and assistance to, Indonesia—for example, through increased overseas aid and scholarships, reinstating the National Asian Languages Program, improving Australian broadcasting to the region and other measures aimed at improving relations between Australia and Indonesia and other countries in our region? In light of the recognised role of poverty, inequality and injustice in fostering extremism and potentially terrorism and the fact that around a quarter of the 230 million people in Indonesia live below the poverty line, will the government be stepping up its development assistance for countries in our region?
Senator HILL—I do not think it follows in any way that poverty leads to terrorism or that in some way terrorism is understandable to the background of poverty or even inequality or injustice. We are talking here about people who are prepared to destroy the lives of innocent human beings to advance a political objective. We are not certain yet as to the motive of these particular terrorists, but there is growing information to indicate an al-Qaeda involvement and perhaps Jemaah Islamiyah. If that is so, it may well be a militant Islam doctrine that is driving these people, and basically it is a jihad, a holy war, in which they are seeking to destroy alternative ways of life. They see those who support what we loosely refer to as the Western lifestyle of freedom and democracy as the enemy, and they believe that the destruction of innocent lives is a legitimate tool in fighting that enemy. I think to confuse that with global problems of inequality and poverty is to make a fundamental error.

It might well be that that international environment will help foster and support the fanatics, but that is another issue. In answering the question in this way, I am not in any way seeking to understate the importance of Australia, as with all civilised nations, contributing to a more equitable international community and to the reduction of poverty wherever it is possible to do so. That is a principle of Australia’s foreign policy and it is a principal goal of our foreign aid program, and we will continue to implement our policy to that objective and to implement our aid program to that objective.

Senator BARTLETT—Mr President, I ask a supplementary question. I thank the minister for his answer. Surely it is the case that better education and lower levels of poverty help to prevent the development of extremism and equally help enable countries to better combat that extremism. Does the minister not agree that we would be better able to cooperate with Indonesia and other countries in our region in combating terrorism and extremism if we had better links with those countries and better economic stability and prosperity in our region?

Senator HILL—I think the honourable senator is making a fundamental error. Those who flew planes into the World Trade Centre and into the Pentagon were basically well educated. They were not suffering from poverty or inequality or anything like that. They were fanatics and they were pursuing a political goal. In relation to Indonesia, we want to work with the Indonesian government and with the Indonesian people to address the issues of extremism and terrorism, and we will continue to do so, because it is not only a threat to Australians but a threat to Indonesians. Indonesians lost their lives in Bali as well. Indonesia will suffer greatly from this horrific event, in the same way Australia is suffering greatly from it. It is important that we work cooperatively with Indonesia in addressing this particular problem, and that is one of the reasons that Mr Downer and Senator Ellison are in Indonesia today.

Indonesia: Terrorist Attacks

Senator FORSHAW (2.24 p.m.)—My question is to the Minister for Health and Ageing, Senator Patterson. Minister, as we know, many people have been affected by the terrorist attacks in Bali. I refer not just to those who were there at the bomb site who may have been killed or injured but also to those people who came to their aid, to the families and friends both in Bali and in Australia, and particularly also to those people awaiting news of missing relatives or friends. Can the minister advise what the government is doing to offer critical incident counselling help, both here and in Bali, to these traumatised Australians? And will these counselling services continue to be available in the months ahead, when they will obviously still be needed?

Senator PATTERSON—I thank the honourable senator for his question. The issue of counselling is quite a difficult one. As I have said, the Department of Foreign Affairs and Trade and Emergency Management Australia are coordinating the whole operation. They will be coordinating the immediate response and then looking at the longer term. We are currently looking at counselling, for example, for those in the health profession who...
have been involved in dealing with the victims both overseas and here. The Council of Remote Area Nurses of Australia, CRANA, which has a 24-hour crisis counselling service available to medics who require counselling, mainly in remote and rural Australia, has offered its services to the medical and allied health professions. We need to make sure that we have the appropriate counselling for the appropriate groups. State departments will of course also be involved, and there will be a role for Emergency Management Australia in coordinating those services.

Senator FORSHAW—Mr President, I ask a supplementary question. I thank the minister for her answer and I am sure she agrees on the importance of such counselling being made available as soon as possible to assist those affected by this terrible event. What action has the government taken to marshal the considerable trauma counselling resources that are available to it from the Australian Defence Force, and when will these mainly reserve personnel be assisting the hundreds of shocked victims of this attack?

Senator PATTERSON—As I said, the Department of Foreign Affairs and Trade is the lead department, in conjunction with Emergency Management Australia, and those details will be dealt with. My department is playing a significant role in contributing to the task force that has been set up to deal with this, through Emergency Management Australia, and it will be dealing with those issues. Some counsellors have already been deployed in appropriate places to deal with counselling. As I said, CRANA has offered its services to the allied health professions and advice to me from two state ministers is that there is counselling available. Those details are under the leadership of Emergency Management Australia, and when those requirements come in my department responds. If it is the Defence Force, it is of course an issue for the Minister for Defence, Senator Hill. But it is coordinated by the Department of Foreign Affairs and Trade with Emergency Management Australia.

Indonesia: Terrorist Attacks

Senator NETTLE (2.28 p.m.)—My question is to the Minister representing the Prime Minister, Senator Hill. Can the minister explain to the Senate to what extent there was a difference between the advice offered by the US embassy in Jakarta and the advice issued by the Department of Foreign Affairs and Trade with regard to the information received from Omar al-Faruq, the alleged al-Qaeda operative arrested in Indonesia on September 26?

Senator HILL—The language of the consular advice is slightly different. I am not sure of the extent to which the American consular advice might have been changed subsequent to the arrest of that particular individual. I will seek advice and come back on that. Neither the American nor the Australian advice was to defer travel to Bali. They were both basically in terms of, ‘Take care during your travel,’ which is what we have been saying generally in the post September 11 environment unless there was a specific threat scenario that we believed would require some further action to be taken, such as protection of embassies or strategic sites or the like.

In recent times some extra security arrangements were put in place in Indonesia, as I recall, in relation to what were referred to as US interests—that is, primarily government facilities such as consulates and embassies. I am not sure whether that adequately answers the question, but I will certainly look up the issue of any change to the American advice subsequent to that arrest. But, if it occurred, I do not think that it was in significant terms.

Senator NETTLE—Mr President, I ask a supplementary question. I thank the minister for his answer and I am sure that he will be able to pursue that further. Could the minister assure the Senate that the government will not be using the horrendous events that happened on the weekend as an excuse to justify a further crackdown on civil liberties in Australia?

Senator HILL—We certainly will not crack down on civil liberties, but we do believe that, in effectively responding to ter-
terrorism, there is sometimes a need for us all to accept that the extent of our traditional freedoms needs to be modified in these circumstances. That is why we have put legislation before this parliament which has that effect. We seek to do no more to modify those traditional liberties than is absolutely necessary to attack this terrorist threat, but if ever we need an example and illustration of how real this threat is we have had it in the last few days. We must do everything possible to effectively respond to it and to protect our people.

**Indonesia: Terrorist Attacks**

**Senator KIRK** (2.31 p.m.)—My question is to Senator Alston, the Minister for Communications, Information Technology and the Arts. Has the government had discussions with telecommunications carriers, particularly Telstra, to see what sorts of special arrangements can be put in place to help those Australians in Bali or those Australians with friends and family in Bali to contact one another? If so, can the minister advise us of the nature of those special arrangements?

**Senator ALSTON**—I am not aware of any specific request being made to the government or, indeed, that there have been problems to date for people in making calls to their family and friends and others in Australia. However, I would expect that, in the course of his visit to both Bali and Jakarta, the Minister for Foreign Affairs will take a comprehensive view of the needs to which we may be able to sympathetically respond. If communications issues were a problem, then clearly there would be scope for us to address those. If that involved pursuing the matter with individual telecommunications companies, that would certainly be something that the government would seriously consider. As I said, I am not aware to date that these matters have caused problems, but we will be in a better position to judge that when we hear from the foreign minister later in the week.

**Indonesia: Terrorist Attacks**

**Senator PAYNE** (2.33 p.m.)—My question is to the Minister representing the Attorney-General, Senator Vanstone. Would the minister advise the Senate of the measures that the government is taking to find and bring to justice those responsible for the terrorist attack in Bali? Can the minister also advise the Senate what security measures the government has taken to protect Australians from the increased threat of terrorism?

**Senator VANSTONE**—I thank Senator Payne for the question. Australians, of course, will be looking for answers to what happened in Bali and clearly no-one has them at the moment. But the government is committed to doing everything it can to bring those responsible for these despicable acts to justice. Understandably, this is an act or a series of acts committed on foreign soil and is not something that will be entirely within the province of Australian law enforcement to pursue. Nonetheless, the Minister for Foreign Affairs and the Minister for Justice and Customs have already arrived in Bali. They are accompanied by the Director-General of ASIO and the head of the Australian Federal Police. Cooperation between the two governments will be essential in pursuit of this absolutely unprompted and indiscriminate slaughter of human life. Our agreement with Indonesia on counter-terrorism will provide a good framework for that cooperation to occur.

Following the notification of the bomb attacks in Bali, the Federal Police and ASIO established a joint strike team within the AFP’s incident coordination centre. The Australian Customs Service is also represented on that team. The centre is coordinating all information and inquiries in relation to the incident. All Australian Federal Police regional offices have also established incident rooms. The initial team deployed to Bali consists of 10 Federal Police members and two ASIO officers. That has been supplemented by two experienced Federal Police crime scene examiners, two technical officers and a further ASIO member, who travelled to Bali from Singapore. There were also a further seven Federal Police personnel, including two liaison officers from the region, at the location.

A further 22 federal and state police members are due to depart for Bali today. They were apparently going by an Air New Zealand flight that suffered some technical
difficulties yesterday. A Federal Police media adviser is en route on a commercial flight. It is anticipated that a total of 43 Federal Police and state police will be there. The team will include four police technical officers; 11 disaster victim identification experts, including three members of the Queensland Police Force and six members of the Western Australian Police Force; a Federal Police intelligence analyst; two expert fingerprint examiners from the Federal Police; two Federal Police expert bomb examiners; and two Federal Police search and rescue experts, who also have qualifications in disaster victim identification. In addition, three ASIO members are working with the investigation team. The incident control centre is, of course, operational. The Federal Police are taking interview statements from all returning Australian citizens and an appropriate survey form has been prepared for that purpose.

The government must and will direct all of its available resources, including what is available through the law, at protecting our community and ensuring that those responsible for threatening our security are brought to justice. It will be done as swiftly as we can. Further down the track, we will examine with the Indonesian authorities options for pursuit and prosecution. At this stage it is too early to say what those options might be. However, the public can rest assured that we will leave no stone unturned in working with Indonesia and other allies in the war against terrorism, including the United Kingdom and the United States, to bring all of those responsible to justice.

**Indonesia: Terrorist Attacks**

**Senator LUDWIG** (2.37 p.m.)—My question without notice is to Senator Vanstone, the Minister representing the Attorney-General. Is the review of counter-terrorism assets and capabilities which the government is undertaking in response to the Bali bombings the standard review that is undertaken after major terrorist incidents involving Australians, or is it something broader? If so, could the minister indicate the nature of the review, the terms of reference, the time frame and who, or which lead agency, will be conducting the review?

**Senator VANSTONE**—That question sounds very similar to the one asked by Senator Faulkner, and the answer is essentially the same. However, it does give me the opportunity to provide some information on the security measures the government has taken to protect Australians from increased threats of terrorism, and I will take that opportunity. It is clearly understood that, from the time of the attacks on the United States last year, there has been a shift in the international security environment. The recent events in Bali have brought that reality home to Australians in the most horrific way. People understand that we cannot sit back and assume that we are safe from these sorts of devastating events. The Prime Minister has announced the review of our security arrangements and domestic security laws, and the advice I have is that that review is under way.

I will repeat the answer I gave Senator Faulkner and, if I see when I have a look at it that this question is in any way different, I will refer that as well to the Attorney. As the primary agency responsible for coordinating and managing the Commonwealth’s protective security and counter-terrorism arrangements, the Protective Security Coordination Centre in the Attorney-General’s Department is on 24-hour activation. The watch office plays a central role in the coordination of the Commonwealth’s response to terrorist threats or incidents and forms a vital part of the national crisis management arrangements under the national antiterrorist plan. The Attorney-General’s Department has coordinated a specific incident task force—or SITF—and guarding and security arrangements are being increased as required. The SITF is a committee made up of appropriate Commonwealth departments and agencies that are responsible for the coordination of the Commonwealth’s response to terrorist threats or incidents and forms a vital part of the national crisis management arrangements under the national antiterrorist plan. The Attorney-General’s Department has coordinated a specific incident task force—or SITF—and guarding and security arrangements are being increased as required. The SITF is a committee made up of appropriate Commonwealth departments and agencies that are responsible for the coordination of the Commonwealth’s response to terrorist threats or incidents and forms a vital part of the national crisis management arrangements under the national antiterrorist plan. That committee includes representatives from the Attorney-General’s Department, ASIO, the Federal Police, Defence, Foreign Affairs, Emergency Management Australia, DOTARS, PM&C and any other Commonwealth agencies as required. The Office of National Assessments has also established a watch office, which will be operating 24...
hours a day. Emergency Management Australia has been asked by DFAT to coordinate the movement of injured people from Darwin to other states. Casualties will be transported by a combination of civilian and Defence aircraft. Forty additional Australian Protective Service staff will provide static security in Canberra, Melbourne, Sydney and Perth. Forty additional Federal Police close personal protection personnel have been deployed.

We need to be able to protect ourselves from the inexplicable and horrifying violence of terrorists, and the government moved swiftly last year to strengthen Australia’s counter-terrorism capabilities. In the budget, the government committed an extra $1.3 billion over five years to upgrade security in Australia. In the Attorney-General’s portfolio, an additional $426.6 million was earmarked specifically to bolster counter-terrorism abilities. Following the high-level review of Australia’s security and counter-terrorism arrangements that was instigated, the government introduced a series of measures designed to strengthen Australia’s counter-terrorism legislative framework. In the wake of the tragic events in Bali, the government has announced a review of both the adequacy of domestic terrorist legislation and our counter-terrorism capacity. While both were recently reviewed, the terrorist attack in Bali makes another such review a matter of responsibility to all Australians. As the Prime Minister has indicated, it could be necessary to further strengthen our domestic security laws in light of the Bali incident but, until the review is completed, it is not appropriate to hypothesise on what those outcomes might be.

Senator LUDWIG—Mr President, I ask a supplementary question. It may assist Senator Vanstone if I add that the question I asked before went to the review of counter-terrorism assets and capabilities. Senator Faulkner’s question went to the review of antiterrorism legislation. There is a difference. I understand that the minister has given an undertaking to examine the question and provide an answer, but my supplementary question goes to whether the review is the standard review which is undertaken after major terrorist incidents involving Australians or whether it is something broader. In other words, is it the usual question of undertaking an examination or a review after a major terrorist incident involving Australians, or is it something broader?

Senator VANSTONE—I do not know that there is anything usual in the circumstances we are dealing with. Because of these circumstances the Prime Minister has decided that we should look at everything again, and we will.

DISTINGUISHED VISITORS

The PRESIDENT—Order! I draw the attention of honourable senators to the presence in the President’s gallery of a delegation from the National Assembly of Vietnam, led by the Hon. Dr Nguyen Phuc Thanh MP. On behalf of honourable senators, I have pleasure in welcoming you to the Senate and trust that your visit will be both informative and enjoyable.

Honourable senators—Hear, hear!

QUESTIONS WITHOUT NOTICE

Indonesia: Terrorist Attacks

Senator RIDGEWAY (2.43 p.m.)—Mr President, I also offer my condolences and deepest sympathies to the families, friends and loved ones of those involved in the Bali tragedy. My question is the Minister for Revenue and Assistant Treasurer, Senator Helen Coonan. Minister, given changes in the travel insurance industry post September 11, what measures is the government putting in place to ensure that travellers affected by the October 12 Bali bombings will be fully covered by their travel insurance?

Senator COONAN—I thank Senator Ridgeway for the question and for his concern about this issue. It is an opportunity for me to associate myself with the expressions of sympathy conveyed yesterday in the Senate. As the enormity of this tragedy sinks in, our hearts go out to those Australian families who have lost loved ones and particularly, I think, to those families whose loved ones have not yet been identified. While the government’s immediate priority must clearly be ensuring the safety and wellbeing of Australians in Bali and caring for those who have been injured, I can provide some practical
The government has been in close contact with the Insurance Council of Australia on this issue. As it is just days since this attack, I understand that many insurers are still working urgently to determine what the position is for Australians holding travel insurance policies. Perhaps more than any other lines of insurance, travel insurance policies tend to vary widely. What is covered is likely to depend on the wording of individual policies and the amount of cover that people elect to take out. Since September 11 last year we have seen a greater prevalence of what are called terrorism exclusions. In the same way that exclusions for acts of war in many policies limit what claims insurance companies will meet for damages caused in war, terrorism exclusions impose limits on the claims insurance companies will meet as a result of acts of terrorism. I think it is yet another reminder of the way in which the world has changed so suddenly and unforgettably since September 11.

However, I do have some very good news for the Senate. I have been informed this morning through the Insurance Council of Australia that, regardless of the likelihood that Saturday night’s attack in Bali was an act of terrorism, many policies that Australian travellers are holding will still cover their medical and evacuation expenses. I can inform the Senate that all major travel insurers have indicated that they will be covering the medical and repatriation costs of those injured in the Bali attacks. I understand that insurers have also indicated that they will provide coverage for the personal effects of those directly involved. This is a welcome development in these very difficult circumstances, and I understand the anxiety of those who need to have this point clarified.

In view of the unforeseen tragedy and terrible loss of life, I have urged and indeed continue to urge insurance companies to act with compassion and to take a generous view of other claims arising from this cowardly attack. I should also add that the government is currently working on guidelines to ensure that Australians injured by the attack in Bali are not left out of pocket because of medical or evacuation expenses that are not covered by insurance. Such a scheme would also relate to meeting any uninsured costs of repatriating those Australians who have lost their lives in this attack. It is important, as I am sure all my colleagues would agree, that we make this commitment as a government to give those insured and the families of those who have lost their lives some peace of mind in the most difficult of times. When I have some further details I will provide them to the Senate.

Senator RIDGEWAY—Mr President, I ask a supplementary question. I thank the Minister for Revenue and Assistant Treasurer for her answer and pay tribute to the government for showing leadership on the issue. I am aware that the minister is aware of the exclusion clauses in travel insurance policies. If the government is now advising Australians not to travel to Bali or other key strategic destinations or advising them to defer travel or travel with care because of security concerns, what steps will the government take to ensure that Australians with prebooked travel plans will be covered by their travel insurance if the terrorism exclusions for cancellation or curtailment of travel continue to apply? Will the government also consider, in conjunction with industry, the establishment of a travel compensation package, as it did in the case of Ansett, to refund those individuals for loss of moneys if travel plans are cancelled?

Senator COONAN—Thank you for the supplementary question, Senator Ridgeway. I can provide some further information about that. In relation to people who have suffered from the tragedy, including those planning to go to Bali, we are seeing various travel wholesalers, travel agents and airlines providing refunds for travel and accommodation already booked but not yet undertaken. Qantas have said passengers will not pay a penalty for amending, deferring or cancelling travel to Bali, and I have been informed that Garuda are allowing people to cancel flights at the moment without penalty. Qantas and VIVA! Holidays have both announced that they will not impose penalties on customers due to travel to Bali before late October who cancel or defer. I would once again urge any
other airlines in the travel industry generally to take a similarly compassionate view.

I should also say, in the moments available to me, that if people do need to identify their insurance policy or if they do not have those details then they can contact Insurance Enquiries and Complaints Ltd. There is a toll-free number: 1300 780 808. That company will be able to provide advice and assistance.

**DISTINGUISHED VISITORS**

The PRESIDENT—Order! I draw the attention of honourable senators to the presence in the gallery of the Secretary of State for Scotland in the United Kingdom government, the Rt Hon. Helen Liddell MP. I welcome her to Canberra, and I hope her stay here is enjoyable.

Honourable senators—Hear, hear!

**QUESTIONS WITHOUT NOTICE**

**Indonesia: Terrorist Attacks**

Senator MOORE (2.50 p.m.)—My question is to Senator Patterson, the Minister for Health and Ageing. My question relates to the many Balinese people injured in the bombing last weekend, now that we understand that all Australian casualties have been effectively evacuated. Has the minister been advised of the poor state of medical equipment and staffing at Bali’s non-private hospitals? Noting that, is Australia able to assist in treating these injured Balinese people, especially those with burns? Has any consideration been given to Australian assistance for the difficult rehabilitation that they will probably need in the weeks and months ahead?

Senator PATTERSON—I hope to give some more information to the Senate later, but I believe that some of the pharmaceutical companies have already donated medications to Bali. I am also aware that some companies have donated gauze bandages and other appliances and medical supplies. I have asked Medicines Australia to provide me with a list of those, rather than me naming people and leaving some out, as I think that would be inappropriate. I do not have that list yet. I am not sure about the companies who supplied medical equipment and gauze bandages; we have to get to their peak body as well. Some of them are doing these things and their peak bodies are not aware of it. So I know that there have been some gifts in kind.

The issue that you raise about whether we will be supplying and assisting later on—and I am not shirking the question—falls to the Department of Foreign Affairs and Trade. As we know, one of the difficulties of this whole thing is that this event has occurred on foreign soil. That is why the department of foreign affairs is the lead department. It will be up to, I guess, the Minister for Foreign Affairs and AusAID to look at what will happen post this immediate phase. I think one of the difficulties has been that all the resources have been stretched in dealing with ensuring that we evacuate Australians and deal with their families immediately.

Minister Hill has just given me a note saying that the Minister for Foreign Affairs is pleased to announce emergency assistance, worth $A300,000, to Indonesia’s health service in Bali. This is in addition to assistance such as IV fluids, analgesics, bandages and blood provided over the past two days. This help has included two pallets of Defence medical stores, 300 kilograms of medical supplies from a civilian company and aeromedical evacuation supplies. Mr Downer has issued a press release regarding that assistance.

Further to an answer that I gave to Senator Forshaw in which I indicated that EMA were coordinating counselling services, advice from my office has been that they do not coordinate the counselling service but that these are delivered by the states and that, to date, we have had no request for Commonwealth assistance from the states. Any request for counselling resources made by the states would, of course, be considered by the Commonwealth.

**Indonesia: Terrorist Attacks**

Senator FERRIS (2.53 p.m.)—My question is to Senator Hill, the Minister for Defence. Will the government pay the cost of repatriating those who have lost their lives?

Senator HILL—Yes, the Australian government have decided to pay the cost of repatriation of victims to their families in Australia. We will also pay for any family mem-
bers who wish to travel to Bali to assist in identification or for other reasons relating to a family member having become, unfortunately, a victim. The identification of remains has to take place in Bali. The government have engaged Kenyon, a firm of international disaster morticians, to prepare remains for repatriation and Qantas will fly them back. The Senate may also be interested to know that our consul general has held a briefing session for families who have assembled in Bali. That took place, I understand, at midday today. It also involved the embassy doctor, a DFAT counsellor and other officials. DFAT staff continue to seek to reconcile all cases reported by families in order to reduce as quickly as possible the number of Australians who are unaccounted for. This is a complex and difficult task and I am advised they are over halfway through the process of recontacting families in Australia who have family members currently unaccounted for. They therefore expect to be able to provide further advice on that matter in the not-too-distant future. The consul general has also conducted a search of hospitals and is satisfied that no Australians remain in hospitals in Bali.

As I understand it, no remains have yet been released from the morgue for repatriation, but I have been advised that as they are identified they can be released. Arrangements are being put in place, and I think the first body may well be repatriated later today. We understand that the issue of identification and completing the formalities for the release of bodies is deeply frustrating to families. We sympathise with them and are doing everything humanly possible to assist the Indonesian authorities in this task.

Indonesia: Terrorist Attacks

Senator ROBERT RAY (2.56 p.m.)—My question is to Senator Hill, the Minister representing the Minister for Foreign Affairs, and follows up, in part, the answer given by Senator Patterson. Minister, given the fact that many Australian citizens are being given massive aid by the Balinese community and given the fact that this terrorist act is going to have a massive effect in the short to medium term on their economy, will the Australian government give some consideration to re-orienting their aid budget to specifically assist this part of Indonesia in going through a very difficult period? Will the minister ask the Minister for Foreign Affairs to approach AusAID for suggestions on how to assist the Balinese people in the short to medium term?

Senator HILL—That is a good question. As Senator Patterson has indicated, the Australian government have responded in the short term to assist Bali in relation to its health services, which have obviously been utilised for the benefit of Australians and others who have suffered in this horrendous event. We recognise also that, beyond the suffering of Balinese families who have been directly involved, there is going to be an enormous indirect cost to Bali in loss of tourist trade and other detrimental economic consequences. It would be unfair to see Bali and the Balinese, who have traditionally been such good hosts to Australians, suffer more than is absolutely necessary from this event, and I think that Australia should look to see whether there are ways in which we can assist them. I will pass that sentiment on to the Minister for Foreign Affairs upon his return. Mr President, I ask that further questions be placed on the Notice Paper.

TEMPORARY CHAIRMEN OF COMMITTEES

The PRESIDENT—Order! Pursuant to standing order 12, I lay on the table a warrant revoking the nomination of Senator Bartlett as a Temporary Chairman of Committees.

PETITIONS

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

Science: Stem Cell Research

To the Honourable the President and members of the Senate in parliament assembled.

The petition of certain citizens of Australia draws to the attention of the Senate:

- Stem cells are non-specialised cells that can differentiate into more mature cells with specialised functions. Adult stem cells can be taken from living humans and umbilical cord blood after child-birth without harm.
- Embryonic stem cells are taken from surplus IVF or cloned embryos. There is the risk of cloning embryos just to extract stem cells re-
sulting in the destruction of the embryo, a human life in formation.

- Adult stem cells have been used to successfully treat diseases, therefore it is unnecessary to use embryonic stem cells.
- The human embryo is a distinct, living human being and as such is entitled to all the rights and protections that other human beings enjoy.

We therefore request and pray that the Senate will not legislate to allow the use of embryos for stem cell research or other medical procedures.

by Senator Calvert (from 192 citizens).

Foreign Affairs: Iraq

To the Honourable the President and Members of the Senate in Parliament assembled. The Petition of the undersigned calls on the members of the Senate to support the Australian Democrats’ motion opposing Australia’s involvement in preemptive military action or a first strike, against Iraq.

We believe a first strike would undermine international law and create further regional and global insecurity.

We also call on the Government to pursue diplomatic initiatives towards disarmament in Iraq and worldwide.

by Senator Bartlett (from 26 citizens).

Science: Stem Cell Research

To the Honourable The President and the members of the Senate assembled in Parliament.

This Petition of certain citizens of Australia draws the attention of the House to the growing concern in the Australian community about the proposed legislation to allow destructive research on human embryos.

Your petitioners call on the House to prohibit all research on human embryos which is destructive of a human embryo in anyway damaging to a human embryo.

by Senator Boswell (from 91 citizens).

Education: Equality

To the Honourable The President and the members of the Senate assembled in Parliament.

The humble Petition of the Citizens of Australia respectfully showeth

That we:

(1) Affirm the importance of quality education for all children of this Commonwealth of Australia irrespective of their religion, nationality or sex;
(2) Support the rights of parents to have freedom choice of the school for their child;
(3) Support the right of all non-government schools to maintain their distinctive moral values and foundational ethos;
(4) Support the freedom of choice in staffing of all Churches and religious organisations.
(5) Support freedom of religion and the right of all Churches and religious organisations to maintain their distinctive foundational ethos.

Your petitioners therefore humbly pray that the Senate oppose any attempts to introduce legislation that would jeopardise these freedoms and rights and which would force Schools, Churches and religious institutions to compromise their distinctive moral values and foundational ethos.

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

by Senator Harradine (from 237 citizens).

Science: Stem Cell Research

To the Honourable the President and members of the Senate assembled in Parliament:

The petition of certain citizens of Australia draws to the attention of the House that we are concerned at the destruction of human embryos by scientists extracting embryonic stem cells and concerned at proposals by scientists to clone human embryos for the purpose of extracting embryonic stem cells.

Your petitioners therefore pray that the Senate will:

(1) Oppose the creation of embryos for the purpose of extracting stem cells and any other scientific purpose (therapeutic cloning);
(2) Oppose the use of already existing embryos for the purpose of extracting stem cells and any other scientific purpose;
(3) Support, encourage and fund scientific research using adult stem cells from all sources including umbilical cord blood.

by Senator Heffernan (from 516 citizens).

Geoscience Australia

To the Honourable Speaker and Members of the House of Representatives assembled in Parliament:

The petition of certain employees at Geoscience Australia draws to the attention of the House the following circumstances:

The employees of Geoscience Australia have been informed by management that they are un-
able to gain access to reasonable wage increases because:

(1) A budget decision to underfund the $8.5 million Petroleum Frontiers program by $1.5 million in 2002-03.

(2) A shortfall of $3 million in revenue related to the newly introduced Government’s cost pricing policy for spatial data.

(3) Rent increases at the Geoscience Australia Symonston facility—six per cent increase last year and three per cent increase this year on $13 million of annual rent creating a $0.5 million shortfall in 2002-03.

The total shortfall for 2002-03 is $5 million.

Your petitioners therefore pray that the House initiate the required steps to supplement the budget of Geoscience Australia to allow payment of reasonable wage increases to Geoscience Australia employees.

by Senator Reid (from 314 citizens).

Petitions received.

NOTICES
Presentation
Senator Heffernan to move on the next day of sitting:

That the Rural and Regional Affairs and Transport Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 17 October 2002, from 4 pm, to take evidence for the committee’s inquiry into the provisions of the Egg Industry Service Provision Bill 2002 and a related bill.

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

That the Employment, Workplace Relations and Education References Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 17 October 2002, from 11.30 am to 12.30 pm, to take evidence for the committee’s inquiry into small business employment.

Senator Brandis to move on the next day of sitting:

That the Economics Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on Thursday, 17 October 2002, from 4.30 pm, to take evidence for the committee’s inquiry into the provisions of the Excise Tariff Amendment Bill (No. 1) 2002 and a related bill.

Senator Stott Despoja to move on the next day of sitting:

That the Senate—

(a) notes that:

(i) the recently-released Dusseldorp Skills Forum report, entitled ‘How young people are faring—key indicators 2002: An update about the learning and work situation of young Australians’, found that there has been an increase in the number of teenagers not in ‘full time education or full time employment’ in May 2002 compared to May 2001,

(ii) the report also found that 25 per cent of young adult women and 19 per cent of young adult men were at ‘considerable labour market risk’ in May 2002,

(iii) the Finn targets for post-compulsory education and training attainment by 19 and 22-year olds, agreed to unanimously by Commonwealth and state governments in 1991, have not been reached,

(iv) in 2001, the level of unemployment for Australians aged 15 to 24 was 2.4 times that of 25- to 54-year olds, and

(v) the report notes that long-term disadvantages flow from a troubled transition process between school and further education, training or employment; and

(b) urges the Government to develop a more effective transition system for young people between leaving school and going on to further education, training or employment, and that this transition system pay particular attention to early school leavers.

Senator Ridgeway to move on the next day of sitting:

That the Senate—

(a) notes that:

(i) the international community has quickly embraced the Mine Ban Treaty which entered into force on 1 March 1999, with three-quarters of the world’s nations already States Parties and signatories, and therefore legally bound to destroy their stockpiles of mines, eliminate mines in the ground, and cease production and use of mines,

(ii) although there has been a marked decrease in the number of
governments and rebel groups using antipersonnel mines since the treaty entered into force, nine governments have engaged in significant new mine-laying operations in the past year,

(iii) the number of new mine casualties is estimated by Landmine Monitor to be some 15 to 20 thousand each year, taking an appalling toll on children, farmers and other innocent people,

(iv) while on a global scale mine clearance and other mine action programs have expanded greatly over the past decade, a number of these programs are in financial crisis and will not meet the 10-year treaty deadline for completion of clearance;

(b) congratulates Sister Patricia Pak Poy of the Adelaide Sisters of Mercy on her receipt of the 2002 Australian Council for Overseas Aid Human Rights Award in recognition of her tireless and committed work over the past decade with the Australian Network of the International Campaign to Ban Landmines to rid the world of the scourge of landmines; and

(c) pays tribute to Sister Pak Poy as:

(i) the driver of the national grassroots campaign that led to Australia’s ratification of the Mine Ban Treaty and subsequent domestic anti-mine legislation, and

(ii) a role model to the many people who were inspired by her quiet determination to enhance the achievement of human rights internationally through peaceful, collective action.

Senator Allison to move on the next day of sitting:

That the Senate—

(a) notes that:

(i) Saturday, 28 September 2002, was World Retina Day,

(ii) macular degeneration is an incurable eye disease and is the leading cause of blindness for those aged 55 and older in Australia,

(iii) macular degeneration is caused by the deterioration of the central portion of the retina, causing progressive deterioration of sight from loss of central vision leading to total blindness,

(iv) every year, 10 000 Australians are diagnosed with age-related macular degeneration, and an estimated 20 000 Australians have macular degeneration that can be attributed to their smoking, and

(v) macular degeneration has already robbed nearly 350 000 Australians over the age of 50 of their eyesight, yet there is still very little understanding of or research into the disease; and

(b) calls on the Government to fund research into this condition, for which there is currently no known cure, and support the Macular Degeneration Foundation Australia’s aims to bring dignity, support and education to Australians suffering from this disease.

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

That the following bills may be taken together for their remaining stages:

Prohibition of Human Cloning Bill 2002
Research Involving Embryos Bill 2002.

Senator Bartlett to move on Thursday, 17 October 2002:

That the Senate—

(a) notes that:

(i) the circumstances that drive people to attempt to travel from Indonesia to seek asylum in Australia are many and varied, and include long waiting periods in Indonesia for the resolution of claims for asylum and long delays in determining a durable solution for those found to be genuine refugees,

(ii) on 19 October 2001 a boat, now identified as ‘Suspect Illegal Entry Vessel X’, carrying 421 passengers and crew including 70 children, sank with the tragic loss of 352 lives, and

(iii) a number of those who lost their lives had close family members in Australia who were undergoing refugee determination or who had been granted temporary protection visas;

(b) acknowledges the concerns raised by this tragedy within the Australian community and expresses its regret at the loss of life; and
(c) asks the Minister for Immigration and Multicultural and Indigenous Affairs (Mr Ruddock) to grant those who have suffered such a loss, whether they are in detention awaiting a decision or are in the community on a temporary protection visa, a permanent visa on humanitarian grounds.

Senator IAN CAMPBELL (Western Australia—Parliamentary Secretary to the Treasurer) (3.00 p.m.)—I give notice that, on the next day of sitting, I shall move:

That the provisions of paragraphs (5) to (7) of standing order 111 not apply to the following bills, allowing them to be considered during this period of sittings:

Education Services for Overseas Students Amendment Bill 2002
Treasury Legislation Amendment Bill (No. 1) 2002.

I also table statements of reasons justifying the need for these bills to be considered during these sittings and seek leave to have the statements incorporated in Hansard.

Leave granted.

The statements read as follows—

EDUCATION SERVICES FOR OVERSEAS STUDENTS AMENDMENT BILL 2002

Purpose of the Bill
The amendments to the Education Services for Overseas Students Act 2000 are of a minor and technical nature. They will clarify and strengthen the compliance and enforcement provisions in the Act.

The amendments support the government’s objective of providing a strengthened regulatory framework for Australia’s education and training export industry and will ensure its integrity and long-term viability.

Reasons for Urgency
The amendments to the Education Services for Overseas Students Act 2000 will provide greater clarity about the Commonwealth’s powers and greater certainty for the education and training export industry.

The amendments require passage in 2002 in order to ensure that they take effect from the beginning of the 2003 academic year.

TREASURY LEGISLATION AMENDMENT BILL (No. 1) 2002

Purpose of the Bill

Reasons for Urgency
The Bill will remove an ambiguity in the operation of the Financial Sector (Collection of Data—Consequential and Transitional Provisions) Act 2001 (CoD) and the General Insurance Reform Act 2001 (GIRA) by legislating that the provisions of the CoD commenced immediately before the provisions of the GIRA.

As the provisions of the two Acts commenced on the same day, 1 July 2002, it is not clear which provisions are meant to have effect. Given that the subject matter relates to the prudential regulation of general insurance companies, a Bill needs to be introduced as a matter of urgency to clarify and remove the current ambiguity.

(Circulated by authority of the Minister for Revenue and Assistant Treasurer)

Senator Brown to move on the next day of sitting:

That the Senate—

(a) notes:

(i) recent evidence tendered by Professor Hiscock, of the Australian National University, which suggests that Aboriginal sites at Sandon Point may be amongst the most significant Aboriginal sites on the eastern seaboard,

(ii) that these sites have already been severely damaged by the commencement of work on a housing project designed and marketed by Stockland Trust Group, and

(iii) an elder of the Wadi Wadi Coomaditchie Aboriginal Corporation, Alan Carriage, has requested that an emergency declaration be made, under section 9 of the Aboriginal and Torres Strait Islander Heritage (Interim Protection) Act 1984, to allow proper investigation of the importance of sites contained at Sandon Point; and

(b) requests the Minister for the Environment and Heritage (Dr Kemp) to grant this emergency declaration to
allow a 30-day period to make a proper assessment of the important cultural and environmental heritage of this area.

Senator TCHEN (Victoria) (3.01 p.m.)—On behalf of the Standing Committee on Regulations and Ordinances, I give notice that, at the giving of notices on the next day of sitting, I shall withdraw the business of Senate notice of motion No. 2 standing in my name for two sitting days after today for the disallowance of the Public Employment (Consequential and Transitional) Amendment Regulations 2002 (No. 1) as contained in Statutory Rules 2002 No. 87 and made under the Public Employment (Consequential and Transitional) Amendment Act 1999.

Senator O’Brien to move on the next day of sitting:

That there be laid on the table, no later than immediately after motions to take note of answers on Monday, 21 October 2002:

(a) all documents relating to the meeting between the Minister for Agriculture, Fisheries and Forestry (Mr Truss) and the Executive Director of the Australian Institute of Petroleum on 21 August 2002, including but not limited to:

(i) papers prepared for the meeting by the Department of Agriculture, Fisheries and Forestry, the Department of the Prime Minister and Cabinet, the Department of Industry, Tourism and Resources, and/or Mr Truss' office,

(ii) any agenda or attendance papers,

(iii) any notes made by departmental officers and/or ministerial advisers at the meeting, including but not limited to hand-written notes, and

(iv) any papers that document the outcome of the meeting, including but not limited to file notes prepared by departmental officers and/or ministerial advisers;

(b) all records of communications between:

• Mr JT Honan, Chairman of Manildra and/or other Manildra managers and staff, and

• the Prime Minister, Treasurer, Minister for Trade, Minister for Industry, Tourism and Resources, Minister for Agriculture, Fisheries and Forestry, Assistant Treasurer, and/or departmental officers and ministerial advisers,

concerning the Government’s consideration of an ethanol excise and production subsidy, including but not limited to correspondence, telephone records and file notes;

(c) all records of any meetings between:

• Mr JT Honan, Chairman of Manildra and/or other Manildra managers and staff, and

• the Prime Minister, Treasurer, Minister for Trade, Minister for Industry, Tourism and Resources, Minister for Agriculture, Fisheries and Forestry, Assistant Treasurer, and/or departmental officers and ministerial advisers,

concerning the Government’s consideration of an ethanol excise and production subsidy, including but not limited to correspondence, telephone records and file notes;

(d) all records of communications between:

• Mr Bob Gordon, Executive Director of the Australian Biofuels Association and/or other Australian Biofuels Association staff, and

• the Prime Minister, Treasurer, Minister for Trade, Minister for Industry, Tourism and Resources, Minister for Agriculture, Fisheries and Forestry, Assistant Treasurer, and/or departmental officers and ministerial advisers,

concerning the Government’s consideration of an ethanol excise and production subsidy, including but not limited to correspondence, telephone records and file notes;

(e) all records of any meetings between:

• Mr Bob Gordon, Executive Director of the Australian Biofuels Association and/or other Australian Biofuels Association staff, and

• the Prime Minister, Treasurer, Minister for Trade, Minister for Industry, Tourism and Resources, Minister for Agriculture, Fisheries and Forestry, Assistant Treasurer, and/or departmental officers and ministerial advisers,

concerning the Government’s consideration of an ethanol excise and
production subsidy, including but not limited to hand-written file notes; and
(f) all analysis by the Treasury, the Department of Finance, Department of the Prime Minister and Cabinet, Department of Industry, Tourism and Resources and Department of Agriculture, Fisheries and Forestry concerning the projected budgetary impact of the decision to impose excise on ethanol and grant a 12-month ethanol production subsidy.

COMMITTEES
Environment, Communications, Information Technology and the Arts Legislation Committee

Meeting
Senator EGGLESTON (Western Australia) (3.03 p.m.)—by leave—I move:

That the Environment, Communications, Information Technology and the Arts Legislation Committee be authorised to hold a public meeting during the sitting of the Senate today, from 7.30 p.m., to take evidence for the committee’s inquiry into the provisions of the Telecommunications Competition Bill 2002.

Question agreed to.

WORLD RURAL WOMEN’S DAY
Senator TROETH (Victoria—Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry) (3.03 p.m.)—by leave—I move:

That the Senate notes that:

(a) Tuesday, October 15 is the 2002 World Rural Women’s Day and is celebrated in over 80 countries;
(b) the theme for the day is “Poverty is Everybody’s Business: Education and Training”, a key for poverty eradication;
(c) World Rural Women’s Day began at the 1995 UN Conference for Women-Beijing as a practical way of obtaining recognition and support for the multiple roles of 1.6 billion rural women—representing more than a quarter of the total world population—who are mostly farmers and small entrepreneurs;
(d) about a third of Australian farmers are women and our country is leading the way in terms of promoting rural women at a national level; and
(e) it is essential to continue to increase the opportunities for Australia’s rural women and acknowledge their predominantly unsung roles in the agricultural sector.

Senator O’BRIEN (Tasmania) (3.05 p.m.)—I too rise today to note the role of women in Australian agriculture, women doing the triple shift of housework, farm work and off-farm work as well as holding families and communities together. I note the theme of World Rural Women’s Day this year is ‘Poverty is Everybody’s Business: Education and Training, a key for poverty eradication’. I think it is very pertinent to the role of rural women and these times. Women in all walks of life play a key role as teachers and nurturers of the young. This is especially true in remote Australia, where for instance many rural women are called upon to augment the activities of the School of the Air by being study master, motivator, school counsellor and tuckshop to their sons and daughters.

The theme of poverty is perhaps also pertinent at this time in Australian rural history, a time when some farming families are in the grip of the worst drought for possibly 100 years and when still others are battling not only drought but also low world sugar prices and corrupted markets. Margaret Alston, the Director of the Centre for Rural Social Research, told the recent Fenner conference that farm poverty is a real part of agriculture. According to Professor Alston, 15 farming families leave their properties every week as they can no longer justify working 60 hours a week for a wage that in some cases is as little as $10,000 a year.

These are especially difficult times in rural Australia. Such times call for leadership from government and, more particularly, in this instance leadership from the federal Minister for Agriculture, Fisheries and Forestry. Farming families in crisis need the security of knowing that their immediate needs can be taken care of, that food can be placed on the table until their circumstances improve. Probably more importantly, they also need to know that there is a future for Australian agriculture and that the government not only has a plan but is capable of imple-
menting that plan. Unfortunately for Australian farming families, they face not only the perils of drought and the vagaries of world commodity prices but also the ineptitude of the minister and an uncaring government.

There are a number of comments about particular difficulties and the reason they are attributable to the action, or inaction, of this minister which in other circumstances I would be making in relation to this motion. I would in other circumstances be raising issues such as the mismanagement of the US beef quota, the implications of the failure to deliver on promises made by the minister for urgently needed assistance for the sugar industry and for drought affected farmers in, for example, western New South Wales. I choose not to do so today on the basis of the tenor of the debate taking place.

In the face of unkind elements, fluctuating commodity prices, this citycentric federal government and the ineptitude of the minister, we really must take off our hats to anyone who is prepared to stay on the land, trying to feed the nation, trying to earn export dollars for the country, trying to create regional employment and trying to raise a family.

Senator Ferguson—When were you on the land?

Senator O’BRIEN—Senator Ferguson, I live on a bit of land. When were you last on it? On this day we particularly remember and commemorate the role of rural women in all these endeavours. I should like to pay a particular tribute to a dairy farmer in East Gippsland named Mary Salce. She is the founding president of the Foundation for Australian Agricultural Women. Mary has been involved in agriculture for around 30 years, during which time her knowledge of and commitment to family farming have grown. Her interests and commitment, however, are broader than her own farming operation. Mary cares about opportunities for women producers, and there is no firmer evidence of that than the movement she founded and the work it undertakes. Mary is to be particularly congratulated on this day for her commitment to rural women.

Question agreed to.


AUSTRALIAN SPORTS COMMISSION MEDIA AWARDS

Senator LUNDY (Australian Capital Territory) (3.12 p.m.)—I move:

That the Senate congratulates:

(a) the Australian Sports Commission for initiating the Australian Sports Commission Media Awards, which encourage broad and in-depth coverage of sporting issues in Australia;

(b) the many journalists and photojournalists who were nominated in the seven categories which comprise the inaugural Australian Sports Commission Media Awards;

(c) sports journalist, Mr Harry Gordon, who was awarded the Australian Sports Commission’s Lifetime Achievement Award for his services to the media for more than 60 years; and

(d) all the award winning journalists and photojournalists, including:

(i) Best Reporting of an Issue in Australian Sport: Kate McClymont and Anne Davies of the Sydney Morning Herald,

(ii) Best Sports Journalism from Rural or Regional Media: Brett Kohlhagen of the Border Mail, Albury,

(iii) Community Sport Media Award: David Pearson and Brian Webb, ‘Topsport 104.1 FM’, Darwin,

(iv) Youth Sport Media Award: Amanda Smith of ABC Radio National’s, The Sports Factor,

(v) Best Journalism on Australian Sports Commission-related Programs: Robert Drane Inside Sport, and

(vi) Best Sports Photojournalism: Bruce Long of the Courier Mail.

Question agreed to.

DOCUMENTS

Tabling

The DEPUTY PRESIDENT (3.12 p.m.)—Pursuant to standing order 166, I present documents listed on today’s Order of Business at items 12 (a) to (c), which were presented to the Deputy President and temporary chairs of committees since the Senate last sat. In accordance with the terms of the standing orders, the publication of the documents was authorised. I also present documents listed at item 12 (d) on today’s Order of Business.

The list read as follows—

Government documents presented to the President since the last sitting of the Senate


Reports of the Auditor-General presented to the President since the last sitting of the Senate


Returns to Order presented to the President since the last sitting of the Senate

1. Statements of compliance with the continuing order of the Senate of 20 June 2001, as amended on 27 September 2001, relating to lists of contracts are tabled by:
• Department of Immigration and Multicultural and Indigenous Affairs
• Migration Review Tribunal
• Refugee Review Tribunal (presented to the Deputy President on 27 September 2002).

2. Statement of compliance with the continuing order of the Senate of 30 May 1996, as amended on 3 December 1998, relating to indexed lists of files is tabled by:
• Department of Immigration and Multicultural and Indigenous Affairs (presented to the Deputy President on 3 October 2002).


Responses to resolutions of the Senate from:
• the Chief Minister of the Northern Territory (the Hon. Clare Martin, MLA) to a resolution of the Senate of 20 August 2002 concerning the Indigenous communities, family violence and child protection
• the Minister/Chargé d’Affaires of the Embassy of Indonesia (Imron Cotan) to a resolution of the Senate of 23 September 2002 concerning the release of Ms Lesley McCulloch and her party by the Indonesian government
• the Ambassador of the Embassy of the United States of America (J Thomas Schieffer) to a resolution of the Senate of 29 August 2002 concerning the first anniversary of September 11, 2001

PARLIAMENTARY ZONE
Proposal for Works

The DEPUTY PRESIDENT—In accordance with the provisions of the Parliament Act 1974, I present a proposal by the Joint House Department for works within the Parliamentary Zone together with supporting documentation relating to the construction of a roof extension for the gardeners’ compound.

Senator IAN CAMPBELL (Western Australia—Manager of Government Business in the Senate) (3.13 p.m.)—by leave—I give notice that, on Thursday, 17 October 2002, I shall move:

That, in accordance with section 5 of the Parliament Act 1974, the Senate approves the proposal by the Joint House Department to construct a roof extension to the gardeners’ compound to protect the new vehicle washdown bay from weather.

COMMITTEES
Privileges Committee
Report

Senator ROBERT RAY (Victoria) (3.14 p.m.)—I present the 108th report of the Committee of Privileges, relating to a person referred to in the Senate.

Ordered that the report be printed.

Senator ROBERT RAY—I seek leave to move a motion relating to the report.

Leave granted.

Senator ROBERT RAY—I move:

That the report be adopted.

This is the 39th report in a series of reports recommending that a right of reply be accorded to persons who claim to be adversely affected by being referred to, either by name or in such a way as to be readily identifiable, in the Senate. On 30 August 2002, the President of the Senate received a submission from Mr John Hyde Page concerning a matter raised by Senator Hutchins in the Senate on 22 August 2002. The President referred the submission to the Committee of Privileges under resolution 5. The committee considered the submission at its meeting on 26 September and recommended that a response in the terms included in the report I have just tabled be incorporated in Hansard. The committee always reminds the Senate that, in matters of this nature, it does not judge the truth or otherwise of the statements made by honourable senators or persons seeking redress. I commend the report to the Senate.

Question agreed to.

The response read as follows—
APPENDIX ONE

RESPONSE BY MR JOHN HYDE PAGE AGREED TO BY MR HYDE PAGE AND THE COMMITTEE OF PRIVILEGES PURSUANT TO RESOLUTION 5(7)(B) OF THE SENATE OF 25 FEBRUARY 1988

My attention has been drawn to a speech made in the Senate on 22 August, 2002 at about 9.35am by Senator Hutchins during which adverse references were made to me.

In accordance with resolution five of the Senate I submit a response to those remarks and I request publication of this letter.

In his contribution, Senator Hutchins read into the Senate an anonymous email he claimed to have received, including the transcript of a purported telephone conversation between two people. The inference of that email and transcript was that I had offered a bribe to a member of the Young Liberal Movement to attend a meeting of the Movement.

I categorically refute that suggestion. I would also note that when the anonymous email quoted by Senator Hutchins was first circulated within various political circles, the alleged beneficiary of the bribe wrote to the NSW State Director of the Liberal Party also denying any bribe had been offered to him.

To be referred to in this way has the potential to seriously damage my reputation and it is therefore appropriate that, in accordance with Senate procedures, this submission is included in the parliamentary record.

(signed)

John Hyde Page

BUDGET

Consideration by Legislation Committees

Additional Information

Senator FERRIS (South Australia) (3.16 p.m.)—On behalf of the Chair of the Environment, Communications, Information Technology and the Arts Legislation Committee, Senator Eggleston, I present additional information received by the committee relating to hearings on the budget estimates for 2002-03.

COMMITTEES

Foreign Affairs, Defence and Trade Committee: Joint Report

Senator FERGUSON (South Australia) (3.16 p.m.)—I present the report of the Joint Standing Committee on Foreign Affairs, Defence and Trade entitled Enterprising Australia—planning, preparing and profiting from trade and investment: a short report on the proceedings of the inquiry together with the Hansard record of proceedings and submissions received by the committee. I seek leave to move a motion in relation to the report.

Leave granted.

Senator FERGUSON—I move:

That the Senate take note of the report.

This report of the Joint Standing Committee on Foreign Affairs, Defence and Trade, Enterprising Australia—planning, preparing and profiting from trade and investment, is a short report on the proceedings of the inquiry. The Minister for Trade referred the inquiry to the joint committee on 2 November 2000. With the calling of the 2001 federal election, the inquiry automatically lapsed on the dissolution of the 39th Parliament on 8 October 2001.

The committee gave consideration to the re-referral of the enterprising Australia terms of reference in this the 40th Parliament. However, we decided not to continue with this inquiry. Our decision was based on a number of factors: firstly, the poor response to the call for submissions; secondly, the quality of evidence; thirdly, a review of the Commonwealth’s investment promotion and attraction efforts by a task force headed by Dr Ian Blackburne that embraced significant aspects of the enterprising Australia terms of reference; and, fourthly, broad acceptance by the government of the recommendations made by Dr Blackburne in his August 2001 report Winning investment—strategy, people and partnerships.

Notwithstanding the lapse of the inquiry, we took the view that a short report should be tabled in the parliament outlining some of the issues and conclusions that came out of the evidence that we received. These reflect a similarity of view between our observations and the findings of Dr Blackburne’s review team. I do wish to place on record our appreciation of the assistance that the former Irish Ambassador, His Excellency Mr Richard O’Brien, and the Singaporean High
Commissioner, His Excellency Mr Ashok Kumar Mirpuri, gave to this inquiry.

We see a number of challenges for Australia in planning, preparing and profiting from trade and investment. No specific development agency model, whether it is an Ireland or a Singapore model, fits the Australian context. What is paramount is a national strategic approach to trade and investment. Additional challenges are regional initiatives that can build a diverse base for regional economic wealth, the provision of the skills in Australian people that will underpin research and development initiatives, and Australia’s global competitiveness and the comparative effectiveness of the incentives that we offer. A strategic national approach to planning, preparing and profiting from trade and investment promotes and increases Australia’s international competitiveness. Evidence to the inquiry showed that there were a number of federal government agencies that played a role in promoting investment and exports and, as Dr Blackburne noted in his investment review, this is not efficient and does not allow for a single Australian brand.

In the climate of global competitiveness, where national leadership is paramount, the multiple player approach promotes the insular culture of the bureaucracy and the notion of ‘turf’, with government processes cumbersome and sometimes unresponsive. It was evident to us that the degree of commitment to a national strategic approach is a key to advancing Australia’s trade and investment competitiveness. The government has agreed to the development of a national strategic framework for investment promotion and attraction, with the Employment and Infrastructure Committee of Cabinet to oversee operations. We are hopeful that this will indeed provide the capacity and the capability to implement a whole of nation approach.

With the intention that this framework is to be developed in the context of Australia’s overall economic growth and industry and regional development objectives, we regard the major national issues raised during Dr Blackburne’s consultations as very important, and they need to be addressed. These major national issues are set out in appendix E of our report. We are concerned that these issues, which were to be included in the work program of the Blackburne review’s proposed Prime Minister’s investment council, will not be addressed under the new arrangements of the revamped Invest Australia. These major national issues should not be dismissed as not applicable and lost to examination within the changed operational arrangements of Invest Australia.

In our report we comment on the issues of tax, seen as an impediment to business; the adequacy of Australia’s skills base, with investment in education critical to the future of Australia; and the commercialisation of R&D in Australia. On this last issue, for instance, we are of the view that in pursuing commercial outcomes the capability to reach commercialisation should not become the sole criterion for funding an R&D project. Not every project can lead directly to a commercial outcome. If the policy focus on commercialisation becomes the be-all and end-all for Australian R&D, then Australia as an innovative country, for which it is recognised world wide, will lose research capability. Balancing R&D is a fine line. Managing this fine line is critical to the future and needs to be understood in the current policy climate by R&D boards and public administrators.

In conclusion, irrespective of Australia’s achievements in encouraging inward investment and promoting export sales, the challenge for Australia and its policy makers at all levels of government is to move forward and put us ahead of our competitors. We need to focus on becoming even more competitive than our competitors and not being both outmarketed and insufficiently aggressive in the pursuit of opportunities. I commend the report to the Senate.
balance of payments or Australia’s trade situation knows, an imperative to greater wealth creation in this country is that more Australian companies export. If more Australian companies are to succeed as exporters, they need to be globally competitive. Characteristic of a globally competitive company is a focus primarily on the world, not on the domestic market. They have a high incidence of innovation in their company structure and a high investment in research and development. They recruit skilled labour that has been well educated, they are able to be flexible and adaptable to new market situations that they confront in the world and they penetrate markets successfully.

This is not some sort of dry academic exercise. This goes to the engines that drive economic growth, improve living standards and create jobs for ordinary Australians. From that point of view, this is an extremely worthwhile report. I congratulate Mr Prosser of the committee at that time on promoting the investigation. Having said that, Senator Ferguson has also referred to the reasons why the committee did not take this report further; certainly the election was a big factor and a new committee was another factor. The real reasons—the poor response to this inquiry, the quality of the submissions garnered by the inquiry and, indeed, the advent of the Blackburne report—are all adequately set out in this document. However, we could have focused more on the findings of the Blackburne report and the implementation of them. But that is not a reason to criticise the effort that has been undertaken here.

I want to say a few words about some of the issues covered in this report. In 1994, when the Australian Manufacturing Council existed and created a forum for all the players in the Australian manufacturing industry to examine the issues in their sector and to seek remedies from government to improve that industry sector, which is vital for jobs in Australia and vital for our innovative edge in the world, a study was undertaken headed ‘Leaders and laggards’. It examined the characteristics of what makes success for Australian companies and looked at successful exporters and manufacturing enterprises. It also looked at the characteristics that are true of companies that do not succeed, and these were the laggards.

Overwhelmingly, the emphases of the leaders were, as I have said, a global view of the market, investment in research and development, capacity for innovation and a general outward drive to capture new market prospects. The characteristics of the laggards—those that did not succeed—were a preoccupation with the level of taxation they might pay, difficulties with their industrial relations system as they managed it in-house and a series of navel gazing issues of that nature which meant they were not focused on global opportunity; they were focused on what was going wrong with their company and, therefore, did not think about how to turn the company into something that was going properly and correctly.

That was an important study because it looked at real life experience of successful Australian companies, and it finds some echoes in the document that we have today. It is not surprising that there is a continuity of theme of those key issues. One of the weaknesses in this report is that it does not address issues that have occurred since the advent of the Howard government. For example, it does not adequately deal with the reduction in the research and development tax concession, which went down in 1997 from 150 per cent to 125 per cent. R&D is a driver of export growth and international competitiveness. The fact that there has been less incentive and less take-up of research and development means that we are now becoming a lagging nation under that demographic.

The report did not deal with the impact of the capping of the Export Market Development Grants Scheme. We offered a scheme to encourage Australian companies that are mostly small to medium sized enterprises to go overseas and examine the market. That scheme has been capped, so not all those companies that want to go and examine the market can get access to the scheme or, if they do, it is at a lesser level. Under the previous government it was open-ended, so all players that wanted to be exporters could be and not just those that were ahead of every-
one else in the queue and lucky enough to get a grant. It did not examine the abolition of the International Trade Enhancement Scheme, which encouraged Australian companies to get into the international market. Nor did it look at the abolition of the Development Import Finance Facility, which ensured that Australian aid spent abroad also created opportunities for Australian business.

The report did not look at the abolition of support for the business angels program, where experienced entrepreneurs were being matched with small high-tech start-up businesses, nor at the abolition of the Australian Manufacturing Council, a body that I think has played a magnificent role in resolving problems that confronted the growth of the Australian manufacturing sector and is indeed one of the reasons why we now have a vibrant export sector whose total value out-ranks that of the agricultural sector in export earnings. Nor did it look at the cessation of a $20 million operating subsidy to the Commonwealth Development Bank for small business financing, an area in which the bank, as an expert lender in this field, is ideally placed to make assessments about the competitiveness of potential enterprises. That $20 million operating subsidy was an essential way of levering those small enterprises into something better.

The outsourcing of government IT, at a cost to taxpayers of several hundred million dollars—which is something that this government has done—has meant as well that we have not kept in-house the possibility of structuring a major IT provider in this country and rather have brought in from overseas foreign IT providers to meet our needs. Nor did it look at the freezing of the R&D Start program in early 2002, with the government cancelling new applications from 115 businesses, was the wrong signal to send. We are trying to encourage people to be more innovative, to use R&D. To cancel the R&D Start program early this year was the wrong signal for industry to receive. The abolition of the Printing Industries Competitiveness Scheme occurred ahead of schedule and, more importantly, the government’s own resources were cut back, meaning its ability to pick trends in this sector was diminished and its ability to find solutions and to provide the necessary support programs was diminished.

This report looks at Singapore and Ireland as two tigers—one a Celtic tiger and one an Asian tiger—that have very active industry policy agencies at government level. The cutback of 30 per cent in the department of industry’s funding over four years—the largest fall in any spending of any department—and a cutting back of 10 per cent in staff mean that, while this report looks at other countries to find out how you lift yourself to excellence, Australia is cutting back the infrastructure on which you build the necessary programs to encourage that same development in Australia.

I conclude by saying that, just last week, quite importantly, Dr Craig Emerson, Labor’s shadow minister for innovation, industry, trade and tourism, tabled a policy discussion paper—Thriving industries in an innovative Australia—which does provide a very good blueprint for how to get Australia back to work and properly started again. This country has been the best in the world for creating part-time work and not full-time jobs. The jobs we have created over the last several years have been part-time jobs in the main, not full-time jobs that offer full-time career prospects for Australian workers.

Senator MURPHY (Tasmania) (3.33 p.m.)—I would like to say a few words with regard to this report of the Joint Standing Committee on Foreign Affairs and Trade—Enterprising Australia—planning, preparing and profiting from trade and investment—and particularly focus on my own state. I find it interesting that the report says that there was a lack of interest from agencies in terms of incentives and impediments. I would like to highlight some of what I believe are the impediments that occur—at least in my state—with regard to opportunities for overseas exports, particularly to the Asian region. I want to give some examples, in particular from the timber industry.

It is interesting that in Tasmania today we have an industry that has so many opportunities and yet many of them are not being realised. One of the reasons that that is the case is that the government agency responsi-
ble for the management of the public resource seems to be acting against the interests of the private sector, which could process a lot of the timber that is being harvested from Tasmania’s forests and gain very significant export opportunities in countries like China. How is that happening? It is happening in this way: the state government agency is actually exporting whole logs from Tasmania to China and other Asian destinations in competition with sawn timber products—or what could be sawn timber products—produced by Australian, indeed Tasmanian processors. That is something that we have to have a serious look at.

Looking at this issue in respect of creating jobs and opportunities in your own state or your own country, why would you have a state authority or a government agency proceeding to export whole logs, in terms of raw material, rather than allowing private businesses to actually create employment through processing that timber in the state of Tasmania or somewhere else in Australia, does take some understanding. Indeed, you have to wonder why they would be doing it at all, in terms of economic development in the state of Tasmania. It is not just in that area. We have a very simplistic view, it seems, in terms of the opportunities for export development in Tasmania, because we seem to be content with the approach of just taking the lowest common denominator and shipping it offshore, rather than taking an approach whereby we can expand the opportunities for sawn timber products.

Not only that, if we look at the trade imbalance in Australia in respect of forest products, it is huge. I think it now stands in excess of $2 million per annum in pulp, paper and forest products. So there is all the more reason why states such as Tasmania should take the initiative to create and drive export opportunities in processed wood products, and yet we fail to do that. This report makes it very interesting in terms of the opportunities that should exist yet do not. It is very important to highlight that, because that is something that the Commonwealth ought to take an interest in, in that we are allowing state agencies to do the sorts of things that seem to be to the detriment of the development of export opportunities within this country.

I cannot understand any state government—let alone from a Commonwealth point of view—allowing that to happen; it makes no sense whatsoever. We are looking at the management of what is a very valuable resource in terms of hardwood timbers in Tasmania’s eucalypt forests. From Tasmania’s perspective, it is important for the long-term sustainable management of those forests that we do go into the processing of those timbers, rather than just send them off in whole log form. I know that the Special Minister of State, Senator Abetz, would be fully aware of the stockpiles of logs that exist at Burnie and at Bell Bay in Tasmania. It is becoming increasingly unacceptable to people in Tasmania to see those logs going offshore when they know full well that they could be processed within the state. We are even exporting logs to Victoria, which is in turn processing those logs and then exporting them. As a Tasmanian senator, it makes little sense to me that the state allows that to happen. Sure, it might create a few jobs for Victorians, but I do not see it as being of much use to the jobs that we should have in Tasmania. Very few opportunities remain for Tasmania in the natural resource area, but timber is one of them. It is about time something is done to ensure that opportunities in the natural resource area of timber are taken up and that something is done about them.

I am contacted by sawmillers on a regular basis now. Unfortunately, they do not want to say anything publicly because of a fear of retribution from the Tasmanian authority, Forestry Tasmania—in a circumstance where they produce residues for which they know that essentially they now have but one market, one purchaser, in Tasmania. They feel that they are between a rock and a hard place—that if they make public comment about this problem they will be crucified for doing so and things will only get tougher for them. I would hope that the Commonwealth might take an interest in this and consider what it can do to ensure that more processing jobs and more export opportunities are created for the Tasmanian timber industry. I
know that they can be created and that those opportunities exist—particularly when China spent in excess of US$30 billion in 2000-01 importing timber products. If we do not comprehend the potential of that sort of market, we will never maximise the export opportunities that exist for this country. We have to take some steps to bring about necessary changes; we cannot just function on the basis of ‘Dig it up, chop it down and ship it out’. It is unacceptable that we continue to allow that to happen in this day and age.

I have spent a few weeks in China this year, looking at their own forest products industry. I have found that there are vast opportunities; yet, as I said, there is little incentive on the part of the Tasmanian state government and there is little assistance on the part of the state authorities. A prime example is that exactly the opposite is happening: they are trying to chop down the trees and ship the logs out for what is essentially the lowest price. That will then make the sawn timber products uncompetitive, because the Chinese will ask, ‘Why are the logs so cheap and your sawn board so dear?’ It is a valid question. Essentially, the only group selling large volumes of whole logs into China and/or Korea are state authorities—the manager of the public resource in Tasmania. It just is not good enough. As I said, I hope the Special Minister of State and the Commonwealth will take some interest in this matter and see whether they can do something about it in future. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

DOCUMENTS

Response to Resolution of the Senate

Senator BROWN (Tasmania) (3.43 p.m.)—I move:

That the Senate take note of the document.

I wish to make a brief comment on the response to the resolution of the Senate of 23 September 2002 by the Charge d’Affaires of the Embassy of Indonesia which was tabled earlier. The motion stated:

That the Senate calls on the Government of Indonesia to ensure that Ms Lesley McCulloch is given full and immediate consular access and that she and her colleagues are treated fairly and in accordance with international human rights standards and released from custody as early as possible.

I remind the Senate that Ms McCulloch and her friends were arrested in Aceh some weeks ago and are being held with a view to being charged and brought before the Indonesian courts. When I first contacted the Australian Attorney-General’s office about this matter, I was reassured that the usual process here would be followed, that this Australian, Ms McCulloch—she has been given a long stay in Australia, although she is a British citizen—and her friends would normally be held for a few days, released and exported. That has not happened. They are now being charged and there is the real concern of serious charges being laid against her and her friends with potentially many years in prison.

I comment on this in two ways. I hope the Attorney-General is taking much more vigorous note of the plight of Ms McCulloch, whom I met earlier this year. She has been working at the University of Tasmania and is now caught up in these circumstances. I also hope that the Australian Embassy in Jakarta—the UK and the US embassies there have already been given consular access—has sought and is given consular access to see Ms McCulloch to ensure that she has all the legal and other aid that may be required at this time. I note that the Charge d’Affaires has said, amongst other things, in his letter:

Ms. McCulloch and her colleague have and will continue to enjoy consular services from UK and US Embassies in Jakarta. I must however admit that Indonesia’s prison facilities are not as excellent as those found in Woomera Detention Centre where the illegal migrants have been recently detained. Ms. McCulloch and her US fellow-traveller may hence find it distressful, demanding therefore that they be freed as early as possible.

I recognise that there are some language difficulties potentially involved here, but I am not impressed with the intonation of that particular part of the message to the Senate. I ask the government to ensure that the Attorney-General is acquainted with the whole of the letter of course but in particular that remark. The Charge d’Affaires for Indonesia goes on to say some other things and then says:
Notwithstanding, we will see to it that Ms. McCulloch and her companion get a fair trial for their breaching of Indonesia’s laws and regulations.

This is not the first time that embassy officials have asserted that Ms McCulloch and her companions have broken the law. There has been no such finding by any court in Indonesia or anywhere else, nor has evidence been forthcoming that allows that statement to be made. It alarms me greatly that there is a presumption of guilt here by embassy and government officials before these women have even been brought to trial. It is a very serious matter, and I hope that the Australian government is now taking it far more seriously than it was some weeks ago and is putting all due impress on the Indonesian government that this matter is taken seriously by Australia and that it wants to see Ms McCulloch given not just her Indonesian rights but her international rights in the law and released safely to return as soon as practicable and reasonable.

Question agreed to.

COMMITTEES

Membership

The DEPUTY PRESIDENT—The President has received letters from party leaders seeking variations to membership of committees.

Senator ABETZ (Tasmania—Special Minister of State) (3.50 p.m.)—by leave—I move:

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

Environment, Communications, Information Technology and the Arts Legislation Committee—

Appointed—Substitute member: Senator Allison to replace Senator Bartlett for the committee’s inquiries into the provisions of the Renewable Energy (Electricity) Amendment Bill 2002 and the provisions of the Telecommunications Competition Bill 2002

Environment, Communications, Information Technology and the Arts References Committee—

Appointed—Substitute member: Senator McGauran to replace Senator Scullion for the committee’s inquiry into environmental performance at the Ranger, Jabiluka, Beverley and Honeymoon uranium operations on 18 October 2002.

Question agreed to.

TRANSPORT SAFETY INVESTIGATION BILL 2002

TRANSPORT SAFETY INVESTIGATION (CONSEQUENTIAL AMENDMENTS) BILL 2002

AUSTRALIAN SECURITY INTELLIGENCE ORGANISATION LEGISLATION AMENDMENT (TERRORISM) BILL 2002

TAXATION LAWS AMENDMENT BILL (No. 3) 2002

RESEARCH INVOLVING EMBRYOS BILL 2002

First Reading

Bills received from the House of Representatives.

Senator ABETZ (Tasmania—Special Minister of State) (3.51 p.m.)—I indicate to the Senate that these bills are being introduced together. After debate on the motion for the second reading has been adjourned, I will be moving a motion to have two of the bills listed on the Notice Paper as one order of the day and the remaining bills listed as separate orders of the day. 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 ABETZ (Tasmania—Special Minister of State) (3.52 p.m.)—I table revised explanatory memoranda relating to four of the bills and move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

TRANSPORT SAFETY INVESTIGATION BILL 2002

The provisions for transport safety investigation by the Australian Transport Safety Bureau con-
The bill deals with the ATSB Executive Director’s modal powers with respect to: mandatory reporting of and the conduct of independent safety investigations into transport safety matters; the making of safety action statements, including safety recommendations; and the publication of safety investigation reports and other safety material. The bill reinforces the ATSB’s role as a multi-modal safety body similar to the Canadian Transportation Safety Board and the National Transportation Safety Board (NTSB) in the United States.

The bill replaces and aligns the existing legislative authority for ATSB aviation and marine safety investigations contained in Part 2A of the Air Navigation Act 1920 and in the Navigation (Marine Casualty) Regulations under the Navigation Act 1912. It also provides for Australia’s compliance with international aviation and shipping agreements, including Annex 13 to the Chicago Convention and International Maritime Organisation (IMO) resolutions.

Interstate rail safety investigation is also included in recognition of rail’s growing importance. In recent years there has been tremendous change in the rail industry in Australia. This has included the change from predominantly state-based vertically integrated public ownership to increasingly commercialised and privatised entities trading across state borders. The Commonwealth has sold the Australian National Railways Commission and its share in the National Rail Corporation and is supporting the growing role of the Australian Rail Track Corporation in respect of national rail infrastructure.

The Government wishes rail reform to progress and to see rail’s efficiency improve and its carriage of freight and passengers increase. But amidst rapid change, it is important that there be no diminution of safety. One proven means of maintaining and improving safety is to independently investigate accidents and incidents and publicly report on any necessary safety action. The Government has accepted the view of the House of Representatives Standing Committee on Communications, Transport and Microeconomic Reform that the Commonwealth through the ATSB should have an investigation role on the interstate rail system. This is consistent with the provisions of the 1996 Intergovernmental Agreement on Rail Safety, which encourages Commonwealth, State and Territory governments to enact legislation for rail safety. However, at this time the Government is not proposing to legislate to regulate interstate rail—regulation will continue to be managed at the state level.

There continues to be few truly independent state investigations of serious interstate rail occurrences and a number of state reports have not been made public. Most investigations continue to be conducted through State and Territory regulators and/or the operators involved in the occurrence which, as noted in the NSW Glenbrook inquiry, raises issues of real or perceived conflict-of-interest. NSW reports examined by the Glenbrook Commissioner also fell short of best practice in not getting to the root causes of why an accident occurred. An independent ATSB role in interstate rail investigation will foster better practice and safety across the industry. The ATSB may still undertake intra-state rail investigations if requested to do so under state legislation.

The key principles of best practice safety investigation reinforced by the bill include operational independence free from external pressures and conflicts of interest along with professionalism, skill and objectivity. Without these, the transport industry may be less confident and willing to accept and act upon the recommendations of an investigation. The public may insist on a much more expensive judicial inquiry.

Central, is ATSB’s independence from parties or actions that may have been directly involved in the safety occurrence or that had some influence on the circumstances or consequences of that occurrence. For example, the ATSB must be free to investigate and comment on any significant role of the regulator in a particular occurrence and as such must not itself play a regulatory role in the industry. The Executive Director is also not subject to a direction by the Minister or the Secretary in relation to the exercise of powers under the bill. The Minister can direct that an investigation be initiated.

More complex safety investigations, where a significant safety benefit is judged likely, will be conducted systemically. Looking beyond the proximal causes of an accident or incident to an understanding of underlying factors, such as organisational issues, has the potential to reveal aspects of broader safety issues that may need to be addressed. Professor James Reason’s model of hazards and defences has been adopted by key international bodies such as International Civil Aviation Organisation and the International Maritime Organisation as the recommended investigation methodology. According to Reason, most accidents and incidents involve human factors.
and in 90 per cent of such cases no malice is intended. Often referred to as the ‘no-blame’ approach, it does not equate with ‘no responsibility’. It simply means that disciplinary action and criminal or liability assessment are not part of an ATSB safety investigation and should, if necessary, be progressed through separate parallel processes. Witnesses, particularly operational crew who may be in possession of vital safety information, must be free to provide this information to the ATSB without fear of self-incrimination or retribution. The TSI bill provides protection for these individuals to enable safety investigators to better understand causal factors in order that future accidents may be prevented. Placing restrictions on the disclosure and use of such information obtained under the provisions of the bill is also consistent with Australia’s international obligations.

For those few transport occurrences where malice may be involved, regulators, police and others may conduct a parallel investigation to ascertain blame or fault so that deliberate wrongdoing is not tolerated. This is an important part of a ‘just culture’. While maintaining a separate process, the Government wishes the ATSB under the bill to continue the current practice of liaising with other agencies in order that, to the extent possible, the objectives of all agencies may be met. Cooperation and communication between federal agencies is the only way to work effectively. Lack of cooperation between agencies was a concern in the 1996 TWA 800 accident in the US in which a 747 crashed shortly after takeoff from New York with the loss of 230 lives. In the early stages of the investigation, it was not clear whether the crash was the result of an operational problem or of a criminal act. The NTSB experienced difficulties when the Federal Bureau of Investigation, conducting its own investigation, seized evidence without informing the NTSB. This action denied the NTSB, the technical experts in transport accident investigation, a timely opportunity to view and analyse evidence.

On 11 September 2001 the cause of the aircraft crashes was clearly terrorist activity. The NTSB immediately accepted a secondary role and provided expert assistance to the FBI in any way it was able. Following the American Airlines Airbus 300 accident in New York last November, in which 265 lives were lost, it was initially unclear whether criminal activity was involved. However, a public announcement was made early in the investigation stating that the NTSB would remain the lead agency until evidence of criminality was established. Based on this, the two agencies are currently seeking to conclude a Memorandum of Understanding covering future situations and this is also the model that the ATSB will follow with Australian police agencies.

In relation to liaison with other agencies such as regulatory authorities or occupational health and safety agencies, ATSB would maintain a primary investigation role but seek to cooperate where possible as covered in clause 10 of the bill. In a case of terrorism, the ATSB would not seek to investigate and the Australian Federal Police would therefore have clear priority. The bill acknowledges the legitimate activities of state coroners and other agencies in relation to investigation. The ATSB will seek to minimise unnecessary duplication of investigation activities through the revision and development of Memoranda of Understanding and related protocols with coroners and other agencies, for example, in relation to physical evidence.

While much of the bill provides for the protection of information gathered during the course of an investigation, other provisions provide for its controlled disclosure for safety purposes. There is provision for a ‘directly involved party’ process whereby a copy of a draft investigation report may be provided to persons or organisations with relevant knowledge. This process allows those persons to view the draft report and make submissions to ensure that it is factually correct. In some cases this is required under Annex 13. Severe penalties have been introduced for the unapproved disclosure of draft reports. This is because such disclosure, as occurred with the ATSB's Whyalla Airlines report, could be seriously misleading, unfairly tarnish reputations and could impede the crucial future free flow of safety information to the ATSB.

The bill provides under clause 21 that the Executive Director has discretionary power to investigate unless the Minister directs that a particular investigation be initiated. In practice, a determination about whether to investigate and to what extent, will be influenced primarily by the potential safety value that may result from investigating a particular accident or incident in light of resources available for investigation. While final investigation reports must be published, if an investigation is terminated before it is finalised the reasons for doing so must be published.

The bill contains specific provisions for the treatment of On-Board Recording or OBR information, covering cockpit voice recorders and like devices installed purely for safety purposes. OBR information may only be disclosed under limited circumstances. In recognition of the potentially vital evidence that it may contain, OBR informa-
tion is generally admissible in criminal and coro-
nial proceedings. However, consistent with ex-
isting aviation arrangements and international
agreements, there can be no OBR use in pro-
ceedings against crew members.
The Government believes that genuine respect
and cooperation between the ATSB and state and
territory coroners’ courts is extremely important
given their overlapping roles and joint mission
and should be enhanced through memoranda of
understanding after the passage of the TSI bill.
Coroners provide the Bureau with often crucial
autopsy and pathology evidence. The bill pro-
vides coroners with greater certainty in relation to
the disclosure by the ATSB of OBR information
and physical evidence for the purposes of coro-
nial inquiries. Final investigation reports may be
admitted as evidence in coronial inquiries and,
at the request of the coroner, ATSB investigators
will be made available to provide expert opinion
or factual information arising from their involve-
m ent in an investigation.
It is important that investigators have sufficient
power to act quickly to access, preserve and col-
lect evidence at accident sites and in transport
vehicles that are referred to in the bill as ‘Special
premises’. Delays could mean the loss of critical
evidence because it has perished or has been re-
moved, damaged or changed in some way. Those
provisions are generally consistent with current
legislation in the marine and aviation transport
modes and reflect similar legislation in other
countries. Sensitive information gathered in the
course of a safety investigation conducted under
the provisions of the bill is referred to as ‘Re-
stricted Information’. Restricted Information
cannot be disclosed for the purposes of a criminal
investigation except for an offence against the
bill. These provisions reinforce the notion that
safety investigation processes and those relating
to criminal prosecutions should be separate.
Further guidance on Immediate and Routine Re-
portable Matters is to be provided in the regula-
tions. Responsible persons for the purposes of
mandatory reporting will normally include only
those with an operational connection to the trans-
port vehicle such as the crew, the owner or op-
erator of the transport vehicle, or persons per-
forming vehicle control duties such as Air Traffic
Control. In marine and rail modes it may be more
efficient and desirable in some instances to report
through regulatory bodies.
ATSB recommendations arising from the identifi-
cation of safety issues will usually be couched in
broad terms that address the desired safety out-
come but do not prescribe in detail the means to
achieve it. This is generally better left to regula-
tors and other organisations with the technical
knowledge and consultative processes to make
appropriate risk-based and cost-effective safety
changes within their modes.
The Commonwealth Parliament and Royal Com-
misions are not bound by information restriction
provisions within the bill. Although it would be
expected that inquiries would seek to maintain
protection for sensitive ATSB safety information.
Current arrangements under the Freedom of In-
formation Act 1982 do not provide certainty for
the protection of ATSB records relating to inves-
tigations which, if made available, may adversely
affect current or future investigations. This situa-
tion is to be rectified by amending the Freedom of
Information Act at the same time as the TSI Act
comes into force to exempt OBR and Restricted
Information for FoI purposes.
The introduction of the TSI Act will serve to
maintain and improve the already excellent safety
outcomes of the Australian aviation, marine and
rail transport industries. The Act will have a
safety benefit for both industry and fare-paying
passengers by providing the means for the ATSB
to conduct best practice safety investigations in
all three modes and thereby help to prevent future
accidents. Consequential amendments are made
in a short separate Amendment bill.

TRANSPORT SAFETY INVESTIGATION
(CONSEQUENTIAL AMENDMENTS) BILL
2002
This bill is consequential to the Transport Safety
Investigation Bill 2002 (the main bill) and repeals
the modal-specific provisions in parts of the Air
Navigation Act 1920 and the Navigation Act
1912 that enable the Australian Transport Safety
Bureau (the ATSB) to conduct aviation and ma-
rine safety investigations. This bill also provides
for transitional arrangements to allow aviation
investigations completed or in progress when the
main bill commences and when Part 2A Air
Navigation Act 1920 is repealed, to continue to
be subject to Part 2A of that Act. Similar tran-
sitional arrangements are proposed to be made for
marine investigations through regulations to re-
peal the Navigation (Marine Casualty) Regula-
tions 1990.
This bill makes cooperation with the Executive
Director of the ATSB part of the object of the Air
Services Act 1995, the Civil Aviation Act 1988
and the Australian Maritime Safety Authority Act
1990. In the former two Acts this replaces a
similar reference to cooperate with the former
Bureau of Air Safety Investigation.
There is also a consequential amendment to the Freedom of Information Act 1982. Safety information protected under Subclauses 53(1), 53(2), 60(1), 60(2) and 60(3) of the main bill is to be exempt from the Freedom of Information Act 1982 in accordance with Section 38 of that Act. The protection of this safety information is necessary in order to comply with Australia’s international obligations such as under paragraph 5.12 of Annex 13 of the Convention on International Civil Aviation. Confidentiality of information is vital to ensure free flow of information to the ATSB. It is particularly important where information has been compelled despite witness self-incrimination and in respect of on-board recording information such as cockpit voice recordings.

This bill is an important adjunct to the Transport Safety Investigation Bill.

AUSTRALIAN SECURITY INTELLIGENCE ORGANISATION LEGISLATION AMENDMENT (TERRORISM) BILL 2002

The Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Bill 2002 is designed to strengthen Australia’s counter-terrorism capabilities by enhancing ASIO’s investigative powers.

The horrific and tragic events of September 11 marked a fundamental shift in the international security environment.

That day showed us that no country is safe from the devastation that can be inflicted by terrorism. Since that day, the Government has consistently taken a responsible approach to strengthening Australia’s counter-terrorist capabilities.

The Government is committed to ensuring that Australia is well placed to respond to the new security environment in terms of our operational capabilities, infrastructure and legislative framework.

On the legislative front, the Government has enacted a package of counter-terrorism legislation which is designed to ensure that Australia is in the best possible position to protect Australians against the evils of terrorism.

This bill is part of that legislative package.

In developing this legislation, the Government has been conscious of the need to protect our community from the threat of terrorism without unfairly or unnecessarily encroaching on the individual rights and liberties that are fundamental to our democratic system.

The bill has been subject to substantial scrutiny.

It was considered by both the Parliamentary Joint Committee on ASIO, ASIS and the DSD and the Senate Legal and Constitutional Legislation Committee.

The Parliamentary Joint Committee made 15 recommendations on the bill which reflected a number of community concerns.

The Committee’s careful consideration was valuable in assisting the Government to refine the bill. The Government has accepted the majority of the Parliamentary Joint Committee’s recommendations either in whole or in part.

Where a recommendation was not accepted in full, the Government has developed an alternative designed to implement the Committee’s intention in a manner that will be operationally appropriate.

The bill empowers ASIO to seek a warrant which allows the detention and questioning of persons who may have information that may assist in preventing terrorist attacks or in prosecuting those who have committed terrorism offences.

In order to prevent potential perpetrators of terrorism offences from carrying out their crimes we must enhance the powers of ASIO to gather relevant intelligence in relation to terrorism offences.

While ASIO is empowered to seek search warrants, computer access warrants, tracking device warrants, telecommunications interception warrants and to inspect postal articles, ASIO is not currently empowered to obtain a warrant to question a person.

The bill establishes a warrant process to allow ASIO to question a person who may have important information relating to a terrorist attack.

A person subject to a warrant may be detained by police for up to 48 hours to allow ASIO to question them.

The Government recognises the need to maintain the balance between the security of the community and individual rights and to avoid the potential for abuse.

These warrants are a measure of last resort. It is anticipated that they will be used rarely and only in extreme circumstances.

In order for ASIO to detain and question a person, the Director-General of Security will have to obtain the consent of the Attorney-General before seeking a warrant from an ‘issuing authority’.

The Attorney-General must be satisfied that there are reasonable grounds for believing that issuing the warrant will substantially assist the collection of intelligence that is important in relation to a terrorism offence and that relying on other meth-
ods of collecting that intelligence would be ineffective.

If the warrant being sought requires a person to be taken into custody immediately and detained, the Attorney-General must be satisfied of a number of conditions.

Importantly, the Attorney-General must be satisfied that the person may alert another person involved in a terrorism offence of the investigation, or the person may fail to appear before the prescribed authority, or the person may alter or destroy a record or thing that they may be requested to produce.

Without this provision, terrorists could be warned before they are caught, planned acts of terrorism known to ASIO could be rescheduled rather than prevented, and valuable evidence could be destroyed.

If the warrant concerns a person between the ages of 14 and 18, the Attorney-General must also be satisfied that it is likely that the person will commit, is committing or has committed a terrorism offence.

An ‘issuing authority’ will either be a federal magistrate, a federal judge or another authority set out in regulations.

In the extraordinary situation of a warrant resulting in a person being detained for more than 96 consecutive hours, only a federal judge can be the issuing authority.

An ‘issuing authority’ may only issue a warrant if it has been requested in accordance with the proper procedure and it is satisfied that there are reasonable grounds for believing that the warrant will substantially assist the collection of intelligence that is important to a terrorism offence.

A warrant issued under the bill will require a person to appear before a prescribed authority to provide information or produce documents or things.

A prescribed authority will be either a Deputy President, senior member or member of the Administrative Appeals Tribunal who has legal qualifications.

The warrant may request that a person appear at a particular time or order the person to be taken into custody to be brought before the prescribed authority.

If a person is to be taken into custody immediately and detained, this will be the responsibility of the police, normally the Australian Federal Police.

In some situations, a person with highly relevant information may refuse to volunteer it.

For example, a terrorist sympathiser who may know of a planned bombing of a busy building but who will not actually take part in the bombing may decline to help authorities thwart the attack.

In order for the new powers to be effective, it is necessary that penalties apply in relation to the failure to answer questions accurately or produce documents or other requested things.

The maximum penalty for the offences will be five years imprisonment.

A person will not be able to decline to give information or produce a document or thing on the ground that to do so would tend to incriminate them.

However, evidence obtained as a result of the questioning will only be available for use in offences related to non-compliance with a warrant issued under the bill.

The bill contains a number of safeguards to ensure that ASIO’s powers are exercised reasonably and that a person is treated fairly whilst in custody or detention.

Questioning of a person under a warrant will always take place before a prescribed authority.

When a person first appears before the prescribed authority for questioning under the warrant, the prescribed authority must explain what the warrant authorises ASIO to do, the period the warrant is to be in force and the possibility of facing criminal sanctions if the person does not cooperate.

It must also advise the person that they have the right to seek a remedy from a federal court in relation to the warrant or their treatment under the warrant and this information must be provided when the person first appears before the prescribed authority and at least once in every 24 hour period subsequently.

A prescribed authority may also give directions under the warrant regarding the detention of the person, including permitting the person to contact another person.

The directions must be consistent with the warrant and any changes to the warrant approved by the Minister in writing.

The bill includes a special regime for questioning young people. Warrants cannot be issued in relation to a person who is under the age of 14.

A warrant may be issued in relation to young people between the ages of 14 and 18 only if the Attorney-General is satisfied on reasonable grounds that the person will commit, is committing or has committed a terrorism offence.

All persons detained under a warrant will have the right to contact an ‘approved lawyer’.
All warrants authorising the taking of a person into custody and detaining them must provide that the person may access an approved lawyer.

An ‘approved lawyer’ will be a legal practitioner of at least 5 years experience who has been approved by the Attorney-General after undergoing a security clearance.

In exceptional circumstances, access to an approved lawyer may be delayed for up to 48 hours. In order to delay access to an approved lawyer, the Attorney-General must be satisfied that it is likely that a terrorism offence is being or is about to be committed and may have serious consequences.

However, after 48 hours, all persons will have the absolute right to contact an approved lawyer.

Access to a lawyer cannot be delayed for young people. Young people questioned under a warrant will have the right to contact a security cleared lawyer and to have a parent, guardian or other representative present at all times.

A person subject to a warrant has a right to complain to the Inspector-General of Intelligence and Security (IGIS) in relation to ASIO, and to the Commonwealth Ombudsman in relation to the Australian Federal Police.

The IGIS will be empowered to advise the prescribed authority of any concerns he or she may have about the legality or propriety of ASIO’s actions. The prescribed authority may direct that the questioning be suspended until it is satisfied that the IGIS’s concerns have been addressed.

Further safeguards include the provision of an interpreter for the person being questioned if necessary.

The person must also be treated with humanity and with respect for human dignity, and must not be subjected to cruel, inhuman or degrading treatment, by anyone exercising authority under the warrant or implementing or enforcing a direction of the prescribed authority.

In addition, the Director-General must ensure that video recordings are made of a person’s appearance before a prescribed authority for questioning and any matter or thing that the prescribed authority directs to be recorded.

There are significant penalties for officers who do not follow the stringent processes and safeguards in the bill.

The bill includes important measures to ensure transparency and accountability in relation to the exercise of powers under a warrant.

ASIO’s unclassified annual report must include a statement of the total number of requests made to the Attorney-General and to issuing authorities for warrants during the year and the actual number of warrants issued during the year. The annual report must also include the number of warrants issued during the year that require a person to appear before a prescribed authority and the number of warrants issued that authorised a person to be detained.

The Parliamentary Joint Committee on ASIO, the Australian Secret Intelligence Service and the Defence Signals Directorate will be asked to review the new provisions and provide a report on their operation.

The Government is mindful of the need for strong laws to protect our national security while at the same time preserving individual rights.

The bill strikes an appropriate balance.

This bill was not created on a whim but in response to identified needs.

While there is no specific threat to Australia, our profile as a terrorist target has risen and we remain on a heightened security alert.

Our interests abroad also face a higher level of terrorist threat, as evidenced by the plan to attack the Australian High Commission in Singapore.

Recently, we have also seen the Australian Embassy in East Timor closed as a result of a terrorist threat.

Terrorism is not like ordinary crime.

The way terrorist networks are organised and the destruction that acts of terrorism can cause, distinguish it from other types of crime.

The Howard Government takes very seriously its responsibility to do everything it can to protect Australians and Australian interests against the threat of terrorism.

This bill is an important element of the Government’s counter-terrorism legislative package and delivers on the Howard Government’s commitment to ensure that we are in the best possible position to protect Australians from the threat of terrorism.

It is a measured response to the new security environment.

When the bill is enacted, we will have appropriate laws to protect the community from terrorism while ensuring that the rights of individuals are not unnecessarily impeded.
TAXATION LAWS AMENDMENT BILL (No. 3) 2002

Schedule 1 to the bill contains measures to ensure that neither land developers, nor government agencies that give approval for land development, incur a GST liability when capital works or other things are transferred or supplied by a developer to a government agency, or another party, in return for the provision of the development approval.

The Schedule contains a measure to allow a transitional special input tax credit to rental car businesses that held rental cars on 1 July 2000 and disposed of them before 1 July 2002. These businesses were adversely impacted by the transition to the GST compared to other businesses. This special credit will partially compensate rental car businesses for these adverse effects. The amount of the special credit will be equal to the GST payable on the sale of cars that were held on 1 July 2000 by rental car businesses.

The Schedule also contains measures to allow companies to transfer tax losses, net capital losses and excess foreign tax credits under the income tax legislation without attracting GST. The income tax legislation allows companies to transfer these income tax amounts to members of the same group in certain circumstances. Without this amendment these transfers could be subject to GST.

Schedule 2 amends the income tax law affecting general insurance companies to ensure that the provision for outstanding claims is worked out on a present value basis and that gross premium income is included in assessable income in the year it is received or receivable and net premium income that relates to risk exposure in subsequent years is appropriately deferred.

The Schedule also ensures that the provision for outstanding claims of self-insurers in respect of workers’ compensation liabilities is taxed consistently with the provision for outstanding claims of general insurance companies.

The amendments confirm a long standing view of the law and protect a substantial amount of revenue that would otherwise be at risk as a result of an adverse Court decision.

Schedule 3 broadens the eligibility requirements for accessing the intercorporate dividend rebate for unfranked dividends paid between members of the same wholly owned group at all times during the period of 12 months ending on the day on which the dividend was paid.

Full details of the measures in this bill are contained in the presented explanatory memorandum. I commend the bill.

RESEARCH INVOLVING EMBRYOS BILL 2002

The provisions in the Research Involving Embryos Bill 2002 originally formed part of the bill introduced into the House of Representatives as the Research Involving Embryos and Prohibition of Human Cloning Bill 2002. That bill gave effect to decisions taken by the Council of Australian Governments in April 2002 to introduce nationally consistent legislation to ban human cloning and other unacceptable practices and to permit research using excess assisted reproductive technology (ART) embryos under a strict regulatory scheme.

On 29 August 2002, the House of Representatives voted to divide the bill into two separate pieces of legislation. The Prohibition of Human Cloning Bill 2002, which prohibits human cloning and other unacceptable practices associated with reproductive technology, was introduced into the Senate on 18 September 2002. The Research Involving Embryos Bill 2002 establishes a regulatory scheme that allows research to be conducted on excess ART embryos that would otherwise have been destroyed.

Nothing has been lost by implementing the agreement struck at the Council of Australian Governments (COAG) through two pieces of legislation. The Prohibition of Human Cloning Bill 2002, which prohibits human cloning and other unacceptable practices associated with reproductive technology, was introduced into the Senate on 18 September 2002. The Research Involving Embryos Bill 2002 establishes a regulatory scheme that allows research to be conducted on excess ART embryos that would otherwise have been destroyed.

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The bill establishes a national licensing body within the National Health and Medical Research Council, to be known as the NHMRC Embryo Research Licensing Committee. The Committee will be comprised of experts in a range of fields including ethics, ART, research and law. The Committee will also include consumer representatives with expertise in consumer health issues as
However, in reaching agreement to include the creation of embryos for research purposes, the COAG agreement would lead to deliberate COAG setting this restriction to address concerns that a embryo must have been created before 5 April 2002. May damage or destroy the embryo that the em- 
sued by the Committee in relation to work that 
Further, it will be a condition of any licence is-
ecessary to achieve the goals of the project, relevant NHMRC guidelines, and the Human Research Ethics Committee assessment of the application.

Further, it will be a condition of any licence is-
Number of excess ART embryos likely to be neces-
necessary to achieve the goals of the project, relevant NHMRC guidelines, and the Human Research Ethics Committee assessment of the application.

However, in reaching agreement to include the “5 April 2002” deadline in the legislation, COAG was conscious that this limitation might restrict the number of excess ART embryos that are available for research. COAG therefore requested the National Health and Medical Research Council to report to COAG by April 2003 on the adequacy of supply and distribution for research of excess ART embryos, which would otherwise have been destroyed.

Also in response to concerns about the effect of the “5 April 2002” deadline on research, a sub-committee of the Australian Health Ethics Committee, the Committee to Revise the Ethical Guidelines on Assisted Reproductive Technology (CREGART) will report to COAG by April next year on protocols to preclude the creation of embryos specifically for research.

Given the public interest in this issue the proposed new regulatory system also includes detailed provisions relating to public reporting. Not only will the NHMRC Licensing Committee be required to report annually on its operations but it will also be required to maintain a comprehensive, publicly available database of all licences issued including details about the number of excess ART embryos actually used in relation to each project. This will provide maximum transparency and accountability within the system, and also inform government’s future decision making on these issues.

During debate in the House of Representatives and in the media there has been considerable comment about adult stem cell therapies and their relative worth in comparison to embryonic stem cell research. The use of stem cells in research is outside the scope of the legislation and therefore will not require a licence under this legislation. Valuable research on adult and embryonic stem cells will be allowed to continue in accordance with NHMRC guidelines.

The bill does not regulate current ART clinical practice. ART practices constituting the ART treatment of a particular woman, carried out with her consent and using embryos that are intended to be implanted in that woman, do not require a licence under the legislation. It does, however, apply an even regulatory hand to all types of excess ART embryos, all types of use and all persons. This means that a licence will be required for some ART practices, such as training of ART clinicians and quality assurance testing of culture media. These practices involve the use of excess ART embryos and may result in the destruction of the embryos. The NHMRC Licensing Committee may consider streamlining processes to reduce any administrative burden on ART clinics in relation to licensing of established and routine quality assurance and training activities.

The bill preserves the integrity of the original bill before it was split by providing for the NHMRC to conduct an independent review of the operation of the Research Involving Embryos Act to be undertaken by the same persons who undertake the review of the Prohibition of Human Cloning Act review. An independent review of the Acts will be undertaken by person/s chosen with the agreement of each State and Territory. The review will consider and report on the scope and operation of the legislation taking into account developments in technology in relation to assisted reproductive technology, developments in medical and scientific research and the potential therapeutic applications of such research, and community standards. Parliament will consider any amendments recommended as a result of the review process.

The establishment of a national regulatory regime in no way heralds an increasingly liberal attitude to research involving human embryos. Nor does it represent the first step on the slippery slope towards human cloning. What it does mean, is that for the first time in Australia, there will be na-
tional oversight of uses of excess ART embryos. The NHMRC Licensing Committee will demand that stringent criteria be met before a licence may be issued and that conditions of licence are complied with. The NHMRC Licensing Committee will also be appointing inspectors to ensure that this bill is strictly observed.

The Research Involving Embryos Bill 2002 strikes an appropriate balance between ethical considerations, whilst allowing Australia to remain open to the possibilities of finding new cures and therapies for diseases and disabilities which affect the lives of many Australians.

Debate (on motion by Senator Ludwig) adjourned.

Ordered that the Transport Safety Investigation Bill 2002 and the Transport Safety Investigation (Consequential Amendments) Bill 2002 be listed on the Notice Paper as one order of the day and the remaining bills be listed as separate orders of the day.

WORKPLACE RELATIONS AMENDMENT (REGISTRATION AND ACCOUNTABILITY OF ORGANISATIONS) BILL 2002

WORKPLACE RELATIONS LEGISLATION AMENDMENT (REGISTRATION AND ACCOUNTABILITY OF ORGANISATIONS) (CONSEQUENTIAL PROVISIONS) BILL 2002

First Reading

Bills received from the House of Representatives.

Senator ABETZ (Tasmania—Special Minister of State) (3.54 p.m.)—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 ABETZ (Tasmania—Special Minister of State) (3.54 p.m.)—I table revised explanatory memoranda relating to each of the bills and move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

WORKPLACE RELATIONS AMENDMENT (REGISTRATION AND ACCOUNTABILITY OF ORGANISATIONS) BILL 2002

Trade unions and employer organisations are able to seek and obtain registration under the Workplace Relations Act 1996. The statute confers not only substantial rights and privileges, but also significant responsibilities on bodies that are granted registration.

These rules, currently contained in parts IX and X of the Workplace Relations Act, constitute a significant proportion of the Act. The regulation of the internal affairs of organisations was not substantially amended by either the coalition’s 1996 reforms, nor by Labor’s 1993 amending act. It is necessary to go back to the recommendations of the Hancock committee in 1984-85 and the subsequent 1988 Hawke government legislation to identify any significant amendments to these statutory provisions. Indeed, some of the current regulatory provisions have remained unaltered for decades.

Over time, the workplace and the workplace relations system have both undergone significant change. Yet the regulatory provisions associated with registered organisations have not been modernised to reflect new requirements of the system, nor contemporary circumstances of employers and employees who may join, or be eligible to join, unions and employer associations. The Workplace Relations (Registration and Accountability of Organisations) Bill 2002 (the principal bill) and the accompanying Workplace Relations (Registration and Accountability of Organisations) (Consequential Provisions) Bill 2002 will address that deficiency.

The content of the principal bill is substantially similar to the Workplace Relations (Registered Organisations) Bill 2001, which was passed by the House of Representatives and was before the Senate when Parliament was prorogued for the federal election last year. That Bill was developed over a considerable period, with the government...
actively consulting on its provisions to minimise areas of difference, whilst making meaningful improvements to the regulatory regime.

This consultation process was extensive. In October 1999, the former Minister for Employment, Workplace Relations and Small Business, Peter Reith, issued a public discussion paper outlining policy proposals for legislative change. An exposure draft bill was publicly released in December 1999 and the submissions received resulted in significant revisions to the exposure draft. Continuing this approach, the government accepted a number of opposition amendments to the 2001 bill in the House of Representatives. The effect of those amendments generally was to retain the status quo in areas where policy differences remained evident.

The Government has maintained this bipartisan approach with this Bill. The Government a significant number of amendments in the House of Representatives to address concerns of the Opposition, and agreed to other amendments proposed by the Opposition. These amendments included amendments to establish a Registration and Accountability of Organisations Schedule to the Workplace Relations Act rather than a stand alone Act as was originally envisaged. As a consequence, the name of the Bill has changed from the Workplace Relations (Registration and Accountability of Organisations) Bill to the Workplace Relations Amendment (Registration and Accountability of Organisations) Bill.

These bills do not seek to impact on the broader debate about the role and nature of industrial organisations. They are presented to this parliament on the basis that the existing regulation surrounding the registration, reporting and accountability of industrial organisations should be modernised to reflect contemporary standards of governance whatever view one might take about their basic role.

If the proposed amendments are assessed on their merits, these bills should be positively received by registered organisations. Sensible measures, such as those proposed in these bills, are capable of increasing the confidence employers, employees, members and prospective members have in the administration of these organisations and influencing decisions they make about the benefits that membership may offer.

I now turn to the major provisions of the Workplace Relations Amendment (Registration and Accountability of Organisations) Bill.

This bill provides a stronger focus on disclosure to members in ways consistent with modern accounting and auditing practices and enhances transparency and accountability in a manner broadly consistent with Corporations law.

The bill establishes statutory fiduciary duties for officers and employees of organisations modelled on duties applicable to company directors under Corporations law. These provisions will provide members of organisations with increased protection against financial mismanagement. This protection is appropriate, given that officials of registered organisations are entrusted with substantial funds on behalf of their members.

The bill makes significant changes to the enforcement arrangements for financial accounting, auditing and reporting obligations. Under the Workplace Relations Act, breach of most financial requirements is a criminal offence. This bill would replace many of these offences with civil penalty provisions and allow the Industrial Registrar to apply to the Federal Court for penalties.

The bill makes a number of other minor but important changes, including the requirement for non-discriminatory rules of organisations, scope for the creation of model rules for the conduct of elections, the obligation to review membership lists to ascertain and remove long-term unfinancial members, the rights of members to accurate information about resignation from membership, the conduct of elections and ballots, the adoption of Australian accounting standards, improved access by members to financial records and disclosure to members of monies paid to employers where automatic membership payroll deductions are made.

In addition, the bill will move to the Registration and Accountability of Organisations Schedule the bulk of the provisions dealing with withdrawal from amalgamations that are currently contained in the workplace relations regulations.

The creation of a separate Schedule to the Workplace Relations Act, to deal solely with registered organisations (along with the removal of the existing regulatory provisions of parts IX and X of that Act) will make the Workplace Relations Act a more useable and relevant document across the work force.

The Workplace Relations (Registration and Accountability of Organisations) (Consequential Provisions) Bill contains transitional and saving provisions designed to ensure a smooth transition from the current regulation of registered organisations under the Workplace Relations Act to the proposed Registration and Accountability of Organisations Schedule.

Orders, injunctions, declarations, decisions, determinations, exemptions or permissions that are operating before the commencement of the pro-
posed Schedule will continue in force as if they had been made under the corresponding provisions of the new Schedule. An organisation that was registered under the Workplace Relations Act would be taken to be registered under the proposed new Schedule. Existing rules of organisations would be preserved and continue in force as if they had been certified under the new Schedule. Organisations would have six months from the commencement of the new Schedule to update their rules (if necessary) to bring them into conformity with the new legislative requirements, with the Industrial Registrar able to grant extensions of time in appropriate cases. Organisations would have up to 12 months from the commencement of the new Schedule to remove from their register of members persons who had been unfinancial for more than 24 months. In general, amended financial and reporting obligations would apply from the first full financial year after the commencement of the new Schedule or the gazettal of new reporting requirements. The consequential provisions bill also provides that the Federal Court would have the jurisdiction to hear and determine issues that may arise in the application of the new Schedule to particular transitional matters.

The consequential provisions bill is a necessary technical measure that complements the objectives of the principal bill and, in conjunction with that bill, will provide the legal framework around which registered organisations can update and upgrade their administrative and reporting practices, in order to become more accountable, more competitive and better equipped to deal with the demands of their membership and the workplace relations system.

Australian workers are increasingly independent, educated and looking for solutions that meet their particular needs. It is important that industrial organisations become more competitive, open and accountable in their internal activities. This is especially so given the extensive rights the workplace relations system confers on them. These bills take some important steps to enable registered organisations to be relevant, modern, service-oriented bodies, in touch with their members and in touch with modern principles of governance.

I commend the bill to the Senate.

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WORKPLACE RELATIONS LEGISLATION AMENDMENT (REGISTRATION AND ACCOUNTABILITY OF ORGANISATIONS) (CONSEQUENTIAL PROVISIONS) BILL 2002

The second reading speech for this bill was incorporated in the speech to the Workplace Relations Amendment (Registration and Accountability of Organisations) Bill 2002.

I commend the bill to the Senate.

Debate (on motion by Senator Ludwig) adjourned.

Ordered that the resumption of the debate be made an order of the day for a later hour.

EDUCATION SERVICES FOR OVERSEAS STUDENTS AMENDMENT BILL 2002

First Reading

Bill received from the House of Representatives.

Senator ABETZ (Tasmania—Special Minister of State) (3.55 p.m.)—I move:

That this bill may proceed without formalities and be now read a first time.

Question agreed to.

Bill read a first time.

Second Reading

Senator ABETZ (Tasmania—Special Minister of State) (3.55 p.m.)—I move:

That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

Education exports have grown phenomenally in recent years. As Australia’s fastest growing export service sector, international education contributes over $4 billion annually to the economy. Australian education has a global reputation for its high quality and innovation. These attributes, combined with competitive tuition fees and a lower cost of living than its major competitors, make the Australian education and training services export industry a thriving, expanding and vital sector in the Australian economy.

This Government is committed to protecting this valuable industry and assisting its development through strong policies and supportive legislation. This Amendment bill supports the Government’s objectives to provide a strengthened regulatory framework for Australia’s education and training
export industry and protect its integrity and long-term viability.

Since the introduction of the Education Services for Overseas Students (ESOS) Act 2000, this industry has flourished with many new providers becoming registered to teach and train overseas students in Australia. It has also seen an increase in the number of students and a broad spread of countries represented by these students.

The Government is committed to having the best possible regulatory framework to enable this industry to grow. The need for these amendments results from the interpretation and implementation of certain provisions of the ESOS Act since its introduction. Ambiguities will be removed and greater clarity provided with regard to certain sections relating to Commonwealth powers and sanctions of the ESOS Act. These measures all contribute to providing greater certainty for the Australian education and training export industry.

The financial impact of this bill will be minimal and no additional budget funding will be required. It is important to note that there will not be any increase in costs to either the Commonwealth or to industry, and that the bill is revenue neutral.

As these amendments are of a minor, technical nature, there will be no impact or additional requirements placed on businesses and industry and there is no change in overall Government policy. In addition to these technical amendments, a review of the ESOS Act, to commence by December 2003, will provide the scope for a detailed, more policy-based inspection of the legislation. If required, more significant amendments could be introduced at this time.

The administrative amendments contained in this bill include such items as improving the clarity of the definition of “registered provider”. These changes will reduce ambiguity for the industry, particularly when sanctions are imposed. The bill also makes it clear that a registered provider who provides or promotes any unregistered course in any State or Territory is in breach of the ESOS Act and is liable for sanctions.

These amendments will also enable refunds of course monies paid on behalf of a student to be returned to the person who made the payment, such as in the case of a sponsor. This measure will allow for greater certainty for foreign governments, multi-lateral organisations and multinational corporations who sponsor large numbers of overseas students to Australia each year. A person merely acting as agent of a student would not be entitled to a refund under this measure.

The bill will provide greater flexibility for the Commonwealth to impose sanctions against a provider for non-compliance with the ESOS Act or the National Code. The Commonwealth, through the Department of Education, Science and Training, will have the option of imposing less severe and more suitable sanctions than are currently possible. The bill will allow for the suspension or cancellation of one or more specific courses offered by a provider, where the situation warrants such action. Only more severe sanctions are currently available under the Act.

Further, the amendments will allow the Commonwealth to take a more flexible approach to providers believed to be in financial difficulties. The Commonwealth will have expanded powers to impose conditions, in addition to suspensions and cancellations, where it is deemed to be appropriate thereby giving providers greater opportunity to trade their way out of trouble.

These final two measures are included in the interest of protecting overseas students studying in Australia and working to ensure that they receive the high quality education they expect and for which they have paid.

This Amendment bill will strengthen the regulation of the education and training services export industry in Australia. While the continued effectiveness of the ESOS Act is evident, these minor technical enhancements will ensure that this important export industry is protected into the future and continues to benefit Australian business.

I commend the bill.

Ordered that further consideration of the second reading of this bill be adjourned to the first day of the next period of sittings, in accordance with standing order 111.

ASSENT

Messages from His Excellency the Governor-General were reported informing the Senate that he had assented to the following laws:

Marriage Amendment Act 2002 (Act No. 77, 2002)
Higher Education Legislation Amendment Act (No. 2) 2002 (Act No. 78, 2002)
Plant Health Australia (Plant Industries) Funding Act 2002 (Act No. 80, 2002)
Commonwealth Electoral Amendment Act (No. 1) 2002 (Act No. 81, 2002)
Customs Legislation Amendment Act (No. 1) 2002 (Act No. 82, 2002)
ACIS Administration Amendment Act 2002
(Del No. 83, 2002)
(Act No. 86, 2002).

CRIMINAL CODE AMENDMENT (ESPIONAGE AND RELATED MATTERS) BILL 2002
In Committee
Consideration resumed from 26 September.

The CHAIRMAN—The question is that amendments (1) to (5) on sheet 2652 moved by Senator Brown on behalf of Senator Nettle be agreed to.

Question negatived.
Bill agreed to.
Bill reported without amendment; report adopted.

Third Reading
Senator ABETZ (Tasmania—Special Minister of State) (3.58 p.m.)—I move:

That this bill be now read a third time.

Question agreed to.
Bill read a third time.

STATES GRANTS (PRIMARY AND SECONDARY EDUCATION ASSISTANCE) AMENDMENT BILL (No. 2) 2002
Second Reading
Debate resumed from 23 September, on motion by Senator Ellison:

That this bill be now read a second time.

(Quorum formed)

Senator CARR (Victoria) (4.00 p.m.)—The States Grants (Primary and Secondary Education Assistance) Amendment Bill (No. 2) 2002 is the matter before the chamber at the moment. This bill allocates Commonwealth capital funds to government and non-government schools for the years 2005 to 2007. These funds are crucial to government schools in particular and they constitute around one-third of the capital funding for the government schools sector. In the case of non-government schools, this Commonwealth funding is almost the only government assistance available for capital works, although some states provide some forms of indirect assistance for capital expenditure to a small extent.

The Commonwealth program providing capital support for schools was first introduced by the Whitlam government in 1974. Unfortunately, the funding provided under this program has not been increased in real terms since this government came to office. Inevitably, this has had an impact on schools, especially on government schools in working-class districts. The communities of these schools simply do not have the resources to raise funds independently of the government as communities in wealthier suburbs do. This has led to a situation where schools in poorer suburbs and in rural areas are fast becoming run down. The impact of that is a growing gap in the levels of social inequality in this country. We have seen this growing gap in the way in which the Commonwealth funds schooling, particularly those in the privileged elite schools, and in the money that is provided to students in less affluent areas. This has a direct effect through the years on the students and it has an effect on the outcomes.

It is well known that in Australia today the sorts of life chances that you have bear a strong correlation to the postcode that you enjoy. They have an impact on what sort of school you go to and they often have an impact on the sort of university you go to, the sorts of educational opportunities that are presented to you. Let me give an example of that. Despite the equity programs of the Commonwealth over nearly 30 years now since the Whitlam government, there are some universities in this country that have been able to resist the pressure for social change to the point where the levels of income distribution amongst the parents of the students and in the backgrounds of students in those institutions has not changed dramatically in 30 years.

That is not to say that there have not been dramatic changes in other institutions. Let
me give this example. Figures tabled by the Commonwealth at the MCEETYA meeting of state ministers last week—and I quote here from table B2 of that report—revealed to the state ministers that seven per cent of the students at the University of Melbourne come from low socioeconomic backgrounds. That is about the same as when I went there, I can tell you—I was one of the few, and I recall that the figure was around seven per cent. If you compare that figure to that for the Victoria University of Technology down the road, according to the Commonwealth 23.1 per cent of its students come from low socioeconomic backgrounds. So it is quite clear that there are dramatic inequalities in education in Australia, and it is quite clear that the actions of government can have an impact on that, despite the capacity of particular institutions to resist those policies.

We are seeing a growing divide between government and non-government schools in this country. We have seen that the wealthiest private schools—the ones that, in the debate on the state grants bill two years ago, the Labor Party sought to exclude from the new funding arrangements that the government introduced with its controversial SES funding scheme—are doing extremely well. These are the sorts of schools that are well endowed with luxurious accommodation and facilities. They are the ones that have horse riding centres and yachting facilities—for instance, Geelong Grammar. They are the ones that have indoor rifle ranges, such as King’s School at Parramatta in Sydney. These sorts of schools have facilities that people in public educational facilities would only dream about, and they outclass the average public school in terms of their capital support and their moneys for facilities.

We have a situation now where many non-government schools can boast better capital facilities—that is, buildings, libraries and computer facilities—than many public schools can. There is an inequality in educational opportunity that is being experienced in this country. My view is that it is the Commonwealth’s responsibility to assist the states in providing a boost to capital funding to try and even up the imbalances that occur. This view is not just held by me. In fact, it is not a particularly radical idea. It is an idea that stems essentially from the tradition of the Karmel settlement of the 1970s. I am sure that those interested in education will recall the Karmel report, *Schools in Australia*. It is a report that, as a member of the Labor Party, I am very proud of. It was a watershed in that it allowed for the formation of what was known as the Karmel settlement.

The Karmel settlement was one of the greatest achievements of the Whitlam government. It said that the Commonwealth had a responsibility to overcome the sectarian divisions in our society in order to make sure that there was genuine equality of opportunity in our schooling system. Those who remember the divisive state aid debate of the sixties and seventies would appreciate how refreshing that Karmel settlement was. It provided a rational, measured approach for the Commonwealth to provide financial assistance to non-government schools but at the same time provide assistance to the public sector. Many needy schools, particularly those in the Catholic systemic system, were able to improve their facilities quite dramatically, whereas those that enjoyed the lion’s share of privilege and a real power in our society—such as Geelong Grammar and King’s School—received only a small proportion of the public support given to the poorer schools. I thought that was a very fair approach.

With this government, we have a complete abandonment of that principle. The states grants bill that introduced the SES system fundamentally shifted the balance. The opposition successfully pointed out just how excessive the government’s largesse was when it came to former category 1 schools—those elite, very wealthy schools. In that debate I was able to point out to the Senate a number of calculations about the extent of the assistance that would be lent to those very wealthy schools. I confess today that I was wrong. It is a hard thing to say, but I was wrong. I said, for instance, that Wesley College in Melbourne would gain $3 million extra per annum from the Commonwealth under those new funding arrangements. I also said that the King’s School in Sydney...
would get over $1 million per annum. Those were windfall gains by which the very wealthiest schools would benefit the most.

As it turns out, I underestimated the increases that the Commonwealth was providing to those schools. Under the new figures the department has given me through the Senate estimates process, and based on the 2001 enrolments, we find that Melbourne's Wesley College will actually get additional funding of $7.5 million, not the $3 million that I referred to; King's School will get $3 million, not $1 million; St Peter's College in Adelaide will get $3 million; and St Leonard's College will get an additional $3½ million. These figures are per annum. What we are seeing is Commonwealth funding in a form and with a generosity that I think very few persons in this country could possibly have imagined at any point in our educational history and in the debates about the way in which the public system should be supporting the private system. Even if we allow for the enrolment growth that has occurred within the two sectors, there has been a massive expansion in support for the non-government sector.

The government's policy now is essentially that the sky is the limit for some particular schools in this country. It does not hold that view with regard to all schools. What we have is essentially a profligate government when it comes to the question of funding for elite schools in this country. It places no limitations on the funding of particular programs in education—a policy which contrasts sharply with its policy in other areas of government activity. We do not see the same sort of attitude being taken within health, for instance. Government policy now seeks to automatically fund schools on the basis of the indexation arrangements that have been entered into, whether or not their enrolments actually grow, to the point where some of the richest schools will get increases way over and above even what was announced by the government at the time of the introduction of the new SES formula.

Because of the extraordinarily generous indexation arrangements for those particular schools—and remember that what we are talking about here is, I think, a $24 billion program, two-thirds of which go to one-third of the students in this country—we have a situation where the Commonwealth funds are now going to rise at 5.7 per cent per annum, with no debate, no public disclosure and no discussion. Comparing that to indexation arrangements for universities—the figure there is 2.2 per cent—there is a huge gap in the indexation arrangements between the sectors in this country. That means that, by 2004-05, Commonwealth funding for the private schools in this country will be in excess of $4.2 billion. In the same year, university funding by the Commonwealth will be $4.1 billion. So, by 2004-05, the Commonwealth will be spending more money on non-government schools than it is in total on all the universities in this country. Looking specifically at the Catholic education system, by 2007 the Commonwealth will be spending more money on Catholic education than it is on the entire university sector.

I raise that—and all these figures are based on the figures contained in the portfolio budget statements—in the context of the bill we have here before us. With this bill, we are discussing funding for capital works projects which has to be seen in the broader context of educational funding. We all understand that there are non-government schools that are struggling to do a good job. We know that they are servicing some of the neediest communities in this country and catering in some places for the most underprivileged groups in this country. They deserve Commonwealth support. I do not want anyone to suggest that I do not acknowledge that point. Labor do not oppose public funding for those particular schools. What we are concerned about is the new system, whose implications we are now seeing halfway through that four-year program. We are now seeing the implications of this coalition government's approach which substantially advantages the already privileged in our country.

We have noticed that there is often a lot of argument within the states about whether or not the Commonwealth should be acknowledged for its contribution to capital projects. I know that when we were in government there was often a concern, particularly about
conservative governments failing to acknowledge the role of the Commonwealth in the provision of facilities, so we often had the unseemly situation where Commonwealth education ministers, or their representatives, were not invited to the opening ceremonies of various capital facilities. That is still going on.

We had a situation, though, where the previous Minister for Education, Training and Youth Affairs, the Commonwealth minister, went to the extraordinary extent of actually withdrawing funding from schools where he felt he had not been given appropriate acknowledgment in the naming rights for new facilities. It is one thing to have an argument with the states to make sure that the Commonwealth is acknowledged for its role. It is very important that the Commonwealth is able to communicate with the public, and I certainly want to communicate with as many people as possible and explain what this Commonwealth government is doing in education. It is important for school communities to know that they can look to the Commonwealth for assistance. It is another thing entirely for a Commonwealth minister to refuse to attend an opening and withdraw $1 million from a school in New South Wales.

This was the case last year, when it was quite clear that the Minister for Education in New South Wales had a dispute with the then Commonwealth Minister for Education, Training and Youth Affairs, Dr Kemp. The New South Wales minister was not able to attend an opening ceremony under those requirements and in fact he nominated the state shadow minister to act as his representative—so another Lib! Dr Kemp was not satisfied with that. He said that if he could not go then they were not going to get the money, and that is exactly what occurred. If a Labor government had behaved in the way that the Commonwealth behaved on that occasion there would have been an outcry, and so there ought to be. But when this government acts in this way, like so much of its public positioning, there is not a huge amount of public attention drawn to it.

Commonwealth funding for schools should be aimed at targeting genuine need. That is why the funds that have been allocated by this bill should be increased—so they can assist government schools, particularly those schools that serve the poorest and the least privileged in our community. The funding under this program should be increased so that the government can at least fulfil its obligations to the extent it did it when it came to office in 1996. Further, the guidelines for this program specify that the funds should go to where they are most needed and they should be honoured in more than just words. The Commonwealth does not act to ascertain that the government or non-government school systems around the country actually allocate the funds on the basis of need. So I think there are serious questions about the accountability arrangements under this program. Further, the opposition believes there should be a proper prioritisation subject to periodic review. As a consequence, I have outlined some of my concerns in a second reading amendment. I trust that this amendment will enjoy the support of the chamber, and I look forward to other contributions to this debate. I move:

At the end of the motion, add:

“But the Senate
(a) condemns the Government for:
(i) failing to provide real increases in Commonwealth capital funding for schools since 1996;
(ii) failing to address adequately the capital needs of schools in disadvantaged and isolated areas;
(iii) displaying a lack of understanding of the implications of demographic trends on the ageing capital stock of many schools in Australia, especially in the public sector;
(iv) inadequate accountability and evaluation processes for reporting on the achievements of the Commonwealth’s capital grants program against stated objectives;
(v) threatening to make capital funding for schools conditional on agreement with the Government’s industrial relations agenda; and
(vi) a lack of vision on how to position Commonwealth capital sup-
port for schools in the future, including:

(A) information and Communications Technologies infrastructure;

(B) professional teaching support and learning centres;

(C) integration with Commonwealth priorities for schools through its targeted programs; and

(b) requests the Government to:

(i) develop clear and effective accountability and evaluation procedures and incorporate these in administrative guidelines; and

(ii) report to the Parliament within twelve months on the achievements of the Commonwealth capital program and its future development, including in relation to the issues raised in this amendment”.

Senator NETTLE (New South Wales) (4.19 p.m.)—I rise to speak on the States Grants (Primary and Secondary Education Assistance) Amendment Bill (No. 2) 2002 and to take the opportunity to once again address the importance of public education and highlight, as others have, the amount of Commonwealth funding that is currently being directed towards the private school sector. I would specifically like to talk about accountability measures with regard to what the Australian Greens believe is a lack of accountability for public funds that are directed to the private school sector.

The states grants act currently specifies the weakest form of financial accountability for private schools—that is, an accountant’s certification that the amount of money granted was spent for the purpose for which the grant was made is the only requirement currently with regard to capital grants of public money to private schools. Yet, each year, the federal government hands over $4 billion to private schools without, we believe, an adequate sense of whether the money was well spent or not. I think the public can justifiably ask whether this amount is being spent in the public interest and if there is any intention of producing an equitable outcome.

The Greens acknowledge that the process by which these grants are given to private schools is through the block grant authority. We also note that these authorities are representative of private school interests and certainly not of the public interest. We are concerned that this process is not the fairest way to allocate this public money on the basis of public interest. Rather, we would like to see openness and accountability so that all Australians can see where this money is going and can be assured that the public interest is being protected in the allocation of these funds. We acknowledge that capital grants, unlike the much larger recurrent grants, favour the public education system. However, the capital funding of private schools must be seen in the broader context of the overall schools funding mix, which so outrageously and damagingly bestows massive benefit on private schools while starving public schools of growth funding.

It is little wonder that there is disquiet in the community about this issue when schools such as King’s School and Trinity Grammar in my home state are spending massive amounts of public money refurbishing their campuses whilst public schools across the country are struggling to continue to provide excellent education in completely substandard conditions. It is little wonder that there is disquiet, given the massive handouts to the category 1 schools, the very wealthiest of the private schools. Those wealthy schools have received an increase in Commonwealth funding of 148.5 per cent as a result of the Howard government’s states grants act, whilst the poorest, category 12, schools received only a 29.6 per cent increase. This indicates the impact that the Greens anticipated in the election campaign before the last election, when we were campaigning for funding to the categories 1, 2 and 3 private schools to end—not all private schools, but categories 1, 2 and 3, the most elite and wealthiest of the private schools.

By 2004, Sydney’s Trinity Grammar will be receiving $5.3 million in SES funding, an increase of 258.8 per cent over its ERI funding in 2000. Whilst these figures refer to the SES per capita funding and not to capital funding, they do make clear the inequities in
the funding formulas being applied by the Howard government. The community at large is crying out for fairer funding that recognises the needs of public education, that recognises the inequity of funding King’s School, Scotch College and Frensham School and that also recognises the need for full public accountability with regard to public money being given to these private schools.

Capital funding is important because the public appearances of schools strongly influence many choices that parents make with regard to future education opportunities for their children. It is perhaps naive to believe that the funds given to private schools are always spent on exactly the purpose for which they were granted. But it is impossible to tell exactly how these funds are spent without complete openness of a school’s accounts, something that this government refuses to mandate. Public education is therefore forced further into the marketplace and into competition with private schools that draw on not only the wealth of parents but also the generosity of state and Commonwealth governments. Inequities in these funding measures and regimes threaten the future of public education. They render that competition unfair and risk leaving public education stripped of its most important asset: the comprehensive range of students.

Over the past 100 years public education has created a fairer and more prosperous society. It has given us a society in which all children, regardless of their cultural background, their gender, their religion or their ability to pay, can access high-quality public education. In article 26 of the Universal Declaration on Human Rights there is a recognition that being able to provide high-quality public education is a key indicator of the health of a society, and yet in this country we have continued to see, particularly over the last decade or more, a crisis being created within the education sector because of government mismanagement, funding cuts and the inability of various governments to commit to spending the sort of funds that we need to ensure the longevity of our public education system. The Australian Greens believe these stakes are certainly too high.

When you look at it, what is at stake? As I said, it is in article 26 of the Universal Declaration of Human Rights. It is about our society’s health. It is about ensuring opportunities for employment for future generations through the educational opportunities they are able to receive.

We see this bill as the first shot in the lead-up to the next round of states grants acts that this parliament will be debating in the lead-up to 2005. The Australian Greens believe that the Senate needs to send a strong message to Mr Nelson and Mr Howard that says that we do not want to see a repeat of the shameful episode of October 2000, when the last states grants act was passed. It was good to hear the comments made earlier about the inherent inequities of that system, whereby people’s socioeconomic advantage or disadvantage is determined purely by their postcode. It was positive to hear those comments. I almost had to think twice to remember how it was that that piece of legislation managed to pass through the Senate with the support of the two major parties.

The Australian Greens believe that we need to send a simple message from the Senate and that message needs to look at accountability of public money being sent to private schools. It needs to call for an end to the funding of the very wealthiest of those private schools and, in doing so, recognise the inherent worth of our public education system and put the provision of public education right at the front of the government’s agenda. It clearly needs to be the responsibility of the government to ensure that all students, regardless of their background, have access to high-quality public education. That cannot be the case if we continue to take up these funding models which skew public funding into the pockets of private schools, which take away that core responsibility from the government and seek to hand it to various parts of the private sector. In this vein I would like to foreshadow that I will be moving a second reading amendment on behalf of the Australian Greens. I will move:

At the end of the motion, add:

“but that the Senate:

(a) condemns the Government for its failure to provide adequate, open
accountability for the expenditure of public funds on private education and its failure to ensure that public money is spent for the public benefit and to produce equitable outcomes;

(b) condemns the Government’s unwillingness to invest appropriately in the capital funding of public schools;

(c) regrets that the Government’s approach results in an increasing strain placed on the public education system which is being starved of Commonwealth funding and forced to compete with an increasingly well resourced private education system”.

At the appropriate time I will commend to the Senate this Australia Greens amendment to the second reading.

Senator WEBBER (Western Australia) (4.30 p.m.)—I also rise to make my contribution on the States Grants (Primary and Secondary Education Assistance) Amendment Bill (No. 2) 2002. As most honourable senators would be aware, this bill provides capital funding for government and non-government schools for the years 2005-07. This bill follows on in the long history of Commonwealth funding for capital works in schools since the 1970s. It is important to note the purpose of these capital funding type bills. The intent of the bill is to allow advance approval for capital grants for projects to enable authorities to plan for school building projects. This process provides a key support to the capital improvements of our secondary and primary schools. This support over last 30 or so years has totalled some $10 billion in current terms to support capital works. This process enables a significant improvement in the quality of education for many Australians. Indeed, the current bill provides an amount of some $220 million in capital grants for government schools for the period 2005-07. The bill also provides some $77 million annually in capital grants for non-government schools. It is interesting to note that the Commonwealth is virtually the sole source of public moneys for capital grants in non-government schools.

One of the key issues that have emerged over time is the mix of funding for the government sector and the non-government sector. A rough analysis suggests that under this bill the government sector will receive approximately three times the amount that the non-government sector will receive. By most measures, this approach will seem reasonable to most Australians, I am sure. In fact, the Commonwealth’s guidelines for this program include objectives to provide and improve school capital infrastructure, particularly for the most educationally disadvantaged students. They also set out objectives for the refurbishment and upgrading of capital infrastructure for existing students while making provision for changes in demography and enrolment trends.

As many of us are aware, one of the key times in the establishment of any successful school is the start-up. Given that the establishment of government schools is normally funded by state and territory administrations, it would appear that the non-government sector, at a cursory glance, is somewhat disadvantaged during this crucial time. We can, of course, point to the low-interest loans that are offered by many state and territory governments to the non-government sector during establishment. Of course, in the interests of fairness and equity, the Commonwealth cannot be seen to be providing an inequitable share of the funding available under this bill. Such a bill would be attacked in this place by most, if not all, of the non-government senators.

So how does the government provide that little extra boost to the non-government sector? If you take a closer look, it is through another program, of course. Each non-government school can receive establishment grants. This equals a per capita entitlement for each full-time equivalent student of $500 in capital grants for government schools for the period 2005-07. The bill also provides some $77 million annually in capital grants for non-government schools. It is interesting to note that the Commonwealth is virtually the sole source of public moneys for capital grants in non-government schools.

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ment grant. Do government schools receive an establishment grant? Of course they do not. Only non-government schools are entitled to this piece of largesse. However, superficially this legislation can appear to be all equitable and fair. Everyone receives their fair share of capital funding, because the extra provided to the non-government schools is not capital funding; it is an establishment grant.

This reflects several things in education funding. One of these is the government’s ideological commitment to private education. Private education is, I am sure, the government’s view of the ultimate expression of user-pays. All those worthy Australian mums and dads who pay for their children’s education are lauded by this government. We should all become more responsible and, of course, individualism teaches us that we should pay for this ourselves. We will overlook the fact that not only are people paying the school fees but also the Commonwealth chips in along the way. In fact, from 1996 to 2000, the government school sector share of estimated Commonwealth spending as a proportion of GDP remained static at 0.26 per cent. The non-government sector share grew by 21.6 per cent, from 0.37 per cent to 0.45 per cent. In fact, we have seen that the proportion spent on non-government schools as a percentage of total expenditure has risen, as was mentioned earlier by Senator Carr, from 57.8 per cent in 1995-96 to an estimated 67.6 per cent in 2005-06. But along the way we are told that the Commonwealth is just supporting the growth in enrolments in the non-government school sector. I for one do not accept that this increase in enrolments justifies a proportionate increase in such a short space of time. This ideological commitment overlooks the fact that the majority of Australians, past and present, are products of the government school system. This reflects the aspirations of everyday Australians to improve their situation or, in this case, that of their children.

Australians are told that non-government schools provide better education, more discipline, better values et cetera. Of course, these lines are readily accepted by those Australians who see their children’s private education as a step up and a step forward to a better future. What that overlooks is that under the current government the freeze on expenditure in government schools directly affects the quality of the education provided. This ideological commitment to private education overlooks the fact that for many Australians there is no way they can afford the fees required for an education at a non-government school.

So, not unlike its commitment to cutting funding for higher education, this government is now engaged in reducing funding for government schools. There is no doubt that the public purse is now being used to supplement the activities of the non-government school sector to a greater extent than at any time in the past. There is also absolutely no doubt that this government is fulfilling its ideological urges but doing so at the expense of ordinary Australians. It is one thing to provide reasonable funding to the non-government school system but quite another to increase it at the expense, in real terms, of the government system.

Of course, the States Grants (Primary and Secondary Education Assistance) Amendment Bill (No. 2) 2002 will be supported, because education generally requires the moneys involved. But this does not mean, and must never mean, that we should allow this government’s approach to looking after the non-government sector to go unchallenged. There is no doubt that the quality of the educational infrastructure in schools is directly linked to the quality of the educational outcomes. When you have excellent facilities—and, as outlined earlier by Senator Carr, some of them are exceptional facilities—you are more likely to attract and retain quality teaching staff, and all of this means that our children will end up with a better education. But one should stop and think: the reverse is also true. Where the quality of the facilities is poor and when they are allowed to degrade even further, then the outcomes are likely to be poor.

The Commonwealth should be ensuring that all schools have excellent infrastructure, especially in those areas most directly related to the knowledge economy. Australia will never benefit from all the possibilities of the
new economy, which is much lauded and talked about by this government, whilst our schools are equipped for the old economy. There must be a greater emphasis on the provision of information technology at all levels of our school system. Attention should be paid especially to those areas of Australia with low per capita ownership of computers. It is one thing for a child not to have access to a computer at home—and that is usually for financial reasons—but it is quite another for a child not to have access to computers at school.

There is much talk about Australian education, especially in the key areas of science, mathematics and technology. We all talk about that being the key to the future for not only our children’s education but the development of our economy. In fact the enrolment benchmark adjustment liability funds are now used by the states as grants to foster development in those key areas. It seems to me that if one of the futures that we want to build in this country—and I hope it is a future that we want to build in this country—is for a highly skilled, high wage economy then we have to invest in education at all levels and in all ways.

That highlights the big disappointment with this bill. This bill contains no increase in real terms since this government came to office in 1996. In fact, I understand that there has been a reduction of almost $10 million in funding. On the one hand, we know that high educational outcomes are directly related to the quality of education; on the other hand, we have a government that wants to reduce, in real terms, the expenditure that is directly related to achieving those outcomes. Mark my words: there will be a reckoning from this. That reckoning will not be in the short term, although we will start to see it soon; the real reckoning will be much further down the track, when the capital infrastructure of our schools continues to decline and so too the quality of our outcomes.

In finishing my brief contribution to this debate I would like to pretend to be learned and quote from Shakespeare. Even in my situation—and I am a product entirely of a government school education—I can remember learning some Shakespeare. I quote: Ignorance is the curse of God, Knowledge the wing wherewith we fly to heaven.

Senator STOTT DESPOJA (South Australia) (4.43 p.m.)—I am not sure whether I am supposed to talk about mercy and being strained at this point, but I think I will move straight on to represent my colleague Senator Lyn Allison, who is, of course, the school spokesperson for the Democrats. She is overseas and so is the higher education spokesperson for the Democrats. I will address the States Grants (Primary and Secondary Education Assistance) Amendment Bill (No. 2) 2002 on behalf of the Democrats.

This bill, as honourable senators should know, amends schedules 3 and 5 of the States Grants (Primary and Secondary Education Assistance) Act 2000 to provide capital grants funding for government and non-government schools for the calendar years 2005 to 2007. The bill provides a total of $897,783 million over the program years 2005 to 2007. Government schools will be allocated $666,963 million—that is $222,321 million per annum. Non-government schools will be allocated $230,820 million—that is $76,940 million per annum. Funding levels will be maintained for the government school sector at the same rate as in 2001, but for the non-government sector funding levels will fall from $87,401 million in 2003 to $76,940 million in 2004.

Certainly this is a lot of money in dollar terms, but, as the previous speaker and other contributors have noted, these are still worrying trends and worrying amounts of money, given the role that education at all levels plays in our community. One of the objectives of the government’s capital grants program is:

... to provide and improve school capital infrastructure, particularly for the most educationally disadvantaged students ...

The Australian Democrats strongly support using capital grant funding to improve the education of disadvantaged students and, of course, we want to see it used to reduce the level of disadvantage in the school system. The problem, however, is that there is no way for us to assess whether this objective has been met. Our deep suspicion is that it
has not been met and that it possibly will not be met.

There is no apparent strategic planning to guide the provision of funds. The criteria for distributing funds for education and block grant authorities in the public and private sectors do not address this issue. We are also very concerned about the reporting requirements being quite weak. In fact, this echoes a debate we have had in the last couple of weeks. I do not seek to reflect on a vote of the Senate, but the most recent higher education debate that we had in this place, about amendments to the Higher Education Funding Act, also seemed to reek of concerns about a lack of accountability, reporting arrangements and, indeed, the issue of transparency. So, when we are dealing with the states grants changes before us, this lack of accountability is also a serious problem. It is a particularly serious problem when you have a government that is unable to tell us with any confidence whether or not its program’s objectives have been realised.

The Democrats say this is a basic requirement of good governance. In our opinion, the objectives of the capital grants program should be changed. Instead of just aiming to improve school capital infrastructure—from what we know, in most cases it is of quite a low standard—we should be aiming to guarantee that all students are schooled in an environment which enhances the learning experience and in which they feel safe and valued. We should specify what this exactly means. We should specifically target disadvantaged schools in disadvantaged areas and schools which are in most need of capital works.

To achieve this, the government, in conjunction with the states and territories, needs to assess what it would take to bring our schools up to scratch. We need to have a better overall understanding of the current state of the school infrastructure and, of course, we need to quantify the level of unmet need. We need to set targets. We need to have standards and benchmarks worked out with the Commonwealth and the states. We should have a target of, say, replacing all portables that have been in schools for over 10 years with permanent buildings. This is something that Senator Allison and indeed many Democrat spokespeople before her have talked about previously.

That kind of target may seem unrealistic now, but at what point did we determine that it would be acceptable for so-called portables to become permanent structures? When did we decide that it was okay for Australian children to be educated in substandard conditions? A benchmark could be that a school should have an indoor assembly hall or gymnasium for a given number of students. There are still schools without this basic facility. When we have set such targets, we should then look at what the budgetary implications are and try to allocate the funding accordingly. Unfortunately, this is not what the government is doing and there is no joy to be found in this particular bill. Indeed, this bill is full of more of the same, and we know it is not nearly enough.

Some of the issues that I have raised today, such as the need for a national assessment of school infrastructure, have actually been raised before not only by my colleague Senator Allison but in a 1999 report entitled *Capital matters: an evaluation of the Commonwealth’s capital grants programme for schools*. I would be very interested if the minister could advise the Senate what has happened as a result of this review and what recommendations have been adopted. Perhaps that is something to be taken on notice now for the committee stage of this bill: what has happened to the recommendations in that 1999 report, *Capital matters*?

It is a regular occurrence for Democrat senators to visit schools in all states and territories; mind you, in some states and territories, we need to get very specific and exact permission to actually attend schools, which is always very interesting. We have visited schools of all types in order to assess everything from staff morale to teaching conditions and, obviously, to answer the questions of students and teachers who have an interest in our political system. But we are conscious of the fact that many of the schools that we have visited require money for serious capital work. Only schools with shrinking enrolments do not rely on demountables or portables, and in most schools we have noticed
that they are a permanent fixture. In many schools there is no money to properly maintain the grounds or the buildings, which in many cases are in various states of need of repair. I contrast this with some of the wealthier private schools, which have received massive funding increases from this government, with their excellent facilities and sometimes quite impressive grounds.

The following extract, which I would like to place on record in the Senate, comes from a staff member from one country primary school in New South Wales. It was submitted as part of a New South Wales public education inquiry. That staff member wrote:

Our school was established in the 1870s. It has an enrolment of approximately 600 students who are housed in 22 classrooms, 10 of which are metal demountables and the remaining 12 are wooden. It is difficult to promote principles of social justice when teachers and students are forced to spend day after day in substandard buildings. At least 11 classrooms leak and have done so for some time. In two classrooms at least, water runs down inside the back wall possibly behind the electrical conduit and power point. In another room, leaks in the ceiling resulted in water collecting in the fluorescent light. Leaking rooms have also resulted in many resource books being ruined and children’s books being damaged. At least eight classrooms have inadequate carpet. The carpet either smells due to the leaks or is old, dusty and stained. In one room the carpet is fraying across the room where one rust coloured piece is joined to another maroon coloured piece. At least six classrooms have basic structural problems, such as piers with no footings, piers that are cracked, buckled noticeboards on the back walls, gaps in walls that you can see daylight through. At least eight classrooms have problems with excessive temperatures (37-40 degrees) during the warmer months. There are two toilets for 30 staff.

To check the veracity of those claims, those conducting the inquiry went to this school and they found that they were generally correct. I think anyone in this chamber or more generally would be foolish to think that these examples are isolated incidents. An Australian Primary Principals Association report released last year found that 26 per cent of principals think that ‘their school facilities are badly in need of an upgrade’. It is clear to me that more funding is needed for capital works so as to improve the entire educational experience of our children. No-one can underestimate the importance of a good physical learning environment. That issue was well summed up in the report of the New South Wales inquiry, which stated:

The ways in which buildings impact upon human life range from their purely functional consequences, to their affect on the aesthetic sensibilities and aspirations of individuals and groups. These qualities are as important, if not more so, to a satisfying and productive life within schools as they are in other human institutions. First ... the primary tasks of public education—teaching and learning—can be enhanced or retarded by the presence or absence of appropriate physical conditions (like a comfortable classroom temperature, a physically safe and clean environment, areas suitable for study and play; room designs that support productive pedagogy, basic educational facilities like ‘wet areas’, and so forth). Then again, the school community’s spirits can be uplifted or depressed by the presence or absence of well designed buildings that are maintained and presented with a view to satisfying the aesthetic needs of those who work and study within them. While it is difficult to isolate the effects of the many interacting factors that contribute to a school’s academic outcomes, there is research evidence that good building quality and maintenance are associated with improved academic results. On the available evidence, when allowance has been made for other relevant factors, the physical state of a school is one effective predictor of student achievement. Research suggests that the quality of physical space affects self-esteem, peer and student teacher interactions, parental involvement, discipline, attention, motivation and interpersonal relations.

While I and the Democrats realise that there are deserving private schools—and I think that has been acknowledged in this debate—it is the government schools that appear to be in a far greater state of need overall. The government’s funding policies, however, are reducing the amount that should be made available to needy schools in both the public and the private sectors, since the funding is spread across all schools, even the already wealthy. Imagine what could be done if the massive funding increases to the former ‘wealthy’ category 1, 2 and 3 schools from the states grants bill in 2000 went instead to the very needy public schools to improve the conditions there. Imagine if, instead of providing money to all those new schools the
government now funds in order to provide so-called educational choice to a limited section of Australian families, the government funded only those new private schools that are needed in a particular area.

The crux of the matter is that this government’s funding decisions will lead to an increasing amount being spent on the maintenance of the non-government school sector. We very strongly think, and have passionately advocated, that that money would be better spent on the public system. It is for that reason that we—my colleague Senator Lyn Allison and the Australian Democrats—will be moving an amendment to this legislation in the committee stage of this bill to request an increase in the capital grant funding program for government schools by a total of $50 million over the program years 2003-07. We do not believe that this is a particularly onerous amount, given the level of need, but it will nonetheless be of assistance. We urge both the government and the Australian Labor Party to support it.

I think the importance of education to a democratic and enlightened society can never be underestimated. I do not think we can afford to ignore the important links among all education sectors, whether we are talking vocational education, primary and secondary education, education in those even earlier years, or higher education. While I might speak in a somewhat different capacity today as a higher education spokesperson and a former schools spokesperson for the Democrats, nonetheless I think it is evident to all honourable senators that there is an incredible link among those sectors, and one that we should respect. Hopefully one day we will recognise that money for education in our community is an investment and not a cost. Unfortunately, this bill seems to reflect the outdated ideology that somehow it is a cost and not a benefit in every sense to the community at all levels. We look forward to support for that amendment, and I indicate, to speed debate, that the Democrats will be supporting the second reading amendments that have been proposed. I am aware of one from Senator Nettle on behalf of the Greens and I believe Senator Carr may have fore-shadowed that he was moving a second reading amendment.

Senator Carr interjecting—

Senator STOTT DESPOJA—He has moved it. I have seen it and I believe it was the same one that was moved in the lower house, in which case we will be supporting it.

Senator KEMP (Victoria—Minister for the Arts and Sport) (4.57 p.m.)—The States Grants (Primary and Secondary Education Assistance) Amendment Bill (No. 2) 2002 amends the States Grants (Primary and Secondary Education Assistance) Act 2000 to provide capital grant funding amounts for government and non-government schools for the years 2005-07. Specifically, the bill amends schedule 3 and schedule 5 to the act to insert maximum capital grant funding amounts for government and non-government schools for the calendar years 2005, 2006 and 2007. Schedules 3 and 5 of the act set out funding amounts for the capital grants program for government and non-government schools respectively for the period 2001-04. The schedules in the act setting out capital funding allocations include a specific note stating that funding allocations for latter years will be added by an amending act.

The act and previous acts make specific provision for capital funding allocations beyond the normal four years of the quadrennium, due to the size and complexity of school capital projects, which often require long lead times for planning, assessment and construction. School capital projects are regularly funded across several years. As there are substantial development costs associated with capital projects, a guarantee of funding is often sought well in advance of actual construction. By longstanding arrangement, the state education departments and non-government block grant authorities which administer the program are able to recommend funding allocations for projects up to three years in advance of the current calendar year. This enables funding for major projects which require long lead times to be secured at an early stage and payments for large projects to be staged over a number of years. For example, $18 million worth of
projects was approved for funding in 2004 as part of the non-government school funding round conducted in 2001.

This bill is not about shifting funding between the sectors; it is about giving certainty in Commonwealth funding to all schools as they undertake planning and construction of major projects designed to provide essential educational opportunities to schoolchildren. There have been various misleading claims made inferring that the coalition is shifting funding away from the government sector to the non-government sector. Indeed, the Commonwealth is increasing its funding to government schools at a faster rate than the states, which have constitutional responsibility for government schools. In the last federal budget, government school funding was increased by 5.6 per cent compared to an average increase on the part of the states of 2.7 per cent. The opposition is confusing the issue of need in this debate. The government reformed the general recurrent grants program by addressing the anomalies of the former ERI arrangements and moving to an SES funding model which funds schools based on the relative needs of the school communities they serve. Capital grants are also provided on the basis of relative need.

In response to the amendment to the bill proposed by Labor I indicate that the government does not support the amendment and I make the following points. Capital funding for government schools has been maintained in real terms and increased in actual dollars at a time when government school enrolments are falling. The principal responsibility for maintaining the fabric of Australia’s schools system rests with state and territory governments. While the Commonwealth has maintained its expenditure in this area, the same, regretfully, cannot be said for many of the state governments. The opposition also fails to take stock of the fact that, as a result of the introduction of a new tax system, the states and territories have access to a significant new source of funding through GST revenues. These revenues are expected to rise from $24.4 billion in 2000-01 to $32.6 billion in 2004-05, an increase of 33.6 per cent.

I agree that it is imperative that the capital needs of schools in disadvantaged and isolated areas, including Indigenous schools, receive priority attention. The Commonwealth program is targeted specifically to these schools. The Commonwealth expects states to honour their agreements with the Commonwealth and allocate the substantial funding the Commonwealth provides to these areas of need. I acknowledge that the accountability and evaluation processes established for the program by the Labor Party were inadequate. The government has tightened accountability requirements and will continue to do so while the states, such as South Australia, contravene their agreements with the Commonwealth and their school communities.

Non-government capital works projects are normally approved in October. Schools often undertake building works during the long recess over Christmas to avoid danger and disruption to students. If passage of this bill is delayed beyond October, any urgent projects with 2005 funding that are prepared to let tenders, sign contracts and commence construction during the end of the year school recess will be unnecessarily delayed and some projects may need to be rescheduled.

In summary, there is a compelling argument that the bill should be agreed by the parliament without amendment to allow capital projects recommended by states and non-government block grant authorities, which include a 2005 allocation of Commonwealth funding, to proceed. If the opposition wants to demonstrate that it supports schools and the quality of their educational provision, it should support this bill straightaway. I call on the chamber to support this important bill so that it can provide certainty for the schools that are waiting anxiously for this bill to proceed.

Question agreed to.

**Senator NETTLE** (New South Wales)

(5.05 p.m.)—I move:

At the end of the motion, add:

“and the Senate:

(a) condemns the Government for its failure to provide adequate, open
accountability for the expenditure of public funds on private education and its failure to ensure that public money is spent for the public benefit and to produce equitable outcomes;

(b) condemns the Government’s unwillingness to invest appropriately in the capital funding of public schools;

(c) regrets that the Government’s approach results in an increasing strain placed on the public education system which is being starved of Commonwealth funding and forced to compete with an increasingly well resourced private education system”.

Question agreed to.

Original question, as amended, agreed to.

Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

Senator CARR (Victoria) (5.06 p.m.)—The government has just told us how important this bill is and how vital it is to the future of education in this country. Where is Senator Alston, who is the minister responsible for carriage of education in this chamber?

Senator KEMP (Victoria—Minister for the Arts and Sport) (5.06 p.m.)—Senator Alston is otherwise engaged and he is extremely fortunate to be able to call on the services of a very talented senator, who is very happy to do it. If this bill is so important to the Labor Party why do they have Senator Carr before the chamber?

The TEMPORARY CHAIRMAN (Senator Bolkus)—Senator Stott Despoja.

Senator CARR (Victoria) (5.07 p.m.)—That was a very provocative response. Given that this bill is so critical, and Senator Alston finds it so difficult to come to the chamber—

Senator Stott Despoja—Don’t I have the call?

The TEMPORARY CHAIRMAN (Senator Bolkus)—No, Senator Carr has the call, Senator Stott Despoja.

Senator CARR—It strikes me that, if the government do regard this bill as being so vital, the least they could do is find the responsible minister who represents the Minister for Education, Science and Training in this chamber. I am quite happy to acknowledge that I represent the Labor Party on education in this chamber, and it is appropriate that I be here. I have always tried to fulfil my obligations to this chamber. The government should at least lift the bar a bit here, set standards that they can perhaps meet and ask this minister to fulfil his obligations. I know that it is difficult. He has to attend, engage in debate and take an interest. I am afraid that he has failed on all of those fronts.

Senator KEMP (Victoria—Minister for the Arts and Sport) (5.08 p.m.)—I am absolutely mortified to hear your comments, Senator Carr, but Senator Alston is otherwise engaged. Rather than you making these somewhat trivial points, which I concede you are an expert at—you are an expert at making a trivial point; I have no argument with that—it would make better sense to proceed with this important bill.

Senator STOTT DESPOJA (South Australia) (5.08 p.m.)—I am happy to get on with the business of this legislation, but I first note that it is the first time that I have heard Senator Carr call for Senator Alston to be in the debate—

Senator Carr—I like the fellow. He’s growing on me.

The TEMPORARY CHAIRMAN (Senator Bolkus)—Do you claim to have been misrepresented, Senator Carr? No? Please continue, Senator Stott Despoja.

Senator STOTT DESPOJA—On behalf of my colleague Senator Lyn Allison and the Australian Democrats, I move:

That the House of Representatives be requested to make the following amendment:

(1) Schedule 1, item 1, page 3 (lines 6 and 7), omit the item, substitute:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
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<tr>
<td>2002</td>
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<td>2006</td>
<td>232,321</td>
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<tr>
<td>2007</td>
<td>232,321</td>
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</tbody>
</table>
Statement pursuant to the order of the Senate of 26 June 2000
The amendment is circulated as a request because it would have the effect of increasing expenditure under the appropriation in section 111 of the States Grants (Primary and Secondary Education Assistance) Act 2000 by $50 million. It therefore increases the "proposed charge or burden on the people" within the meaning of the third paragraph of section 53 of the Constitution.

Statement by the Clerk of the Senate pursuant to the order of the Senate of 26 June 2000
The Senate has treated as requests amendments which increase expenditure out of appropriations of the Act amended by the bill. This request is therefore in accordance with the precedents of the Senate.

The TEMPORARY CHAIRMAN (Senator Bolkus)—The question is that the request be agreed to.

Senator STOTT DESPOJA—As I indicated in my contribution on the second reading, the amendment looks at an additional funding amount of $50 million for capital works. It is self-explanatory, and I understand that this amendment is moved in the form of a request, acknowledging that it is requesting an increase in expenditure and thus has an impact on appropriations.

Senator KEMP (Victoria—Minister for the Arts and Sport) (5.09 p.m.)—We are not supporting this amendment. The request for an amendment to the bill, moved by Senator Stott Despoja on behalf of Senator Allison and the Australian Democrats, is, as Senator Stott Despoja said, to increase capital funding to government schools by some $10 million a year. It is not supported. It is important to note that the Commonwealth already funds capital projects in government schools at a higher per capita rate than in non-government schools. In 2002, government schools will receive approximately $99 per student, while non-government schools will receive approximately $86 per student. As the request for an amendment has financial implications for the federal budget if it is passed in this chamber, it must of course be referred to the House of Representatives. I can assure Senator Stott Despoja that the House will reject this request and the bill will be returned to the Senate unamended. In requesting this amendment on behalf of Senator Allison and the Australian Democrats, Senator Stott Despoja is only delaying the passage of this bill and, as a result, causing unnecessary delay and disruption for those schools waiting on funding approvals in order to commence important building works during the Christmas holidays. We will not be supporting this amendment.

Senator CARR (Victoria) (5.11 p.m.)—Before we get to the precise details of the Democrat amendment, could the minister, who has already conveyed to us his expertise in this area, enlarge on some statements he made in the second reading debate? Could he explain to us exactly how he reached the conclusion that Commonwealth funding has increased by 3.6 per cent since 1996, in comparison with state funding, which he claims increased by 2.7 per cent? On what basis were those calculations made?

Senator KEMP (Victoria—Minister for the Arts and Sport) (5.12 p.m.)—They were based on the analysis by the department of total Commonwealth funding for schools. You would have to say that 2.7 per cent is a rather poor performance by the states. Are they Labor states? They are Labor states in receipt of the GST, which they love. As I said, in the last federal budget, government funding for schools was increased by 3.6 per cent, compared with an average increase on the part of the states of 2.7 per cent.

Senator STOTT DESPOJA (South Australia) (5.13 p.m.)—I do not mean to cut off Senator Carr in his prime, but I am going to support him not only in his right to ask that important question but also in relation to the fact that we deserve a better response than that. I take great offence at Senator Kemp’s suggestion that an amendment, which is a modest amendment moved by the Australian Democrats to assist the investment in capital and capital expenditure for schools, is some kind of delaying tactic. As the minister and others well know, it can be a matter of hours to get a request such as this to the House of Representatives and back again if the political will and government will are there. I suggest that a delaying attempt is having a minister who is not a position to answer the
questions asked by the Senate in the committee stage. On that note, through you, Mr Temporary Chairman Bolkus, I ask Senator Kemp and Senator Carr if they would prefer to adjourn this debate until Senator Alston is available. If it is the will of the government to delay and obstruct this debate by giving insufficient answers to the parliament, I am not going to further delay the debate by trying to restate, for the benefit of the minister, the dire need in which our state schools find themselves as a consequence of a lack of funding generally and, specifically, a lack of funding for capital works. I mentioned that this is a modest amendment. I am sad to hear that the government in the Senate have rejected it and that they also assume that the government in the lower house will reject it. That is a pity.

In relation to the so-called imbalance in government funding of government and non-government schools, to which Senator Kemp referred, I think a lot of Australians would recognise and understand the rationale behind that imbalance and would argue very strongly for more money to be invested in the state school system. Ten million dollars over a five-year period, a total of $50 million between now and 2007, is not a great deal of money, especially when we have evidence and copious amounts of research that indicate that our schools require this funding. So I am disappointed to see that it is rejected out of hand and that is the rationale that has been put forward—the notion that it is some kind of delaying tactic by Senator Allison, my colleagues and me. But, if Senator Carr should wish to wait until the appropriate minister is here, I would be happy to support him in that request. Otherwise, Senator Kemp, I think you are going to have to give some more substantial responses to the questions asked by all senators in this place.

Senator Kemp (Victoria—Minister for the Arts and Sport) (5.15 p.m.)—Senator, I am astonished at the show of spleen on your part, to be quite frank. You normally have a name for being quite good-humoured. I do not know whether the pressures in recent weeks have gotten to you but I actually gave you the courtesy of a very comprehensive response to your question. Some may well say I was being unduly kind—and I have been accused of that before with the Democrats, as you know. I am one to go that extra yard for the Democrats. Not all my colleagues are inclined to do that. I am sorry that you obviously did not listen to my response. The government position is very well known on that. I gave you a detailed reason why we would not be accepting your proposals, which you described as modest but I think in the end may well total some $50 million. That is not modest. That is actually a very substantial rise and, frankly, we will not be supporting that amendment on your part.

It is very nice of you to show consideration for Senator Carr. Again, I was asked what the basis for the calculations was and I do not think you were listening, because I actually said what the basis for the calculations was. I know this is unfair but sometimes I am accused by you of being a little bit too talkative in this chamber, a bit loquacious, so I gave a very succinct, clear answer to the clear question that Senator Carr asked. If you want to delay the bill and if you want to carry on about that, you can delay it but you will wear the price. I think what the public are looking for from the Democrats is a bit of consistency—

Senator Stott Despoja—A delay by two hours!

Senator Kemp—Let me just finish. The public is looking for a little bit of consistency, a willingness to take part in the debate but certainly not, in the end, unnecessary delay in the considerations of this chamber. It is touching to see the huge affection that there is in this chamber for Senator Alston. It is something that I share. Senator Alston is a very senior minister in this government and he is tied up with serious matters elsewhere. I am very happy to handle the bill and to answer questions. I have some very talented advisers here who are anxious to respond to anything that Senator Carr or you would like to raise.

Senator Carr (Victoria) (5.18 p.m.)—Let us begin with Senator Alston’s attendance in the chamber. We accept that he is a senior member of the government and he may well be distracted by other things. The point here is that he is always distracted. He
does not front to estimates. He does not sit there; he always gets the parliamentary secretary in. He is often late for question time. He hardly ever participates in these discussions on educational matters. He is so distracted from his responsibilities as a senator that you have to ask the question: what is he doing? He is clearly not doing his job here in this chamber and that is the point we are making. The government says that this is a serious matter that requires urgent attention by this chamber but cannot manage to get the relevant ministers to come and do their jobs.

Instead, Senator Kemp gets the responsibility of carrying this bill. The problem is that he is so provocative and he finds it so difficult to give a straight answer. I will repeat the question, because I noticed that you mentioned that there are some excellent advisers in the box, and I agree with that. Mr Evans, no doubt, will be able to slip him a bit of paper so that he can get it right this time. He has had plenty of time to get it right. I would ask Mr Evans if he could at least do the right thing by all of us and give him the relevant bit of paper that explains the calculations that he has made on behalf of the government that would tell us how it is that the Commonwealth can claim that its spending has gone up by 5.6 per cent on capital works and that state spending has gone up by 2.7 per cent.

You mentioned ‘total Commonwealth funds’. By that, did you mean not just tied grants but general recurrent grants? Did you mean the payments made to the states and then appropriated to this program, which is often the device used within the schools division of the department? I know that you are renowned for being an even-handed chair and that you would expect me to defend my colleagues.

Senator Kemp, come back to the bill. Senator Kemp, come back to the bill.

We know Jeff Kennett devastated the education system in the state that I represent and that Senator Kemp represents. He would know what happened. He would know how many schools were closed in Victoria. He would know about the 360 schools that were closed. He would know Mr Spring, who was the director of education in Victoria. Of course, when the government fell, Mr Spring moved across to South Australia, which had a Liberal government. That followed his extraordinary record in the Northern Territory and now we know he has ended up as an executive consultant in the Commonwealth department of education. So we see a pattern of destruction through the education system in this country that has followed Tory governments. That is the nature of it. I think it is important that we get to the bottom of this question. Senator Kemp, since you obviously are the very best this government has to offer, please explain: how is it that the Commonwealth can make such a claim about so many conservative governments?

Senator Kemp (Victoria—Minister for the Arts and Sport) (5.22 p.m.)—I can see why you are such a loved character in Victoria, Senator Carr. I can see why the affection for your colleagues is quite boundless.

The TEMPORARY CHAIRMAN (Senator Bolkus)—Senator Kemp, can we get away from the Lonely Hearts Club and get back to the bill, please.

Senator Kemp—Of course, Mr Temporary Chairman. I am always happy to get back to the bill. I thought I might make a few reflections on Senator Carr, as he was making a few reflections on other senators. I know that you are renowned for being an even-handed chair and that you would expect me to defend my colleagues.

Senator Carr—Oh, really!

Senator Kemp—That is what I said.

Senator Carr—That is not capital at all. You have misled the Senate again.

Senator Kemp—That is what I said. I think you will find, Senator, when you look
at what I said in Hansard that I was exactly right. I hope that your advisers—who seem to be enjoying this immensely—are providing you with appropriate statistics.

Senator Carr—But your numbers—

The TEMPORARY CHAIRMAN—Senator Kemp, can I suggest that you are not provoked by Senator Carr and that you do return to the bill, please.

Senator KEMP—Mr Temporary Chairman, if I am being provoked by Senator Carr, you might like to ask Senator Carr to stop being provocative.

The TEMPORARY CHAIRMAN—I will keep on doing that.

Senator KEMP—In the last federal budget, government school funding was increased by 5.6 per cent compared with the average increase of 2.7 per cent on the part of the states. I was intrigued by the comment that this is a slur on Liberal governments. I thought we had a Labor government in Victoria, under Mr Bracks—your government, Senator. I thought we had a Labor government in New South Wales. I thought we had a Labor government in Queensland. Senator, I am not sure that you have been particularly well advised on this issue. You should look at your words recorded in Hansard and make sure they are corrected, because I think you may have been misleading the chamber. So that is the answer to your question. It was a specific question. I have answered it twice, and now I suggest we proceed.

Senator CARR (Victoria) (5.25 p.m.)—I would like to explain our position on this. We have listened to what the government have had to say on this matter. We find the government’s explanation totally unsatisfactory with regard to their spending patterns. I understood the government to be saying that there had been an extension of Commonwealth funds since 1996 of 5.6 per cent on capital. We now discover it is not capital; it is actually a mixture of funds. We were told that the states since 1996 had only increased their funding by 2.7 per cent—and I have yet to see the figures on that—so I find that extraordinary.

The proposition, however, that the Democrats have asked us to agree to is that spending on government schools be increased by $50 million across five years—$10 million per year. It is a sentiment we, of course, support. We support the principle behind it. We think the intentions are appropriate. However, the problem with these sorts of amendments is that they are done on a piecemeal, ad hoc basis. Frankly, I do not think you can run a program from this chamber on that basis. For that reason, we cannot support this request for amendment. We have taken a similar approach to other matters when the Democrats have sought to move small amendments on matters of considerable principle which do not go to the heart of the problem.

The government has indicated that the States Grants (Primary and Secondary Education Assistance) Amendment Bill (No. 2) 2002 has a measure of urgency about it and we do acknowledge that point. There are capital programs that do require some planning. I can say from my direct experience of working in this area that there is a requirement to have some certainty for students as to the funding of capital works projects. We are talking here about the Commonwealth providing assistance for capital works, such as a building that might be used for a library, or a gymnasium, or a school hall. These are important facilities for the children of this country. This is why we strongly support the program. As we say, it was initiated by a Labor government under Whitlam. It did build on the earlier program that the Menzies government introduced in terms of the science block program, but we extended it. This government has kept the program, but it has not kept the money going. That is the point we are making, and we think that that is not appropriate. However, we do not say that the response therefore follows that you should deprive children of those facilities. Therefore, we will not be supporting this request for amendment.

Senator STOTT DESPOJA (South Australia) (5.27 p.m.)—I thank Senator Carr for outlining why the Australian Labor Party will not be supporting the Democrats’ request for amendment to put extra money into capital funding in relation to the States Grants (Primary and Secondary Education Assistance) Amendment Bill (No. 2) 2002.
Assistance) Amendment Bill (No. 2) 2002, which is before us today. I think it is a bit much, during the second reading stage of this bill, to lament the lack of funding generally and specifically for capital works and then decry as a piecemeal measure something that does not ‘go to the heart of the problem’. I think it goes a darned sight closer to dealing with some of the real problems facing our schools by providing additional funding, albeit $10 million per annum over a five-year period. So allocating $232,321 million per annum, instead of allocating $222,321 million, I think is a modest and reasonable increase.

For this request for amendment to be, on the one hand, rejected by government for costing too much and having budgetary implications that the government is quite concerned about, and, on the other hand, rejected by the other side on the basis of a piecemeal approach to budgeting or assistance for states grants I think is quite ironic. I do not think this represents anything but a significant attempt by our party—and one that we hope that the chamber and the parliament will adopt—to put more money into our government schools so that they can address some of the issues they face in relation to capital works—the very same problems that have been outlined by senators in their contributions to the debate today.

I have read the numbers and, to ensure that the chamber is not further delayed, I will not be calling a division on this, but I do wish to make it clear for the record that the Australian Democrats are receiving little support for the request for amendment that is before us. I think that is sad. I am sure that there are many teachers, school students and community members, particularly parents, who will be wondering why an extra $10 million per annum over five years has such difficult budgetary implications. You only have to look at the budget papers for this year to see that we spent twice as much as that on assistance for Rio Tinto, as far as I recall; I think it was around $100 million. Given that that is off the top of my head, I am happy to stand corrected if I have misrepresented the government’s position. But I am fairly confident that, in comparison to some of the spending allocations that this government has made for the next financial year, this is a modest one—and what could be more important than our schools? So I think parents will be quite concerned and quite curious to see how senators vote on this measure, but rather than call a division it is evident which way the parties in this chamber will be voting.

Question negatived.

Bill agreed to.

Bill reported without amendment or request; report adopted.

Third Reading

Senator KEMP (Victoria—Minister for the Arts and Sport) (5.32 p.m.)—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

TORRES STRAIT FISHERIES AMENDMENT BILL 2002

Second Reading

Debate resumed from 19 June, on motion by Senator Ian Campbell:

That this bill be now read a second time.

Senator O’BRIEN (Tasmania) (5.33 p.m.)—I rise to speak this afternoon on the Torres Strait Fisheries Amendment Bill 2002, because it amends the Torres Strait Fisheries Act 1984 to provide for the Chairperson of the Torres Strait Regional Authority to be appointed as a member of the Protected Zone Joint Authority. The bill provides overdue recognition of the important relationship between the people of the Torres Strait and their traditional waters. The opposition strongly support the formal inclusion of the Torres Strait Islander people in the Protected Zone Joint Authority’s decision making process. However, we recognise that there is currently some discussion about representation matters in the Torres Strait, particularly relating to the representation of the Kaurareg people, the traditional owners of the Prince of Wales group of islands. This matter will not be resolved in the course of this debate, but Labor do call on the government to improve its consultative processes in this region.
Representatives of the Kaurareg people have advised Labor that they are concerned about the deficiencies in the government’s consultation on the bill. We are advised that representatives of the Kaurareg people have sought no more than individual consultation on the bill but have been refused this consultation. This government has a less than outstanding record on Indigenous affairs, and I fear that this is just one more example of its lack of good faith in dealing with Indigenous communities. Nonetheless, Labor are pleased to support the amendment bill, because it does give proper regard to the right of Indigenous people to participate in the Protected Zone Joint Authority as full participants, not as observers or ad hoc members.

The Torres Strait Regional Authority is a Commonwealth statutory authority established eight years ago under the Aboriginal and Torres Strait Islander Commission Act 1989. It seeks to strengthen the economic, social and cultural development of the Torres Strait to enhance the lives of Torres Strait Islanders and Aboriginal people living in the region. Under the Aboriginal and Torres Strait Islander Commission Act, the Torres Strait Regional Authority is responsible for the recognition and maintenance of the special and unique variety of island cultures of Torres Strait Islanders living in the Torres Strait region, the formulation and implementation of programs for Torres Strait Islanders and Aboriginal people living in the Torres Strait region, the monitoring of the effectiveness of programs for Torres Strait Islanders and Aboriginal people, and advising the minister for Aboriginal and Torres Strait Islander affairs on matters relating to Torres Strait Islander and Aboriginal affairs in the Torres Strait.

The Torres Strait protected zone was established under the Torres Strait Treaty entered into between Australia and Papua New Guinea in 1985. The Torres Strait Fisheries Act gives effect to the fisheries provisions contained in that treaty. Section 8 of the act requires that the Protected Zone Joint Authority have regard for the traditional way of life and livelihood of traditional inhabitants. The Protected Zone Joint Authority meets biannually in the Torres Strait and is formed by the Commonwealth and Queensland ministers with responsibility for fisheries. The addition of the Chairperson of the Torres Strait Regional Authority to the Protected Zone Joint Authority as a full member is an important measure.

This is an appropriate moment to congratulate Senator Ian Macdonald for exercising his responsibility for the first time, last July, as Chairperson of the Protected Zone Joint Authority. I am sure he enjoyed his journey to Thursday Island and have no doubt he recognises his important responsibilities with respect to the Protected Zone Joint Authority and the fisheries resources of the Torres Strait. I am also pleased to acknowledge the superb contribution of the Queensland Minister for Primary Industries, Henry Palaszczuk, to the work of the Protected Zone Joint Authority.

Senator Ian Macdonald—I wouldn’t go overboard if I were you!

Senator O’BRIEN—Senator, you have done fairly well so far. I would keep my head down if I were you. Things might change. The Torres Strait comprises more than 100 islands and stretches over 150 kilometres between Australia and Papua New Guinea. The population of about 8,000 people is dispersed over 19 small island communities. The culture of the people of the Torres Strait is deeply influenced by the sea, and the maritime tradition remains very strong.

I understand that islander input into regional fisheries policy has recently been improved through a new consultative mechanism. The new structure provides for representation of Torres Strait leaders and fishers on the industry advisory groups and the executive council that will advise the Protected Zone Joint Authority on regional management issues. These arrangements, together with the permanent appointment to the Protected Zone Joint Authority, will strengthen the involvement of Torres Strait Islanders in the decisions that have an impact on the economic, cultural and social life of the region. In conclusion, I note again concerns about the adequacy of consultation with the Kaurareg people and call on the government to improve its commitment to consultation with Indigenous communities in the Torres
Strait as well as on the mainland. I commend the bill to the Senate.

**Senator McLUCAS (Queensland)** (5.39 p.m.)—In speaking to the Torres Strait Fisheries Amendment Bill 2002 I want to canvass two specific issues: firstly, the consultation process that was undertaken by the government in the lead-up to the bringing of this bill to the parliament and, secondly, the management issues related to the Torres Strait prawn fishery.

The Senate needs to be aware, as does the government, that both Aborigines and Torres Strait Islanders traditionally have lived, and now do live, in the Torres Strait. It was only last year that the Kaurareg people's native title claim over islands in the southern part of the Torres Strait, including Prince of Wales Island and Horn Island, was recognised. The Kaurareg are Aboriginal people who, like the Torres Strait Islanders, have strong associations with the sea. Like Torres Strait Islanders, the Kaurareg wish to pursue their native title claim over the sea.

Over some years the Kaurareg have lobbied to change their representative body for native title matters from the Torres Strait Regional Authority to the Cape York Land Council. There are good arguments on both sides of this discussion and, clearly, more work needs to be done to ensure that all parties can be satisfied that their native title interests are being well represented. This is especially so given that currently the Torres Strait Regional Authority is pursuing a sea claim on behalf of traditional owners in the region. However, I recognise that this native title representative issue is not related to this bill, but it is indicative of the need for both Aborigines and Torres Strait Islanders living in the Torres Strait to be consulted in the process of developing legislation such as this bill. My advice is that this has not occurred in this case, and that is disappointing.

However, the fundamental purpose of the bill is to give representation to Indigenous interests on the Torres Strait Protected Zone Joint Authority, and that principle should and will be supported. I take this opportunity to urge the government to review their consultation mechanisms in the Torres Strait to ensure inclusion of both Torres Strait Islanders and the Kaurareg not only for fisheries matters but for all issues.

I move now to management issues in the Torres Strait prawn fishery. In July this year on Thursday Island, Ministers Macdonald and Palaszczuk, as the constituted joint authority of the Torres Strait Protected Zone Joint Authority, requested that an options paper be developed to address management issues in the fishery. There are two issues that need to be canvassed in this options paper: firstly, the issue of sustainability and, secondly, the need by government to allocate fishing days to both Torres Strait Islanders and Papua New Guineans.

In the original allocation of days in 1993 and 1994, there was no allocation made to these licence holders. There were 13,570 days allocated at that time and that was when those days were capped. The fishers in the area have no question that the issue of sustainability needs to be addressed and needs to be addressed through good modelling of the fishery with good scientific information, and they are pursuing that work with the Australian Fisheries Management Authority. I encourage the Australian Fisheries Management Authority to undertake sound scientific work in consultation and cooperatively with the fishers so that a resolution to the issue of sustainability can be found. I can advise the Senate that the Torres Strait Prawn Entitlement Holders Association happily acknowledge that the issue of sustainability has to be addressed, and addressed soon.

The second issue, although it is somewhat related, goes to the reallocation of days to include Torres Strait fishers and Papua New Guineans in the fishery. It is the view of the Torres Strait Prawn Entitlement Holders Association that those issues are somewhat separate but that the issue of sustainability has to be identified first and then the reallocation can occur. I understand that an independent panel has been established to review this process, and I wish that group well in its deliberations. But it comes down to the number of days that should be allocated to the fishery. In the view of the Torres Strait Prawn Entitlement Holders Association, if further days are going to be allocated to li-
gence holders—and they do not have a problem with that—it has to be within the sustainability model and there has to be recognition that, in fact, that is a reallocation of days from existing licence holders to new licence holders. That is an important point that AFMA and the independent panel have to consider when they are reallocating those days.

I understand that the Torres Strait Prawn Entitlement Holders Association has requested representation on the Protected Zone Joint Authority. That request has not been taken seriously. I will be interested in your comments, Minister, as to why that has not been progressed. I understand also that the fishers are now attending the joint authority’s meetings on Thursday Island and, in the view of some of the fishers, the value is more to the authority than the other way. It certainly would be useful if there were a more cooperative relationship between, essentially, the managers of this fishery and those who work it. In support of their view that they need to be represented on the joint authority they suggest that it is an issue of equity and the contribution that they can make to good management practice of the fishery. To conclude, I support the inclusion of the Chairperson of the Torres Strait Regional Authority on the Torres Strait Protected Zone Joint Authority. I encourage open and better consultation with the Indigenous peoples of Torres Strait and the fishers who work in the fishery.

Senator RIDGEWAY (New South Wales) (5.47 p.m.)—The Australian Democrats are disappointed that the government and the ALP are persisting with the passage of the Torres Strait Fisheries Amendment Bill 2002 at this time. They are both fully aware of the reasons why, on numerous occasions, the Democrats have requested that the bill be deferred to ensure that two particular issues are resolved. One is the question of Indigenous representation in the Torres Strait and the other is to ensure that the native title rights and interests of the Kaurareg people are recognised and respected. It goes without saying that what has to be achieved is what the bill seeks to achieve as an outcome: to ensure that all Indigenous people in the Torres Strait who are likely to be affected by this bill are adequately consulted about the bill and how it will impact upon them. I want to talk about some of those issues and ask some questions of the minister.

In general, the Democrats support in principle the objective of including an Indigenous representative on the Protected Zone Joint Authority. Indeed we welcome the intention of the bill to bring about that outcome. However, we take issue with the government on the question of ensuring appropriate Indigenous representation. By that we mean representation that enjoys the full support of Indigenous people in the Torres Strait and reflects the spectrum of Indigenous interests in that region. We do not have any confidence that the situation at the moment has been resolved. I will outline our concerns in that regard.

Our concerns centre on the issue of the recognition of the Kaurareg people of the Torres Strait. The Kaurareg people are the traditional owners of the Prince of Wales group of islands off the tip of Cape York. This group includes well-known islands: Thursday Island, Horn Island, the Prince of Wales and the Hammond Islands. They are, therefore, the holders of rights and interests over a significant part of the Torres Strait. The Federal Court recognised the Kaurareg people as the traditional owners of sea country included in the Torres Strait protected zone in May 2001.

However, the Kaurareg native title determinations were not over the full extent of the Kaurareg’s traditional land; for example, they did not include Thursday and Hammond Islands, nor did they include any of their sea country which extends north into the Torres Strait protected zone. The determinations of native title that were made by the Federal Court in 2001 recognise both Torres Strait Islanders and Aboriginal people as Kaurareg people. It is important to state here that the native title rights and interests of the Kaurareg people extend into the Torres Strait protected zone and the Australian area of the Torres Strait waters for which the Protected Zone Joint Authority is responsible under the Torres Strait Fisheries Act.
Based on advice that I have been given by the Kaurareg people and the Cape York Land Council, who are providing them with legal advice, the Kaurareg people’s native title rights and interests are therefore very significant in terms of the Torres Strait Treaty and the application of the Torres Strait Fisheries Act. I would therefore like to take issue with the view that has been put to me by the minister, Senator Ian Macdonald, in a letter dated 14 October, that the seven islands over which the Kaurareg people were granted native title ‘lie outside the Torres Strait protected zone’. Their native title rights and interests are not peripheral to the application of the Torres Strait Treaty—they are central and should be recognised as such by the Commonwealth in terms of resolving this issue.

I would also like to respond to the minister’s criticism that he is not aware of the ‘exact nature of the concerns’ of the Kaurareg people in relation to this bill. I think the reason for this is obvious—the Kaurareg people have made it clear to me that they have not been consulted about the bill. Beyond what my office has conveyed to them, they have no knowledge of the content and purpose of this bill or how it might impact on their native title rights and interests.

In a letter sent to me this afternoon by Mr Jeffrey Bosen, the Chairman of the Kaiwalagal Aboriginal Corporation, the prescribed body corporate dealing with the rights of the Kaurareg native title holders, he explained:

While the Kaurareg people come under the Torres Strait Regional Authority, we believe that we are not adequately represented as the Aboriginal owners of this area. Because we are a minority in the Torres Strait Regional Authority Area our interests are often secondary to those of the Torres Strait Islanders.

We have continued to struggle to be identified as Aboriginal (rather than Torres Strait Islanders) and this is increasingly difficult when the Torres Strait Regional Authority is making decisions on our behalf without adequate consultation with us. Governments and Agencies assume that the Torres Strait Regional Authority has our mandate but on many matters it is simply not appropriate to have Torres Strait Islanders make decisions that affect us, Aboriginal people.

The Kaurareg people seek recognition and respect as the traditional owners of this sea country. Although the Kaurareg have a representative on the Torres Strait Regional Authority, I am also aware that there is considerable difficulty for this representative in communicating effectively with the broader Kaurareg nation, whose members are scattered over much of Northern Australia. It has therefore not been possible, in a practical sense, to speak to all of the Kaurareg people to get their informed consent to the passage of this bill. They have advised me that, if they were properly consulted and advised about the bill, it may well be the case that they would have no objection to its passage, but until this occurs they think they should have every right to withhold their support for this bill. Mr Bosen, in his letter to me today, went on to explain:

As the Chairperson of the Kaiwalagal Aboriginal Corporation, I was not informed of the summit that was held in April 2001 or of the decisions that were made in relation to the membership on the Protected Zone Joint Authority. While we support the involvement of indigenous representatives in the Protected Zone Joint Authority we seek to have our own Aboriginal representative as well as the Chairman of the TSRA.

The fact that the minister’s office has made it clear to me that the Commonwealth has no intention of seeking the informed consent of the Kaurareg people in relation to this bill raises serious concerns about how recognised native title holders will be treated across Australia, given that their rights have already been recognised by the Federal Court.

In this particular instance, the Democrats believe that the Australian government has a clear obligation under the Torres Strait Treaty with Papua New Guinea to protect the traditional way of life and livelihood of the traditional inhabitants, including their free movement, performance of traditional activities and the exercise of traditional customary rights. It is clear from the definition of ‘traditional inhabitants’ under the treaty and the Torres Strait Fisheries Act that this would include the Kaurareg people. The principal purpose of the establishment of the protected zone under the treaty is to ‘acknowledge and protect the traditional way of life and livelihood of the traditional inhabitants including their traditional fishing and free movement’. This purpose is also echoed
in the Torres Strait Fisheries Act. The advisory council that was set up under the treaty has a responsibility to ensure that traditional inhabitants are properly consulted and are given a full and timely opportunity to comment on the matters of concern to them. Similarly, under the Torres Strait Fisheries Act, the minister is required to consult with traditional inhabitants on any matter that affects their interests.

The Australian Democrats are concerned that the Kaurareg people have not been given a full and timely opportunity to comment on the Torres Strait Fisheries Amendment Bill. We believe that the government could easily rectify this situation if it chose to and that, in doing so, it would give effect to the relevant terms of the Torres Strait Treaty and the provisions of the Torres Strait Fisheries Act. It seems to me that no good argument has been put forward to support rushing this bill through, because it is not a life and death issue; we are talking about changing some of the structural arrangements about representation.

As the minister is aware, the Chairperson of the Torres Strait Regional Authority has been attending recent meetings of the Protected Zone Joint Authority in an advisory capacity for some time. So it is not a question of saying that they do not have representation there; they do. It is a question of looking at formalising that but doing it in the proper way.

As I mentioned earlier, the objective of including an Indigenous representative on the joint authority is one that the Democrats support in principle. However, that representation must reflect the interests of all traditional inhabitants, not just a sector of these interests. The Democrats have called on the government to delay the passage of this bill until the broader issue of Indigenous representation in the Torres Strait is comprehensively resolved. I want again to make that request and to remind the minister that a meeting of the Indigenous representatives, which would include ATSIC, the Cape York Land Council, the Kaurareg people and the Torres Strait Regional Authority, is to take place in November to do just that. It seems to me that no evidence can be put forward to explain why we ought to rush this bill through. It is not a life and death issue. Commonsense requests have been made, and I think that we ought to comply with those requests.

Senator SCULLION (Northern Territory) (5.57 p.m.)—I rise this afternoon to speak on the Torres Strait Fisheries Amendment Bill 2002. During my time in the seafood industry, I can recall holding one principle beyond all others. As a fisherman, I often talked to fisheries managers who were convinced that the business of managing fisheries was all about managing fish. It took me quite a few years to really understand how far wrong we had gone with that whole process. Managing fisheries is actually all about managing people. To manage people, you have to have the same process you have with any management issue with people: you have to ensure that all of the people involved in the process have a lot of ownership of and an understanding about the process itself.

It is very interesting that this amendment would usually be perceived as a fairly simple administrative change to the Torres Strait Fisheries Act, with the simple addition of another person to the Torres Strait Protected Zone Joint Authority. But, as Senator Ridgeway has pointed out, when associated with people these issues are not as simple as they may first appear. The Chairperson of the Torres Strait Regional Authority already actually sits on the authority but is not a full member. We have had years and years of Indigenous people telling us—certainly they have spoken to me over the years—of their frustration in not being further involved in mainstream fisheries management. Under this new amendment, the authority will enable the third member to join both the federal and state fisheries ministers in a more formalised arrangement.

Before coming to this place, I was very proud to have been involved with the establishment of similar management structures across the Northern Territory for a range of areas and language groups, like the Warnindilyakwa, the Numberini, the Tiwi Islands, Port Keats, the Beagle Gulf and the Manbuynga ga Rulyapa. They all refer to fisheries management groups and areas which
were empowered to manage the fisheries and the resources within the areas relating to the language group for which they spoke.

The greatest difficulties that we had every single time that we started off these consultative committees and these management committees were, as Senator Ridgeway said, associated with issues of representation. One of the greatest pieces of evolution within these committees is that when we started off there were some difficulties, and so we started where we could and we evolved the process of ensuring that the Indigenous communities were empowered to resolve some of those issues about representation themselves. I certainly hope that this step is the very first of a series of steps to ensure better understanding and the empowerment of all the people from the Torres Strait in this process.

The whole issue of fisheries management is about looking after the resource. I think it is very important that we move with some timeliness towards a resolution of these matters. Some previous speakers spoke about some of the issues associated with the complex allocation processes that are about to take place. They are not only allocation processes; they are resource management processes that not only involve allocations between certain sectors and reductions between certain sectors but ensure that certain sectors are brought up to capacity. It is a very complex issue involving a lot of people and a whole range of different rights and interests.

I think it is very important, though, that the bottom line is that there is no real point in going out and managing something unless you have the goal of managing it so that our children will have a better opportunity to access that resource than we did. If we allow too much time to pass, at the end of the day the fisheries industry will suffer. We know that from history, so there is a reasonable imperative to continue to take reasonable steps in this direction. It is very important to recognise that this appointment is not so much a token advisory appointment but a position that will eventually represent all the traditional interests within the Torres Strait. The issues associated with the Queensland fisheries minister have traditionally reflected the interests of the commercial fishers, the recreational fishers in Queensland and the management processes that go with them. The Commonwealth minister clearly has been there to represent Australia’s interest, the treaty obligations and those interests and issues associated with the Commonwealth fisheries.

I believe the very complex issues that the Torres Strait Protected Zone Joint Authority are about to take on will be very much assisted by the appointment of Terry Waia. I understand that the PNG interests and the licence held by the traditional owners are going to have a fishing effort assigned to them, and I think that process will be very much assisted by someone who has such a history in fishing at a local level. The fact that the Torres Strait Protected Zone Joint Authority will also have to oversee a re-structure that accommodates all of these interests, as well as ensuring that the existing operators can continue to fish in an economic and sustainable manner, is one of the first challenges that will be laid down.

Let us look at the current Chairman of the TSRA, Terry Waia. I can think of few other people who could step into that environment and work towards bringing these interests together. He is an individual who, as chair of the Saibai Island Council, has looked across at the western provinces of New Guinea; he has dealt with many of the quarantine and immigration issues and has associated himself with many of the resolutions in those matters. In his address to Corroboree 2000, which was convened by the Council for Aboriginal Reconciliation, Mr Waia said:

As a person who has lived my whole life within two kilometres of the western province of New Guinea, I have always known reconciliation and compromise—two people, Torres Strait Islanders and Papuans, living as neighbours. The principal words are, ‘I have always known reconciliation and compromise.’ If you had to think of values that you wished to instil in someone who was going to be involved in the very complex matter of fisheries management, they would be the sorts of values that you would ask for. I think that this particular individual will very much appreciate the position, the aspirations and the
desires of the numbers of stakeholders and will be very much an addition to the whole process of rationalising and further managing the resources of the Torres Strait Islanders in the future.

Senator IAN MACDONALD (Queensland—Minister for Forestry and Conservation) (6.05 p.m.)—First of all, I thank all of those who have contributed to this debate for what have been very thoughtful contributions. Particularly I acknowledge the contribution which Senator Scullion just made. Senator Scullion is a person, as he indicated, who has had a long history with the seafood industry and matters maritime throughout Australia. It is indeed a delight that the parliament is able to draw upon his experience over the years in these issues. Having said that, I also appreciate the contribution from the other senators, particularly Senator O’Brien’s praise of the current board of the PZJA. I do concede, Senator O’Brien, that Mr Palaszczuk does make a very worthwhile contribution and we do get along very well, and my predecessor and Mr Palaszczuk also operated very harmoniously in this role.

It seems to me that there are three issues that people have raised. I am not sure that it is the intention of the Senate to go into the Committee of the Whole to clarify some of these issues. In case it is not, I will try to address them in my second reading speech, but it may be that some senators will want to look into it in greater detail in the Committee of the Whole. There was a lot of valuable contribution, but there were three issues which I might be able to assist the Senate with by responding. There was the reason for getting this bill through now. Senator Ridgeway was suggesting that there is no need to rush it through, that it could be delayed. Senator McLucas spoke about the Torres Strait Prawn Entitlement Holders Association requiring a position on the PZJA. There was another issue: the position generally raised by some people about representation on the PZJA.

I will start with the reason for this bill being dealt with now. The Torres Strait Fisheries Amendment Bill 2002 has had a long gestation and was, I understand, initiated some years ago. It has been around for a long time. It was an election promise that the coalition made prior to the last election and it was a commitment that was very much supported by the Torres Strait Regional Authority. I am not persuaded that what we have is not the right formulation but, Senator Ridgeway, if there are other people who should be represented—and I am not suggesting for a moment that I think there are—there are always opportunities to amend the bill in the future, as we are amending it today.

The current bill has been in place for almost 20 years and it is able to be amended. We are amending it today and if there is merit in what you say and you are able to convince others of that then there is nothing to stop the bill being amended at some future time. Certainly at the last meeting of the PZJA we did invite Mr Terry Waia, the Chairman of the Torres Strait Regional Authority, to sit with us at the table and to participate as a full member. We did that because I think at the time the legislation had been drawn, the commitments had been made previously and we understood it to be a formality for him to do that. We had him sit with us, and I think it is appropriate for the people of the Torres Strait that their representative is made a formal member as soon as possible. So that is why we want to proceed with this at the present time.

Senator McLucas raised the issue of the Torres Strait Prawn Entitlement Holders Association. Again, those people, and anyone who really has an interest in the Protected Zone Joint Authority and the fisheries, are invited to the meetings. There is nothing exclusive about it. Mr Palaszczuk and I currently have the formal legal power to make decisions but we do invite everyone into the room. We certainly give everybody an opportunity to participate, to have their say and to make sure their views are known.

The authority is a decision making fisheries management authority. It is not a representative body whereby you have everybody represented. Having said that, it seemed sensible, when this proposal we are debating today was first put, that you had the Commonwealth minister, as Senator Scullion said, broadly representing the Common-
wealth and the national interest and the Queensland minister representing the Queensland interest—and, of course, the Torres Strait and its waters are part of the state of Queensland. So the original idea was that those two ministers would manage the authority.

The Torres Strait Regional Authority—and I am no expert on this, so I will give you an amateurish layman’s understanding—was to consist of the elected representatives of the people of the Torres Strait. It seemed that that ‘level of government’ should be the other party to the Protected Zone Joint Authority board. It was thought that there should be a representative of the Commonwealth government, a representative of the Queensland government and a representative of the ‘government’ of the people of the Torres Strait. The Torres Strait Regional Authority is elected by the people of the Torres Strait and, until I am convinced otherwise, I understand it to fairly and democratically represent the interests of the people of that part of Australia. That is why those three people are there. I never say never but I would need a hell of a lot of convincing for the Prawn Entitlement Holders Association to be made a formal member of the authority.

I acknowledge that the Torres Strait prawn entitlement holders do have some real concerns. Solutions to these issues are difficult, but, really, we are trying to work with the people of the Torres Strait and in fact to get them to work with the scientists and the managers to come through with what, in the circumstances, is hopefully the right decision. It will not be a decision that will make everyone happy; very rarely is this possible in fisheries management matters. But we hope that the parties themselves will come up with a conclusion which they understand is fair. Of course, that is what we are looking for with a lot of the difficult decisions that have to be made in the fisheries in the Torres Strait area.

There was the issue of the representative nature of the Kaurareg people. For the record, I might just indicate the sorts of things that I indicated to Senator Ridgeway when he raised the matter with me. It is fairly obvious that the TSRA does support the passage of this bill. The proposal contained in the bill for the TSRA chair to become a member of the PZJA was actually generated by the traditional inhabitants of the Torres Strait and pursued by the TSRA as their representative body. There have been several opportunities for groups concerned about the proposal to raise their concerns through the TSRA, through the PZJA or directly with the Queensland or Commonwealth governments.

Senators would be aware that the proposal for the TSRA chair to become a member of the PZJA was made shortly after the Cultural Maritime Summit held on Thursday Island between 22 and 25 March 2001. The summit was attended by chiefs, elders and young people from the 22 inhabited islands of the Torres Strait. Representatives of the various land councils and the Aboriginal and Torres Strait Islander Commission also attended.
The Kaurareg people had a strong involvement in the summit, with Kaurareg elders delivering the welcome and a Kaurareg representative chairing one of the sessions. The summit dealt with many issues relating to the economic development of sea-based resources for traditional inhabitants of the Torres Strait, community empowerment as it relates to fisheries, and traditional fisheries management concerns.

In response to concerns raised at the summit, my predecessor, Wilson Tuckey, and the Queensland minister, Mr Palaszczuk, travelled to Badu to meet Torres Strait community representatives on 12 April 2001. At this meeting the ministers agreed to pursue the appointment of the chair of the TSRA to the PZJA to ensure formal Torres Strait Islander participation in the management of the Torres Strait fisheries. I understand that the Kaurareg people were represented at this meeting, along with many of the diverse islander communities with an interest in Torres Strait fisheries issues. At the next meeting of the PZJA, on 3 October 2001, the PZJA welcomed the full participation of Mr Terry Waia, then and now the chair of the TSRA.

At the earlier TSRA meeting, between 24 and 27 June 2002, the TSRA endorsed the proposal that the TSRA chair become a full member of the PZJA. As Senator Ridgeway mentioned in a letter he wrote to me, from 1997 to 2000 a Kaurareg person had represented the Kaurareg people’s interests on the TSRA board. The current Kaurareg representative on the TSRA board is from Horn Island, where the traditional Kaurareg people reside. I am informed by the TSRA that this member meets with elders regularly and brings their issues to the board’s attention. As you mentioned, Senator Ridgeway—and I think Senator McLucas mentioned it too—the Kaurareg people were granted native title rights to seven inner islands and were officially recognised as traditional owners of the area. All of these islands and their surrounding waters lie outside the Torres Strait protected zone. However, they are included as part of the ‘outside but near’ waters set out in the Torres Strait Treaty.

Senator Ridgeway informed me that the Kaurareg people had concerns about the passage of the bill. I indicated in my letter of response to him that the exact nature of those concerns had not been conveyed to me, although Senator Ridgeway has again touched on this in his speech. I am aware that there are issues surrounding the Kaurareg people’s representation on broader matters in the Torres Strait but I suggest, with respect, that the passage of this bill does not compromise the settlement of these issues with the Torres Strait Islander representative organisation. Of course, this bill in no way affects the native title rights of the Kaurareg people.

I hope this is a satisfactory explanation of the major issues that were raised in the second reading debate. I conclude by emphasising that the amendment does mark an important recognition of Torres Strait Islanders’ ancient cultural connections to the marine resources which are abundant in the Torres Strait protected zone. The appointment of the chair of the TSRA to the PZJA, sitting alongside both the Commonwealth and Queensland ministers, is a significant recognition of the importance of Torres Strait Islander input into the management of both traditional and commercial fishing in the Torres Strait protected zone. The appointment, as I mentioned, is the result of extensive consultation with all islander communities by both the Commonwealth and Queensland governments, through the TSRA, and it spanned some 18 months. It is an appointment that the Torres Strait Islanders want. As I say, this was confirmed by their official endorsement of the amendment in June of this year. The appointment will play a significant role in the self-determination and economic development of the Torres Strait Islander people.

The amendment is also consistent with both the Torres Strait Treaty, entered into by Papua New Guinea and Australia in 1985, and the Torres Strait Fisheries Act 1984, which specifically states:

In the administration of this Act, regard shall be had to ... the traditional way of life and livelihood of traditional inhabitants ...

I am personally proud to be associated with a change such as this. I give credit to my predecessor, Mr Tuckey, and to Mr Palaszczuk on this change. It is an improvement to a management model which I do say has
worked well so far and which, I am sure, will work even better in the future. I conclude by again thanking senators for their contributions and by commending the bill to the Senate.

Question agreed to.

Bill read a second time.

In Committee

Bill—by leave—taken as a whole.

Senator RIDGEWAY (New South Wales) (6.24 p.m.)—I have a number of questions that I want to ask the minister with regard to the Torres Strait Fisheries Amendment Bill 2002. The minister might perhaps provide a response in relation to why the government regards native title rights and the interests of the Kaurareg people as peripheral to the application of the Torres Strait Fisheries Act, even though the Federal Court has determined that they hold significant native title rights in the Torres Strait. In your letter of response, you identified the seven islands as being on the periphery of or outside the Torres Strait zone. This is correct in terms of those main group islands, but, as you would be aware, the native title determination by the Federal Court also recognised interests that were held in sea and that extended well into the zone itself. The minister might respond in relation to why there appears to be an attitude that the native title rights and interests of the Kaurareg people, which have been recognised by the Federal Court, are being dealt with in a secondary manner in terms of their assertion that they have not been consulted in a way that they consider appropriate or one that would satisfy their concerns. This will be reflected at a roundtable meeting to be convened in November, presumably before the next meeting of the joint authority.

Senator IAN MACDONALD (Queensland) (Minister for Forestry and Conservation) (6.25 p.m.)—The Torres Strait Fisheries Amendment Bill 2002 is about an amendment to the Torres Strait Fisheries Act 1984. The act sets up the Protected Zone Joint Authority, which has two members on it: the Commonwealth minister with responsibility for fisheries, which is currently me, and the Queensland minister who holds the same role, which is currently Mr Palaszczuk. The amendment proposed today is one that gives the Torres Strait Islander people a say in the management of the Protected Zone Joint Authority. Senator Ridgeway, there may be issues in relation to native title which are appropriately addressed by you here and elsewhere. I suggest with respect that they are not issues directly relevant to this bill; they are issues that perhaps should be addressed in other forums or in other legislation.

We are left in a situation today where you must either pass the bill and have the Protected Zone Joint Authority with a Torres Strait Islander representative—the chairman of the elected body representing Torres Strait Islander people—or you reject the bill, which means life goes on as normal and the Protected Zone Joint Authority is run by the Queensland minister and the federal minister. I prefer the former option. I think it is appropriate that the Torres Strait Islander people, represented by the chairman of their elected authority, do have a say on that—the same as the people of Australia have a say through their representative, which in this case is me, and people in Queensland have a say, which in this case is through their representative Mr Palaszczuk. The other issues which you raise are serious. I confess that they are not issues that I am any particular expert on. It is not something that I can go into in any great depth, because I am simply not competent to do that. But again, it is also not relevant to the bill before us.

Senator RIDGEWAY (New South Wales) (6.28 p.m.)—I thank the minister for that response. I wonder whether, as a result of his opening comments, the minister might also be able to take on board that this is an amendment bill and that presumably other amendments could come forward in the future. The fact is that, in November, ATSIC, the Cape York Land Council, the Torres Strait Regional Authority, to which you refer, and the Kaurareg people do intend to meet to resolve many of the issues which are not being dealt with or which are not resolved at the current time. What about any amendment that they might suggest in terms of how to resolve this issue?
I also wonder whether the minister understands that, in the context of the issue of representation and cultural difference, whilst there are assumptions made because we are talking about the Torres Strait Islands and the Torres Strait zone that the Kaurareg people are in fact fringe dwellers in relation to the zone itself and in relation to ethnic identity in the Torres Strait, being from an Aboriginal background and not necessarily a Torres Strait background, I think they have a legitimate issue in terms of concerns about whether they are being adequately represented in terms of their way of life. Is the minister prepared to give some commitment, following on from the November meeting of the communities, about considering any other decisions that are reached by Indigenous representatives to bring about further changes in terms of representation?

Senator IAN MACDONALD (Queensland—Minister for Forestry and Conservation) (6.30 p.m.)—Again, most of the issues that Senator Ridgeway has just raised are issues which are not relevant to this bill and which I do not want to comment upon. Suffice it to say, Senator Ridgeway—and I understand that there is a cultural and an ethnic difference—that you would have heard another senator in this debate question why the Torres Strait prawn entitlement holders were not on the authority as well. If it is going to be a representative authority of simply everybody, where do you stop?

Senator Ridgeway—The Torres Strait prawn entitlement holders do not have native title.

Senator McLucas—That is taking it a bit far.

Senator IAN MACDONALD—You say we are taking it too far. Senator McLucas, I thought you were suggesting that. I notice that you were careful not to actually advocate it; you were simply questioning me. It seems that you will be able to show our friends in the Torres Strait Prawn Entitlement Holders Association that you raised the matter in the Senate—good on you. They have raised the issue with me, as you know. I take it that you are not advocating the position. I think you well understand why, and I think they do as well. We want to try to involve everyone in coming to the correct conclusion.

I repeat, if the government were persuaded that other amendments were needed in the future then, Senator Ridgeway, of course we would always look at proposals for amendment. I will not today give you a commitment to do anything except listen. I know the government will listen. If you have a proposal, you always have the opportunity to raise the issue by way of an amendment to the bill in the future. That is something that you obviously have the opportunity to do. I am happy to consider anything that is put to me. If I am persuaded that it is a good idea then I am very happy to take it to the government. If they can be persuaded that it is a good idea, we will join you in a possible amendment. But I do not want to give you any tacit approval or thought that the government might be prepared to support something like that. As it now stands, we would not. But we are prepared to look at anything that you may bring to us or which the meeting in November might come up with.

Senator McLucas (Queensland) (6.33 p.m.)—Minister, in terms of the development of the management plan that is occurring at the moment, do you agree that there are two steps that we have to go through: first of all, the identification of the upper limit of the number of days that can be allocated in the fishery and, subsequent to that, the reallocation that must occur within the total number of days that has been agreed?

Senator IAN MACDONALD (Queensland—Minister for Forestry and Conservation) (6.33 p.m.)—There is an independent allocation process going on at the present time, in which all parties are involved. There are, I suspect, different ways you can get to the right conclusion. I want to ensure that we avail ourselves of every opportunity that will give us the result that best suits most of the people involved. It is, some might say, a slow process; I like to think of it more as a careful process. The fisheries managers, the professionals and the independent allocation authority will, I hope, with the input of those who are vitally concerned—in many cases
their livelihoods depend upon it—get us to a result that everyone can live with and which people will accept as the right result even though they may not be happy with it.

Senator McLUCAS (Queensland) (6.35 p.m.)—Minister, I do not know whether you have actually answered the question. It goes to the issue of the principles that will identify that upper limit to the number of days. It is fair to say that we first have to have an agreement about the number of days that we can have in the fishery. Once we have established that is the sustainable activity that can continue to operate, then we have to look at the issue of reallocation and that has to happen within that total number of days that we—the scientists, the fishers, everyone—will agree is a sustainable effort.

Senator IAN MACDONALD (Queensland—Minister for Forestry and Conservation) (6.36 p.m.)—There is obviously an upper limit. The independent review of the stock assessment is taking place and will, as I understand it, determine that. The review of the entire management structure is, as I mentioned, currently under way and with that we will get to a situation where we can see what has to be done to ensure the sustainability of the fishery and the fair allocation of what the independent allocation panel comes up with.

Senator McLUCAS (Queensland) (6.37 p.m.)—Will those days that are reallocated from existing entitlement holders be purchased to be transferred to the licensees who currently do not have any days allocated to them?

Senator IAN MACDONALD (Queensland—Minister for Forestry and Conservation) (6.37 p.m.)—You are getting into issues which I would prefer not to comment on at this stage. There are assessment panels and professional management officers working on these issues at the moment. I do not want to interfere at this stage, so this is an issue that I would rather not go into, notwithstanding the fact that it is not relevant to the amendment before the act, which is related to adding someone to the board of the authority. I appreciate your raising the issue, Senator McLucas, and I know that it is an issue that many of your constituents and mine in North Queensland are concerned about. It is a very complex issue, as these always are, but I hesitate to become involved in a debate in this chamber about purchasing, compensation and different issues which require a lot of thought before we get to the final conclusion.

Senator McLUCAS (Queensland) (6.39 p.m.)—I acknowledge that it is a very difficult issue, but it is an issue of a current and existing right that these fishers have, and there needs to be some clarity on this matter quite quickly. Given your point about this issue being not about management plans but rather about membership of the Protected Zone Joint Authority, I would like to go to the issue of the Management Advisory Committee, which is a subcommittee of the Protected Zone Joint Authority. Can you tell me what the current membership is and, given the change in the inclusion of the TSRA chair into the authority, will the MAC membership change?

Senator IAN MACDONALD (Queensland—Minister for Forestry and Conservation) (6.40 p.m.)—I again thank Senator McLucas for raising the issue but, as she would no doubt have had it reported to her, there was quite a bit of discussion about this—not by Mr Palaszczuk or me, I might add, but by other parties at the last PZJA meeting. I understand that there is possibly some rearrangement of the Management Advisory Committee process but, as I recall, some different approaches were spoken about and it was left to the TSRA to resolve which was the best way to move forward on that. There were questions of resources. In fact, the PZJA does not currently have a budget. Queensland and the Commonwealth pick up the bill in a certain precise and auditable way—although in what appears to me to be an imprecise way. Issues about resourcing and who pays for what are to be discussed in the fullness of time, and the number of management committees and who constitutes them will, to some degree, be dependent upon resources available and agreement on who should be on which committee and how they should operate.

Senator McLUCAS (Queensland) (6.42 p.m.)—Finally, Minister, can you tell me
whether those issues will be resolved at the November meeting?

Senator IAN MACDONALD (Queensland—Minister for Forestry and Conservation) (6.42 p.m.)—It was the intention at the last meeting that they would be. The reports that I have had from my officials are that it is a laborious process, and I am not now confident that they will be dealt with. They are on the agenda to be dealt with, and we still officially expect to be able to deal with them. I am told by my advisers that there is a fifty-fifty chance that they will be ready, if that is of any use to us. It is hardly a very precise way to debate in the chamber. Perhaps I can leave it by saying that I would hope that it will be the case. It was intended to be the case, but I do not have any great, high expectations of that happening.

Bill agreed to.

Bill reported without amendment; report adopted.

Third Reading

Senator IAN MACDONALD (Queensland—Minister for Forestry and Conservation) (6.44 p.m.)—I move:

That this bill be now read a third time.

Senator RIDGEWAY (New South Wales) (6.44 p.m.)—I would like to have it recorded that the Australian Democrats oppose the passage of this amendment bill for the reasons stated earlier.

Question agreed to.

Bill read a third time.

BUSINESS

Rearrangement

Senator IAN MACDONALD (Queensland—Minister for Forestry and Conservation) (6.45 p.m.)—I move:

That intervening business be postponed till after consideration of government business order of the day No. 5, the Petroleum (Submerged Lands) Amendment Bill 2002.

Question agreed to.

PETROLEUM (SUBMERGED LANDS) AMENDMENT BILL 2002

Second Reading

Debate resumed from 19 June, on motion by Senator Ian Campbell:
government since 1996, and its ministers in this area over the last six years have been derelict in arriving at a comprehensive energy policy for this nation for the future. If that had occurred and we had such a policy framework in this country at this time, we would not be having the debate now about whether gas from the Sunrise field in the Timor Sea should be exported from a floating facility or brought to an onshore facility and also used for domestic gas purposes.

Some would argue, I am sure, that government intervention in the market would cause a flight of capital and leave some of our important reserves unexploited. That is not the opposition’s view. These resources are finite. They are, as we understand it, not renewable resources and not renewable reserves of these resources within the constraints of the boundaries of this nation and its territorial waters in particular. Whether they are exploited this year, the year after or in a decade’s time is, in many cases at least, irrelevant and certainly not the key point in determining Australia’s position and our national interests in this debate. We can rush in, and that seems to be an approach that this government takes, or we can plan in a way which maximises the benefits of our natural resources for all Australians and for the future of this nation. This is a nation which is young now but which we would expect to have a great future.

Debate interrupted.

DOCUMENTS

The ACTING DEPUTY PRESIDENT (Senator Lightfoot)—It being 6.50 p.m., I call on consideration of government documents.

Council for Aboriginal Reconciliation: Government Response

Council for Aboriginal Reconciliation: Executive Summary

Senator RIDGEWAY (New South Wales) (6.50 p.m.)—I move:

That the Senate take note of the documents.

I would like to briefly comment on the government’s response to the Council for Aboriginal Reconciliation’s final report to the parliament. Overall, the Australian Democrats are very disappointed with what is a minimalist response to a 10-year process. Considering that the council’s final report contained only six recommendations and that only part of one of those recommendations has been responded to, we question the adequacy of the government’s response to what we regard as one of the most significant social issues confronting Australia, particularly in the last decade. By aiming at the lowest common denominator position on reconciliation, I think that the government has failed to take up the challenges or commit to the implementation of the Roadmap for Reconciliation, developed by the council after 10 years.

We are concerned on two fronts. One is that reconciliation appears to be no longer treated by the Commonwealth as an issue of national importance. Secondly, as a result of its relegation to the too-hard basket by the government, we question whether we can still say with confidence that reconciliation does enjoy full cross-party support in this parliament, as it did 10 years ago when the enabling legislation for the council was passed. As the Aboriginal and Torres Strait Islander Social Justice Commissioner, Dr Bill Jonas, said, the Howard government’s commitment to practical reconciliation means practically nothing to Indigenous Australians. To use his words:

Practical reconciliation amounts to ‘business as usual’. It involves little innovation or change to service delivery arrangements to address Indigenous marginalisation in a holistic manner. It simply manages the inequality that Indigenous peoples experience, rather than providing a detailed, comprehensive plan for overcoming this disadvantage. It is a cruel illusion of equality that perpetuates Indigenous people’s position at the bottom rungs of our society.

In the light of the government’s response, it is obvious that it is not prepared to take up the leadership challenges that the Council for Aboriginal Reconciliation identified it must if we are to achieve true and lasting reconciliation in this country. I think we have to ask whether the government is prepared to look at enshrining in legislation the principles that are contained in the declaration towards reconciliation and the road map, as recommended by the council. The Com-
monwealth has publicly distanced itself from the documents of reconciliation and rejected key elements of them. As it has in so many other areas of Indigenous affairs, the government clearly considers it appropriate to cherry pick from the recommendations of the council and to pursue only those that it considers the most benign, inoffensive or risk free. The clear message that can be taken from that is that, for the thousands of Australians who have contributed to the development of these documents over the last decade, their views and aspirations do not count for much. We ought to be asking the question, after all of this time: where are the performance benchmarks and measurable time lines that COAG and MCA TSIA were to develop so that we can ensure that real progress is being made towards eliminating Indigenous disadvantage in all its forms?

You have to ask the question: where is the government’s commitment to a time line for a referendum to remove section 25 of the Constitution because of its overtly racist intent? Where is the government’s commitment to replacing this provision with a section that will enshrine the principle of non-discrimination on racial grounds in our national Constitution? And where is the government’s preparedness to consider legislation that will facilitate some discussion on bringing about some settlement or treaty to resolve the many matters that stand in the way of reconciliation?

On behalf of the Australian Democrats, I tabled a private member’s bill last year to do precisely this, but neither the government nor the ALP have seen fit to support its passage into legislation. Even where the government has shown some preparedness to step outside the strict confines of practical reconciliation, it is mostly in relation to its recognition of Indigenous protocols—and, even here, recognition is tightly constrained to the incorporation of protocols on certain occasions and for certain ceremonies. At the same time the Commonwealth is not prepared to incorporate Indigenous protocols into the opening ceremony for this parliament, I cannot understand why this parliament—the people’s house—is not regarded as an appropriate ceremony at which to acknowledge the important place and status of Indigenous people in the life of the nation, just as the government’s own House of Representatives committee had drawn the same conclusion and made that recommendation. It seems to me that we have to take greater steps than we currently have if we are to bring about reconciliation. (Time expired)

**Senator CROSSIN (Northern Territory)**

(6.55 p.m.)—I rise to also speak on the Commonwealth government response and the executive summary to the Council for Aboriginal Reconciliation final report. In representing the Northern Territory, of which almost 30 per cent of the population is Indigenous people, I find this response extremely disappointing. I am sure that that will be the case for not only the Indigenous people that I represent in the Northern Territory but a great many Australians in this country. I truly cannot believe—after 10 years of work, during which the Council for Aboriginal Reconciliation produced some outstanding milestones for this country and attempted to put reconciliation front and centre on the social calendar of this country and to make reconciliation the key plank of the government’s platform at the time—the inadequate response of this government to the final report from this council.

I was one of a number of members of this parliament who attended the final ceremony, for want of a better word—handover and closure—of this council at the end of 2000. This magnificent document that was presented to us, entitled *Reconciliation: Australia’s challenge*, was quite timely, being produced in December 2000. If people remember, it has a magnificent image on the cover of this document of an elderly Indigenous person holding hands with a young Australian, the result of which we saw at the opening ceremony of the Olympic Games. That emotion and sentiment was captured by the whole of this country during the opening of the Olympic Games, sentiment that has been captured by many citizens around this country in their reconciliation walks—and I participated in the walk over the Sydney Harbour Bridge, and that has been duplicated in many cities around this country.
People in this land are concerned about reconciliation and it has become a people's movement. No doubt, as a result of this response, it will continue to be a people's movement, because there is a severe lack of leadership from this federal government on reconciliation. This is not a document that provides any sort of leadership, guidance or future hope that this country will truly come to terms with reconciliation and what it means. There were only six recommendations in the final report of this council after 10 years of hard work. As Senator Ridgeway has said, this government has seen to support, and in kind, only one of those recommendations but probably the recommendation that will be the least significant in improving reconciliation and its agenda in this country. To actually agree that section 25 of the Constitution should be dealt with and that it is now irrelevant is something that we all know. Anyone reading the Constitution would see that it would be a matter of course for any government in this day and age to pick that up, take it on board and do something about it.

This is simply 23 pages of a photocopied document at best, with a very flimsy cardboard cover. It does not go to the heart of the substantial report handed down by the Council for Aboriginal Reconciliation; it merely restates, as most of the budget documents of this government have, what this government is doing. As Fred Chaney said in the press some weeks ago—

The ACTING DEPUTY PRESIDENT (Senator Bolkus)—Order! Will senators on my right please remain silent. That includes you, Senator McGauran.

Senator CROSSIN—That just shows the kind of feeling this government has towards a significant document such as this. Fred Chaney, the Chairman of Reconciliation Australia, has labelled this report as disappointing. It is disappointing. Once again it is a sad indictment of this government’s copybook that the issue of reconciliation is not high on its agenda. (Time expired)
Question agreed to.

Australian National Residue Survey: Annual Report 2001-02

Senator O’BRIEN (Tasmania) (7.01 p.m.)—I move:

That the Senate take note of the document.

The Australian National Residue Survey program manages testing for residues and contaminants. The survey underpins the integrity of 16 animal commodity, 14 plant commodity, five representative seafood commodity and two representative aquaculture commodity sectors. Last financial year 24,000 samples were collected and 274,000 individual chemical commodity combinations were analysed. Participating industries provided $8.658 million from levies and other contributions for the management and operation of residue testing and other projects. This program is essential to export as well as domestic industries that supply those markets. Given that we export most of our agricultural production, it is essential that we meet the residue and contaminant standards required by markets that import our products.

The National Residue Survey program enables us to underpin the integrity of our rural exports with data on residue and contaminant levels. Our trading partners also audit the operation and results of the National Residue Survey from time to time. This program is also essential to the integrity of products sold in the domestic market as well as in the export market. Participation in the National Residue Survey program is a requirement of the Australian Standard for Hygienic Production of Meat for Human Consumption. A number of industries that do not export a large percentage of their production also use the national residue surveys to support their quality assurance programs.

In February this year I asked the Chief Commonwealth Veterinarian, Dr Gardiner Murray, a number of questions about the future of the program. I specifically asked about a review of the NRS because I was concerned that the government was seeking to focus the program on exports at the expense of industries—the chicken industry is
one—that focused on the domestic market. Dr Murray advised me that was not the case. But he did confirm that there was a review under way and that the review was examining the objectives of the program and how best it could be repositioned in ‘the light of other activities that are going on’. He said the program was voluntary and there existed a need to review the participating industries, including the cost of their participation. Dr Murray also said the government was not considering the exclusion of any industry from the program.

In May this year I asked the Department of Agriculture, Fisheries and Forestry how the review of the NRS was proceeding and I was advised that the review being undertaken by a departmental officer had not been completed. It now seems clear what the review was really about, and it is not a pretty story. It seems it was about finding ways of extracting large sums of money in additional administration costs from participating industries. These exploding costs that the Minister for Agriculture, Fisheries and Forestry, Mr Truss, is seeking to impose on the industries will have an impact, and I would like to remind the Senate of the contributions that some of these rural industries make to Australia.

The poultry industry enjoys annual retail sales of $2½ billion based on the production of 400 million chickens, representing 62,000 tonnes of meat, and it employs 35,000 people. Indirect employment is about five times that figure. The feedlot industry employs 6,000 people, mainly in regional Australia, and makes a major contribution to the beef industry. The 2½ thousand pork producers generate $856 million worth of product and an estimated 34,000 regional jobs, and they export $264 million worth of product per annum. The future of these intensive industries depends upon their maintaining consumer confidence, both domestic and international, in their products. The NRS plays a key role in maintaining that confidence. That is why I am concerned that Mr Truss is now seeking to impose a massive increase in these costs. According to the latest annual report of the NRS, and I will quote directly from it:

… full cost recovery for survey activities was introduced on 1 July 1993.

So that is not the basis for this cost increase. Mr Truss is now imposing massive cost hikes on these industries and they have little to do with anything other than the costs of the department and they certainly do not have anything to do with actual NRS costs. An example that I would like to give is the chicken industry. Professional support services are to jump by 740 per cent. There was a slight decline last year, but the increase is massive and reflects the manner in which the department is being administered. The cost profile for the chicken industry saw property expenses jump by 150 per cent. The cost of professional services to the pork industry will jump from $5,000 in 2001-02 to a proposed $61,000 for the current financial year. (Time expired)

Question agreed to.

Roads to Recovery Program: Annual Report 2001-02

Senator SANDY MACDONALD (New South Wales) (7.07 p.m.)—I move:

That the Senate take note of the document.

The Roads to Recovery program provides funding for roads in rural, regional and metropolitan areas. The funds are provided in the form of grants directly to local governments. The focus of the program is the renewal of local roads as an essential element of Australia’s social and economic infrastructure. This program was announced in December 2000 by the government and began operation in February 2001. Some 8,500 projects were registered for funding under the program by 1 September 2002 and only five councils out of 721 are still to register for the program. It has got almost universal support from local government, and for good reason.

The government will meet its commitment to provide $1.2 billion through Roads to Recovery by 30 June 2005. The amount of $450 million has already been provided to local councils and every council in Australia will receive every cent of the money promised to them. The total allocations to each council are guaranteed by the legislation. There has been some publicity about the rephasing of
the budget allocation, which was done to meet budget priorities. The amount of $200 million will be available under Roads to Recovery this year while the $100 million rephased will be available in the 2004-05 financial year. Eighty-two councils have already received the whole of their four-year allocation and are not affected by the rephasing. The 90 councils due to receive less than $600,000 over the life of the program will also not have their allocation affected.

Applications for hardship consideration closed on 16 August 2002. All councils affected by the rephase were eligible to apply, and 41 councils did so. Minister Anderson has already approved 18 of these applications and has considered a further group of applications and he hopes that he will be able to announce the results of this assessment shortly. This will enable councils to go forward with certainty.

On the question of the continuation of the Roads to Recovery program, which, as I said, has been universally accepted by local councils right around the nation, the extension of the program beyond the expiry date of 30 June 2002 is being considered by the government. I understand the government has contributed a sum of money—$150,000, I think—towards a joint Commonwealth-Australian Local Government Association review of the Roads to Recovery program now under way. This review will investigate the benefits gained by this program. The findings of this review will be considered in developing the new federal land transport infrastructure program, which was announced recently, called Auslink. I would urge interested’ parties, particularly local government, to put their views on future road funding arrangements to the federal government as part of this proposed modernisation of Australian transport systems.

I think, as the report points out, this is a very well-received government program. The government have many requests and obligations for funding, but one of the positive outcomes of balancing the books and managing the economy well is that we have been able to spend money in areas which are essential. Local roads that remain the responsibility of local governments need this money and they need money for the future. As I have often said, we never spend enough money on roads, but this program has been a particularly good start and I commend the government for it.

Question agreed to.

ADJOURNMENT

The ACTING DEPUTY PRESIDENT (Senator Bolkus)—Order! There being no further consideration of government documents, I propose the question:

That the Senate do now adjourn.

Indonesia: Terrorist Attacks

Senator KNOWLES (Western Australia) (7.13 p.m.)—I rise tonight to briefly place on record a couple of issues. Firstly, I would like to express my most profound sympathy, and that of my staff, to those who have lost loved ones and friends in the Bali massacre. I also wish to express my deepest and heartfelt thoughts for those who are injured, either physically or psychologically, and those who love and care for them. It is, I believe, beyond one’s true comprehension as to exactly what those people have experienced and what they have yet to experience. It is a responsibility for all of us not forget them as the days, weeks and months pass and as their pain, their heartache and their sorrow, needless to say, continues.

I wish to make special mention of the Western Australians who have been affected and those families who are still worried about the whereabouts of their loved ones. Everyone hopes and prays for good news no matter how long it takes. To see the grief on the faces of the players from the Kingsley Football Club from the northern suburbs of Perth as they have decided to return home not knowing the fate of some of their fellow players is nothing short of heartbreaking. I wish them well.

The work of so many is to be commended, I believe. Those with any form of medical or first aid training who have worked tirelessly in Bali—many of them simply as volunteers, though they were up there holidaying and having a great time—have ended up playing a vital part in the treatment of those affected in this tragedy. I commend the members of
the Australian Defence Force who have acted swiftly, professionally and compassionately; the medical and nursing staff of Australian hospitals; the ambulance workers; the counsellors; the Australian Red Cross; and the generous spirit of our fellow Australians. The list could go on forever.

I also want to make special mention of the doctors, nurses and allied health professionals of Perth hospitals, who have left no stone unturned in their diligence to treat the injured. The people who are working around the clock know no time and seek no special recognition. Australians who have queued to give blood, in the hope that it may help, reinforce the true Aussie spirit. There are many unsung heroes who emerge out of such tragedies. There are many people who have simply volunteered their services and many of those people have been at the coalface, dare I say, in Bali, trying to help in any way they can. I think that we owe them a special debt of gratitude because, without them, things for those who have been affected, whether physically in Bali or at home, would have been so much harder.

My contribution tonight is not long but I also wish to make a special comment on and commend the work of Father Brian Morrison in Perth, who, in his typical way, has taken immediate steps to get humanitarian aid dispatched to Bali. He has also met the planes arriving in Perth carrying the injured and met the families of those affected. Father Brian’s Crisis Care is legendary in Perth. In fact, Father Brian has been to some horrific war zones throughout the world. When I talked with him this morning it was really quite devastating to hear his account of what he saw when he went out to Perth airport to meet those planes. He has said how devastating a sight it was to see the injured and that there is much that needs to be done, now and in the future, to be of real assistance.

I would like to place on record our thanks to Father Brian for all that he does for those in need—not just in Perth but around the world—because the cargo that he is sending to Bali is not just for Australians. It is also for those Balinese who, as we know, are in desperate need. So thanks to Father Brian. Channel 9 will probably kill me but, if someone wants to see something special about Father Brian on Channel 9 this Thursday night, just have a look at This Is Your Life and it will tell you how special this guy is.

I conclude where I started. To all those affected in one form or another in this dreadful tragedy, from a Western Australian and Australian point of view—of course, Western Australia has a particular affiliation with Bali because of our location, and many people fly there for their holidays not just once a year but numerous times a year; many of my friends fly there regularly throughout the year—I say that we are with you in every way possible. If there is anything that any of us can ever do—I know that I speak for my colleagues, and I see Senator Webber from Western Australia in the chamber here tonight—in a most bipartisan way we would be only too happy to be of assistance. We are thinking of you.

Information Technology: Research

Senator LUNDY (Australian Capital Territory) (7.18 p.m.)—I rise this evening to reflect on the loss of Ericsson AsiaPacific labs in the Australian information and communications technology landscape. The announcement earlier this month of the pending closure of one of Australia’s last big research and development facilities—Ericsson’s AsiaPacificLab in Melbourne—can only be described as a very sad event for Australia, our future and, in particular, the employees of Ericsson, who put their hearts and souls into their work there over many years. But it is an understatement to say that Ericsson’s investment in R&D in Australia was significant. It was very impressive. But then it had real history here. Ericsson has been in Australia for over 100 years, opening up a manufacturing centre in Broadmeadow in the 1960s, and making a huge commitment to R&D in the mid-1980s. Since then AsiaPacificLab has created no fewer than 75 high-tech patents.

It is important to note that Ericsson will continue to have a strong engineering presence in Australia, with over 600 employees continuing in Ericsson’s local and regional services group. At the time the lab closure was announced, the company employed over
400 of Australia’s best and brightest scientists and engineers doing highly skilled, innovative and globally recognised research and development into telecommunications technologies.

I would like to take this opportunity to recognise the managing director of the lab, Mr Ric Clark, as a leader of substance in ICT in Australia. He fought constantly to ensure that AsiaPacificLab won research projects for the Australian labs over other Ericsson labs world wide. He was highly successful in doing this. He was a key contributor to building Australia’s reputation as a global centre for ICT research and development, a task that is central to our nation’s ability to attract and retain the interest of global companies in an era where R&D is almost as footloose as labour and the whole sector is racked by a devastating downturn.

Over the next six months or so the labs will be continuing their work on their current major projects as decisions are made about what happens next. I know that it is the primary goal of Ric Clark to work towards finding the best opportunities for his talented staff, who have immense experience in a range of ICT critical competencies. It is my hope that these people are not lost to overseas but are snapped up by other organisations dedicated to the highest quality research, development and commercialisation in information communications and related technologies. The government have recognised Mr Clark’s contribution and achievements by appointing him to the board of their ICT Framework for the Future Steering Committee.

I would like to take this opportunity to give some examples of the technological contribution made by the researchers in the Ericsson labs in Melbourne. On September 11 2001 New York’s phone system received its biggest ever work-out. In the aftermath of that terrible tragedy the city’s phone exchanges carried a record number of calls. I have no doubt that the recent tragedy in Bali has challenged the phone systems and technology in a similar way. The fact that these phone systems withstood this pressure was thanks to technology used in those exchanges—technology that was developed in Australia by scientists and engineers at the lab.

Achievements of the lab also include developing key mobile phone technologies, work on technology which supports third generation mobile phone systems in Europe and Hong Kong, and the development of one of the call-queuing systems—the technology behind call centre phone systems the world over. This invention has been rated in the top 100 Australian inventions of the 20th century.

The lab’s contribution to Australia’s broader research and development environment will also be missed, as will the role the lab played in creating crucial relationships between public and private sector organisations—a key challenge if Australia is going to be a player in ICT innovation. This ability to collaborate extensively was a key strength.

The lab spent up to $100 million each year on research and development and contributed to the research efforts of three Australian universities: the University of Melbourne, the University of New South Wales and, here in the ACT, the Australian National University. It also contributed significantly to two cooperative research centres: Australian Photonics and Australian Telecommunications. In 2001 the firm sponsored the Ericsson Innovation Prize, which both this year and last year saw tens of thousands of dollars being awarded to deserving innovative Australian companies. Clearly, AsiaPacificLab played a key role in not only engaging in but also supporting research and development in Australia.

Unfortunately, the Ericsson research lab is merely the latest in a long list of foreign companies that, under the current government, have made significant reductions in their Australian investments—some have even left these shores entirely. These companies include, among others: Lucent Technologies, Nortel Networks, Alcatel, Dell, ADC Telecommunications and JDS Uniphase. These accompany further local reductions in ICT R&D, such as the huge cuts made to Telstra’s research labs and the closure of the Centre for Telecommunications Information Networking at the University of Adelaide and the Centre for Interna-
Undeniably, conditions in the global information technology and communications sectors are pretty bad. No single government could prevent this depression. It is no secret that the capital expenditures by telecommunications companies are at historic lows. We know that Ericsson has planned to cut between 10,000 and 20,000 jobs from its global work force of 70,000. It was always going to be tough to argue that Australia should keep the lab and that the home office, in Sweden perhaps, should close theirs. This situation presents a key challenge for the government.

What if Australia were the global centre of excellence—a genuine one—and the capability here were so renowned that this presented a credential that could not be resisted even by the head offices of global ICT companies? Alas, this is not the case. When times get tough, it really is the responsibility of the government to respond in the interests of the citizens. In this case, the government needs to defend Australian research and development capability in the field of ICT, and the best defence is to invest in the strongest, most robust research, development and commercialisation environment for ICT. The defence is best demonstrated by showing leadership, expressing a vision and pursuing that vision with sharp, focused industry development policies. Unfortunately, this challenge was not met by the current government.

Last month I read—quite incredulously, I have to say—the response from Senator Alston, the Minister for Communications, Information Technology and the Arts, to news that across two years Australia’s ICT trade deficit had climbed by $2 billion. This means that we are importing more than we are exporting. Senator Alston said:

We shouldn’t be overly concerned about it so we shouldn’t put a great deal of effort into reversing it.

In other words, he is not concerned that this sector is increasing Australian debt by a billion dollars a year. Senator Alston was also quoted as saying that the reason the government should not put a great deal of effort into reversing it was that Australia does not have a comparative advantage in the production of IT. This illustrates to me—and, I think, to the rest of the industry in Australia—that the minister was not backing the industry he represents. Imagine the impression this gives in the boardrooms overseas: I can just hear people saying in those boardrooms, ‘If Australia’s IT minister doesn’t back their local capability, why should we invest there?’

This is a very important issue, and I believe that there may have been an opportunity for the coalition to champion far more strongly our capability and to do what they could to ensure that that capability is strengthened, particularly through this downturn, which has been so difficult for so many in the sector. Supporting this point, Mr Clark said:

If [Ericsson] felt Australia was just as keen, just as excited about developing a strong technology sector as it was about winning gold medals, then those sorts of things would have more influence as well.

I think that goes to the point about the need for a champion of ICT in government. The ICT sector in Australia expects government ministers, especially the minister for IT, to champion our capability and not to talk us down in the way that Senator Alston did. We should be seeing, and we need to be seeing, the government create a strategy to preserve and nurture our capability during this global downturn. If the government wants Australia to reap the benefits of foreign investment in ICT, as well as grow our own and make investments in research and development, it should be doing far more than it currently is to encourage it.

I would like to take this opportunity to personally recognise and acknowledge the contribution of Mr Ric Clark and all of the staff at the Ericsson AsiaPacificLab in Melbourne. It is a great shame that that lab will not be able to continue as it has done in the past, and I sincerely hope that those people find for themselves very stimulating employment here in Australia so that they can continue their great work and their great contribution to our future. (Time expired)
Tuesday, 15 October 2002

Condolesces: Smith, Mr Guy

The PRESIDENT (7.28 p.m.)—It is with deep regret that I inform the Senate of the death on 4 October 2002 of Mr Guy Smith, a former Usher of the Black Rod and Clerk Assistant of Senate committees. Guy Smith’s career as a parliamentary officer spanned 36 years. He worked in the Senate for 25 years and in 1983 was appointed Clerk of the Northern Territory Legislative Assembly. Guy retired from the Northern Territory Legislative Assembly in 1994, and he and his wife, Jan, moved to Queensland. Tragically, Mrs Jan Smith, who had been suffering from cancer, also died on 4 October. On behalf of the Senate, I extend our sincere condolences to their family.

Education: Autism

Senator CHERRY (Queensland) (7.29 p.m.)—I rise tonight to speak on the issue of autism and education. Autism is a lifelong developmental disability. There is no cure, although changes in ability and behaviour occur over time and some children can show remarkable improvement throughout their lives. Autism is a dysfunction of some parts of the central nervous system, including the brain, which affects the way the individual processes information. Autism affects the way in which a child learns to understand and use language, interacts socially with people, makes sense of the environment and develops and uses imagination. Autism affects as many as 167,000 people in Australia and is four times more prevalent in boys than in girls. Up to 93 in every 10,000 children born will have some form of autism spectrum disorder and will receive significant assistance for most of their lives. In New South Wales that translates to some 40,000 individuals. Autism occurs with equal frequency within all ethnic and socioeconomic groups.

Children with autism vary enormously as to their educational needs. The effects of autism may be mild or severe and not every characteristic is evident in every child, with different features of autism displayed in different contexts. Children with autism, because of their different understanding of the world and sensory sensitivities, often experience overwhelming anxiety, frustration and confusion when faced with the demands of everyday life. Anxiety, frustration and confusion may give rise to repetitive movements, self-isolating behaviours and sometimes even aggression. Children with autism are visual learners, and hence early intervention and other programs focus on visual learning style. Visual strategies enhance communication, support behaviour, facilitate learning and develop independence skills. The services provided by schools that service autistic children must cover early intervention, education outreach and support for families in the region.

I particularly want to mention today the South Coast School for Children with Autism, located in Corrimal in the Wollongong area in New South Wales. The South Coast school caters for children with autism who are aged three to 16 years. The area of enrolments, from Helensburgh in the north to Kiama in the south and Appin in the west, covers around 400 square kilometres. The Corrimal base school has a preschool, infants and primary classes, as well as a high school adolescent unit, covering those children who require a specialised curriculum, community integration and a structured physical environment to support their moderate to severe autism. The base school is utilised by the Illawarra Interchange Respite Service, who hold a Saturplay Leisure Club for children enrolled in the school, and the Illawarra Asperger’s Support Group, who hold meetings at the school every six weeks. Vacation care is also available for children enrolled in the school and is coordinated by Illawarra Children’s Services.

The school currently has 56 students ranging from the age of 3½ to 16 years and would take more students but for a lack of facilities, sites and, of course, funding. Indeed, there is a waiting list of 15 to 20 children. The school is one of only six Autism Association schools in New South Wales. The fact that there is such a waiting list for such an important facility is a very sad statement on public funding priorities, particularly by the New South Wales government. The school also provides advice and referrals to services for families whose children cannot attend the school. Because
teacher training in New South Wales has no autism-specific provisions, the school has to actually train its own teachers. In spite of the fees being very low, it remains that many parents in the Wollongong area cannot afford them. However, the school covers these children and hence relies heavily on fundraising to provide services to children and parents. The aim of the school is to work as early as possible with children to achieve transition, ideally by the age of nine. They generally achieve a 10 per cent transition every year into mainstream education, which I think is a marvellous performance for a school dealing with such difficult children. However, older children in the school have high support needs or challenging behaviours that make transition more difficult, which means they require more long-term intervention and assistance from the school.

A number of the children attending the South Coast School for Children with Autism suffer from Asperger’s syndrome. Asperger’s syndrome is a type of autism that involves high intellectual function but poor social and interactive skills. Because children suffering from Asperger’s syndrome are highly functioning children, they tend not to experience developmental delays and hence they may not attract carer allowance but, nonetheless, they have particularly high needs and challenging behaviours. The situation, however, for all these children is not as bleak as it must at first appear. Appropriate intervention early in life, specialised education and structured support can make a significant difference to an autistic child’s life, helping to maximise their skills and achieve their full potential as adults.

I turn now to the whole issue of how much assistance is provided to the families of children with autism. Prior to 1998, children who were diagnosed with autism and whose parents provided long hours of care and attention were entitled to the child disability allowance. This allowance of less than $40 a week nonetheless enabled parents to contribute towards the additional medical and intervention programs to enable their children to progress. In late 1997, the Howard government decided that too many children were receiving the child disability allowance and they changed the rules. The test for the child disability allowance, which was renamed ‘carer allowance’, was no longer the amount of care provided by parents but simply whether the child had a medical condition that led to a developmental delay.

It remains that not all children with autism, particularly those with Asperger’s syndrome, suffer developmental delay. In fact, many of them are high functioning, notwithstanding that their parents must provide hours of care. The changes made by the government from July 1998 have meant that many parents of children with autism no longer qualify for carer allowance. Without that little bit of financial assistance, many cannot afford to send their children to special services, such as those provided by the South Coast school. Children will miss out on individual early intervention programs and will be unable to access education programs, which need to be based on their individual strengths and needs. For many parents of children with challenging behaviours but who do not suffer developmental delay and hence do not qualify for the carer allowance, it means they are denied the opportunity to participate in non-aversive management behaviour programs. These are not offered in mainstream education and must be funded by parents who, without the carer allowance, just cannot afford it, particularly in an area with the economic challenges of Wollongong. This in turn means that schools are facing an alarming growth in the number of children with special learning needs, but the Commonwealth and the state are failing to meet the rising cost of their education.

The Australian Democrats wish to commend the work done by the South Coast School for Children with Autism and the Autism Association nationally—indeed, all carers and parents. We particularly want to commend their efforts to provide services to parents regardless of their ability to pay. We call on the Howard government and indeed the Carr government to commit to a carer allowance for parents of children with autism to enable them to access the essential intervention and education programs they need to enable them to use their abilities, realise their dreams and attain the best possible quality of
life. We call on the Carr government also to address the issue of the waiting list for places at the South Coast School for Children with Autism and ensure that, where the need is identified for a child, they are given the best chance of a decent life in Australia.

**Trade: Common Agricultural Policy**

Senator COOK (Western Australia) (7.37 p.m.)—I want to speak tonight about two major events which will have a dramatic impact on the Australian economy in the future. I only hope that the Minister for Trade, Mark Vaile, and this government are up to taking advantage of them. The first event occurred on 22 September, when voters in Germany went to the polls. It now appears, given the talks this week between the Social Democrats and the Greens, that Gerhard Schroeder, the previous chancellor of Germany, will form a government and be returned again as chancellor. The only issue that remains is the sorting out of portfolios within the new coalition.

This is a notable election result for several reasons. Schroeder came from behind. He was buoyed by an exhibition of competent management on his part in dealing with the European flood crisis and he ran hard on an anti-war platform. For European Social Democrats there have been tough times over the past several years. Social democracy in Europe has lost in Italy, to the right, and in Spain, France, Portugal and Holland. The defeat of each of those Social Democrat parties was orchestrated by a *Tampa*-like exploitation of xenophobia and a fear of foreigners and refugees in those countries. Germany was the first country to turn this around.

The conservatives in Germany certainly ran a xenophobic campaign against Schroeder. He ran a campaign on competence and against the war. And for the first time, in a clash between those two issues in the German election, the war trumped the anti-refugee sentiment. Schroeder ran, as well, on a job creation platform but his vote fell by 2.4 per cent to 38.5 per cent. The Greens vote rose by 1.9 per cent to 8.6 per cent. The conservative coalition of Mr Stroiber also registered 38.5 per cent of the primary vote but is unable to attract any partners. I believe

the new Social Democrat-Green government will now take office in Germany. That is the first significant event and I will come back to that in a moment.

The second event is the historic announcement by the European Union, only three weeks after the election in Germany, of a big bang expansion of its membership, with 10 new members: Cyprus, the Czech Republic, Estonia, Slovakia, Poland, Malta, Lithuania, Latvia, Hungary and Slovenia. This means that 75.7 million new citizens have joined the EU. The pact to usher them into full membership will be signed next April so that elections can take place in 2004 for the European Parliament. Bulgaria and Romania are set to join in 2007.

I believe that this has huge significance for Australia. The two events come together from an economic point of view in the following way. The bane of Australian trade and agriculture is, of course, the common agricultural policy in Europe. For example, a French cow earns $4 per day in European subsidies, which, according to the Catholic Social Justice Commission, is more than the daily income of half the world's population.

A French cow could fly annually from France to Australia and it would not have to travel cattle class; it could get a business class ticket to do so! Such is the grotesque level of subsidies provided to agriculture in Europe.

The first of three salient issues that come from this is that the expansion of the EU means that Europe now has more than twice the number of farmers that it had before. There are more farmers in Poland than in the entire old EU, and the subsidies, while they will be phased in and juggled, potentially mean that the common agricultural policy’s cost is set to double.

The second issue is that, in 2000 at Lisbon, European heads of government sat down and worked out an ambitious agenda to reduce unemployment in Europe. Their agenda was not one of empty rhetoric and vague goals. They actually named targets and set performance indicators and time scales within which they would achieve reductions in unemployment. That requires a considerable reinvestment from the budgets
of most of the government’s in Europe. And that is an important goal in Germany.

The third issue is that the German budget is now considerably stretched. It pays for most of the common agricultural policy subsidies. Most of those represent a transfer from the German exchequer to French farmers. Germany is also determined to meet the Lisbon targets that have been set down for 2005. In Germany, as well, there are big outlays in cleaning up the environment, particularly in the old East Germany, where environmental degradation has destroyed the quality of life for people in that part of the country.

As well, Germany is committed to phasing in an equalisation of pension entitlements for East German workers to match the pension levels of their West German counterparts. Under the old system in East Germany, of course, the state provided a pension, and under the new system, in a more private economy, there are no pensions to speak of, awaiting the population bulge coming through with the greying of the East German population. The united Germany has to foot a huge bill in pension payments for those workers. As well as that, the German budget will be facing an extra load in the subsidies that an expanded EU has to confront. They cannot bear that load.

As a consequence, I believe that there is an opportunity for Australia. Just recently Franz Fischler, the agriculture commissioner for the European Union, lost an argument in the EU over what was a modest plan to reform the common agricultural policy. A watered down package has been substituted for what was a fairly temperate and somewhat modest reduction in subsidies planned by Fischler.

I believe all of this adds up to the fact that Australia cannot neglect these circumstances and developments in the European Union. In recent debate we have focused our attention on concluding an Australian-US free trade agreement, in which agriculture is an important element. The prospects of getting that through look extremely difficult in the current political circumstances in the United States, not to mention the economic ones. The reason we cannot neglect Europe is that the subsidies that have sustained the common agricultural policy for so long look like they will not go into the future indefinitely.

It is too soon, and it would be too bold, to say that the CAP is over. That is certainly not true. But the CAP is looking a bit more sluggish and is beginning to fray around the edges. Recently I had the opportunity, along with the Speaker of the House of Representatives, to meet with members of the European Parliament in Brussels. For the first time in my experience of dealing with Europeans, I encountered a great deal of scepticism about the common agricultural policy. In all of my previous experience in Europe, there would have been nothing but stout defenders of this grotesque form of subsidy. However, just in the last few weeks there were a number of people prepared to come out and frankly criticise this misallocation of economic resources and the high levels of protection in Europe.

Australia has an opportunity to exploit some of these advantages. When Labor formed the Cairns Group of free-trading agricultural countries in 1983, we wanted to form a lobby group for Australian farmers to liberalise protection for agriculture in the world. The Doha Round of trade negotiations offers us an opportunity to push that opening further. An enlarged Europe and a fiscally focused Germany, brought together, mean the debate within Europe is now about how the economies will meet the other necessary targets that governments in Europe have to deliver to their voters. By doing so, I think it puts what could be terminally financial constraints on the continuance of the common agricultural policy. I hope the Australian government can provide a better, closer focus on lobbying in Europe, building bridges with European industry and working with those who were the victims of this misallocation of economic resources. (Time expired)

Indonesia: Terrorist Attacks

Senator CROSSIN (Northern Territory) (7.47 p.m.)—The bombings in Bali at the weekend have sadly claimed so many lives and caused so many injuries. The incident reminds us that all of us face the possibility of being tragically touched by the acts of terrorists. I rise this evening to convey to the
Senate some of the activities that have been occurring in the Northern Territory since the weekend and to advise the Senate and citizens of this country of some of the outstanding efforts that people in the Territory have been making since this tragic news broke on Sunday morning.

At this time we know there are 13 confirmed Australian deaths, with the possibility of seven more. A further 220 Australians are unaccounted for at this stage. We know that well over 100 Australians have been injured. It appears that all the casualties were victims of a car bomb or bombs outside a nightclub in the heart of an area frequented by Australians, the Kuta beach area. We now know that two other bombings appear to have occurred at around the same time, at the US Consulate General in Bali and at the Philippines Consulate in Northern Sulawesi. We do not know of any casualties from these further bombings.

Both in the newspapers and on the television, we have seen shocking pictures of the aftermath of these explosions—the horrific injuries and deaths. Standing in this chamber this evening, I personally want to offer my profound and sincere condolences to the families and friends of those who are missing, injured or dead as a result of this international tragedy. It is a particularly difficult time for Territorians because we are very close to Bali and Indonesia—only two hours by air, in fact. Many of us up there know the Kuta area very well, and we can well imagine the hurt and trauma caused by such a surprising and vicious terrorist attack on peaceful holiday-makers. All people of goodwill will condemn the bombings in the strongest possible terms.

This morning in the Legislative Assembly, the Northern Territory’s Chief Minister pledged the Territory’s resources to do anything at all possible to help identify the bombers and bring them to justice. The words of the Prime Minister, the Leader of the Opposition and a number of leaders of parties in this chamber yesterday have, I feel, adequately encapsulated our thoughts about this tragedy.

This evening I want to briefly outline the Territory’s response to the attacks and pay tribute to the inspiring efforts of the hospital, police, transport and other workers, who have worked around the clock to care for the injured, coordinate an effective response and help in any way they can. On Sunday morning, when the Northern Territory government first heard of this news, they convened a meeting with their heads of emergency services and other agencies. A coordinated response was planned under the regional counter disaster committee. Contact was made with the federal government, and medical and crime scene assistance was offered. The federal government took up the offer of assistance and the Royal Darwin Hospital—in a magnificent response which has won praise from all quarters, and rightly so—swung into action.

Staff at the hospital dealt with 61 Bali bombing victims, who came in on four RAAF Hercules aircraft, beginning yesterday morning. The first flight arrived at 1.50 a.m., bringing five injured people. Two were on life support and one was unconscious. Five people were on stretchers and one of the victims had tragically died in transit. Only six people could actually get themselves on and off the plane, albeit with assistance, in spite of their injuries. The second plane arrived at 6.40 a.m. and discharged 22 people: two on oxygen, 19 on stretchers and only one able to walk. The third plane carried 13 people, 12 of whom were on stretchers, with one in a critical condition. The final plane arrived at 12.35 p.m. and contained 11 people, with nine on stretchers and two able to walk. Many of these patients were suffering from extremely severe injuries and associated trauma. One died in transit and, sadly, another victim died in hospital despite the staff’s best efforts.

Of the patients treated at Royal Darwin Hospital, by far the most were Australians—39, in fact. Royal Darwin Hospital also treated two patients from the UK, five from Germany and one from each of Canada, Sweden, South Africa and New Zealand. The nationalities of 11 patients remain unknown. After treatment at the hands of well-trained staff, a total of 41 patients have now been evacuated to other states—26 of them overnight. They are on their way to other hospi-
tals and burns units closer to home. A total of 13 remain in the Royal Darwin Hospital. Six of them are still in intensive care. One more stretcher patient arrived overnight on a Qantas flight that got in at 4.40 a.m. And, at 6.15 this morning, an RAAF flight returned medical staff from Bali to Darwin. Several of those patients have now been discharged.

So you can see that this has been an intense effort in less than 48 hours. It has been an effort that has occurred mainly through the still of the night and in the early hours of the morning. The staff at the hospital have worked around the clock to give these victims the best of care, and everybody in the Territory—and no doubt this country—is very proud of their efforts. I understand that this is a very traumatic time for the staff at the hospital, but no doubt their good training and experience kicked in. They have done a very fine job. On behalf of the people I represent, and emulating the sentiments today of Clare Martin in the Territory assembly, I particularly want to thank the hospital’s Medical Superintendent, Len Notaras; Acting General Manager, Gary Lum; Director of Intensive Care, Dianne Stephens; and the Director of the Emergency Unit, Didier Palmer. We also need to thank the hundreds of others associated with the hospital, who have done so much to assist at this difficult time. Burns victims are among the most difficult cases for medical care and nursing. The pain is extremely intense and moving the patients can cause great stress. It is a great tribute to the staff at the Royal Darwin Hospital that they were able to swing into action very quickly and were able to meet the very difficult demands of this event.

The Northern Territory’s police and emergency services at the emergency operations centre are currently operating 24 hours a day. The centre has been the coordinator of many aspects of our response to the crisis. The centre has been operational since Sunday and has been looking after security arrangements at the hospital, the Darwin airport and other sites around the city. The Territory’s Counter Disaster Council and its committee have worked smoothly to cover all aspects of the response. Police have provided traffic control and transport assistance and assisted with many other aspects of the Territory’s coordinated response, including of course media liaison. People in the Territory have been very quick to respond to this crisis. They have offered accommodation to victims’ families, blood donations and even money to help victims and their families.

We do not know as yet what has motivated this murderous and barbaric act of terrorism against Australians and other nationals in Kuta. It is time for us to gather all the information we can and to pledge all the assistance we can to the efforts in Bali to identify these victims and to determine what has happened. We all knew deep in our hearts after September 11 that we were living in a more dangerous world and that many places that appeared immune to attack were vulnerable. Of course, we have now learnt that in a very brutal fashion. But it is important that our steps are measured and that our reactions are based on fact and not supposition. It is important that we do not lose all the things that we value about ourselves as Australians and as Territorians—our openness, our tolerance and our ability to live with people of different backgrounds. As Clare Martin said in a press release today:

... 1,250 hospital staff have been directly or indirectly involved in this tragedy—including approximately 180 doctors and 550 nurses ... They did a tremendous job in incredibly difficult circumstances.

Territorians showed what they were made of in the crisis in 1999 involving East Timor when the tent city at Marrara went up in record time to look after hundreds of evacuees from the violence that occurred in that country during that time. The same spirit has been on display over the past 48 hours. I would like to join with Clare Martin and her colleagues in the Legislative Assembly to pay tribute to those people in the Territory and to say how very proud I am of their efforts over the past two days. While I understand that this has been a personally difficult time for many of the medical professions in the Northern Territory, they can rest in the knowledge that they have responded with great courage and provided excellent care.
Defence: Peacekeeping

Senator MARK BISHOP (Western Australia) (7.57 p.m.)—I rise on the adjournment this evening to pay tribute to those in our defence forces, police and civilians who have in the past served in Australia’s peacekeeping forces. It is also salutary to note that the awful events of the last few days have served as a trigger to consider not just the thrust of our foreign policy but also our approach to defence in the region, our level of preparedness, the appropriate logistical support and, most importantly, the type of deployment the ADF might be faced with in the future.

Peacekeeping is not a new phenomenon, of course, but it is one which has become prominent internationally due to what I believe has been the relative success of the United Nations in fulfilling its paramount charter in securing peace in the world. That is a qualified statement but it is one I make advisedly, given the enormous political, logistic and financial difficulties entailed.

Today this is a headline issue, and as I said in the last Senate sittings, on the debate on the crisis of Iraq, the role of the UN must be recognised, as must the commitment of member nations to support that institution. However, we also know that peacekeeping for the UN is very much a vexed question, with an active debate still current within the world community about the nature of such interventions and the ability of the UN to sustain them. I do not wish to set out that debate here this evening, but simply wish to say that, whatever the policy and the pros and cons of any one decision, at the end of the day the purpose of any involvement will affect the way it is managed. That in turn comes back to the understanding we have in the event that Australia participates and to the way our process and systems of deployment adequately reflect our responsibility for the personnel affected.

The stimulus for peacekeeping inevitably comes not from disagreements between sovereign states but from historical grievances, including civil wars. Inevitably such circumstances involve economies in a state of collapse and fragile agreements for peace—and sometimes no such agreements at all. In some circumstances, peacekeeping forces can in fact do little to secure or maintain peace, with the very difficult role being to protect humanitarian aid—and all this inevitably being driven by a genuine need for peace but in very uncertain circumstances. These issues are very important, because behind every decision to join the UN there are subsequent decisions of what forces we commit, what skills are provided, what conditions of service might be reasonable from what is known and, most importantly, what the operational orders should be. One thing does seem to be certain, and that is that circumstances are often not well known and inevitably change very quickly. Salutary examples of this point can be seen in the deployments to Somalia and Rwanda, where peace had not been established beforehand, and to, say, Timor, which, thankfully, did not develop as some may have expected at the time.

As a member of the UN, Australia’s record is impeccable and it is important to recognise that, since its inception, we have been part of a large number of peacekeeping missions under the auspices of the UN, excluding Korea and the Gulf, which as we know were warlike deployments to secure peace rather than to maintain it. For the record, it is worth recording some of the UN deployments we have been part of, because I suspect that many Australians would not be fully aware of them. It is also a reminder of the extent to which we can indeed consider ourselves to be responsible and independent in our commitment to the UN. Commencing in 1947, Australia has participated in a wide range of peacekeeping activities including in the Balkans, India and Pakistan, Indonesia, the Congo, Yemen, Cyprus, Lebanon, Zimbabwe, Egypt and Israel, Iran-Iraq, Cambodia, Namibia, the Eastern Sahara, Mozambique, Bougainville and Haiti. While it is difficult to get a precise number, it is recorded that Australia has participated in 57 operations overseas since the end of World War II, both as part of UN resolutions or as part of multilateral forces.

Currently, for example, we are participants in activity, still, in Malaysia, Cyprus, the Sinai and the Middle East as part of very longstanding UN commitments. More re-
Recently, we have committed to Timor, Bougainville, the Solomon Islands and the war on terror. Estimates of the number of people involved are as high as 60,000, and all that is commensurate with the nature of the modern defence task. Some, such as Cyprus, have been ongoing since 1947 and may entail police and civilian personnel. Others are more short term and, as a reflection of the diversity of circumstances which prompted the intervention, conditions experienced by individuals are also very wide. Categorising them according to whether they are likely to be ‘hazardous’ or ‘nonhazardous’ is therefore problematic.

The authority under which these deployments are managed is important, but the simple fact is that ADF personnel went and did their duty. But what irks some, particularly peacekeepers, is the inconsistency by which all these deployments have been treated with respect to coverage by the Veterans’ Entitlements Act. Here I make special reference to the submission to the Review of Veterans’ Entitlements, chaired by Justice Clarke, by the Australian Peacekeepers and Peacemakers Association, dated 2 April 2002. I specifically make no comment on the merits of the well-argued case in this submission for more appropriate treatment of peacekeeping missions under the Veterans’ Entitlements Act, but it is clearly evident that, flowing from the wide diversity of conditions and purposes of past peacekeeping deployments, the existing descriptors of risk are still at issue. What is also clear is that anticipated conditions often turned out to be different, thus creating pressure for retrospective reclassification—hence the terms of reference for the review whereby several other groups also believe that their service has been inadequately classified for the purposes of the VEA.

Then it would be useful to have advice as to the appropriate response by government—that is, whether differential levels of compensation can continue to be viable, or whether there are other means of recognising those elements. Certainly, the status quo is not a satisfactory option. All those who served on these missions did so proudly and often with distinction. Their efforts did help to make the world a safer place. This includes both members of the ADF and Australian police forces. The conditions of their service at times were difficult and like all deployments overseas saw a separation from loved ones for protracted periods. At times there were episodes involving some danger, though it is fair to say that, fortunately, in most cases serious risk to life was avoided.

What is also a bone of contention is the recognition accorded. Hence, I am sure that all senators will be aware of the representations which have been made by the Australian Younger Veteran Coalition and others seeking to have medals or certificates of appreciation awarded. This coalition, by the way, includes the Australian Peacekeepers and Peacemakers Association, the Australian Gulf War Association and the Australian Gulf War Veterans and Peacekeepers Association of Western Australia. It is pleasing...
therefore to see that at last the government has responded by way of its Saluting their Service program by indicating that certificates are to be made available for Gulf War veterans and peacekeepers. We do, however, need urgent information on which deployments will attract the certificate, because, just as night follows day, someone will be left out and the whole whirlpool will start spinning again.

It is also to be hoped that the Clarke review sheds some light on the fundamental issues at the heart of military compensation and that the rules and definitions on entitlements are clarified once and for all. As I have said, issues of perceived anomalies and alleged injustices in the provision of benefits to veterans as a result of definitions and assessments of risk continue to bedevil us but there is no excuse with respect to recognition of past contribution.

Joint Standing Committee on Electoral Matters

Senator ROBERT RAY (Victoria) (8.07 p.m.)—Nineteen years ago I had the honour of being appointed to the Joint Standing Committee on Electoral Matters. That was the first time that the federal parliament had ever set up such a committee. It was a very exciting time. We had put up with four decades of no proper revision of the Electoral Act. Between May and August of that year, that committee produced one of the highest quality reports ever tabled in this parliament. It was used as a basis for reforming the Electoral Act, the like of which has not been seen since.

It was an interesting and high-powered committee. We had Michael Macklin from the Democrats, who, even today, would know more about the Electoral Act and its provisions than all the rest of the Democrats put together. Serving on it was Sir John Carrick, who was the greatest Liberal of his generation and who was never acknowledged or recognised in this place. I remember during the valedictories how much was said about Senator Withers when he left. At his request, nothing was said about Senator Carrick, but Senator Carrick had more ability in his little finger than Senator Withers when it came to understanding politics. It had on it Graham Richardson, also one of the best machine men of his generation. As chair, it had the iconoclastic Dick Klugman. It was a hardworking committee. It was a committee of intellectual rigour. It was not a committee of bipartisanism, because there were issues that divided the political parties, such as public disclosure of donations and public funding. There were a variety of things on which there were differences. On many other issues there was a unanimous view, and that was put forward to the parliament.

I left the committee, having chaired it between 1984 and 1987, and returned to it 15 years later at the start of this year. I am very disappointed to say that the committee has really gone downhill since those early years. We know that it went through a very debauched period last year when, under the chairmanship of Mr Pyne, it breached all parliamentary committee decencies. The job of rebuilding that committee has been given to Mr Georgiou, the member for Kooyong. It is hard for me to say this, but his approach to this committee has been exemplary. He has tried to rebuild the committee based on confidence, based on doing its job properly, based on fair chairing of the committee and trying to establish an esprit de corps on the committee to make it a valuable committee of the parliament. I would like to pay tribute to him tonight for all the hard work that he has done with regard to it.

However, I am disappointed at the way the committee is working, but I also know the pressures that come to bear to prevent it from working well. I do have a gripe, and that is that the Labor Party has only three members out of 10 on this particular committee. The Labor Party members on the committee have been fairly diligent in applying themselves to the tasks set out by the committee. For a wide range of reasons, you cannot say the same about the Liberal Party of Australia. We have had 20 meetings of this committee, and one of the members, Ms Ley, has attended only six of the 20 meetings. She has certainly not travelled to the harder interstate meetings. Senator Ferris, who is present in the chamber, and her successor, Senator Brandis, managed to attend two out of the 20 meetings. I understand that the timing of
some of these meetings means that people who are involved in other committee work have not been able to do due justice to this committee. Once Senator Ferris undertook the duties of a whip, she properly resigned from this committee because she could not give it the necessary time. But, other than last night, her replacement has only attended one out of eight meetings.

We all understand that we have too many Senate and joint committees. I understand that. But, if the pressures are too great, they should give way and let someone else go on. It is not good enough just to turn up to the committee meeting when you are doing a draft report or when there is a Labor Party lynching in view, like they did in the last couple of years. When the hard, solid work is there to be done, some of them go missing. That leaves the rest of the workload to fall on other people. I notice that, apart from turning up last night when we were doing a draft report and the government needed a majority, the final member of the committee, Senator Mason, had missed the previous nine meetings and has only attended five out of 20 meetings. I know that there is a preselection going on in Queensland, but it has not been going on since March this year. Of the four Liberal members, Mr Georgiou attended every one of the 20 meetings, two other Liberal senators attended two out of 20 meetings, a Liberal member of the House of Representatives fronted up for six out of 20 and another Liberal senator, who was very keen to attend last year’s hearings when the Labor Party was in the dock, attended five out of 20.

I wonder what the solution to this is. One of the solutions is for us to again seriously address the number of committees that we have and the pressures that we are putting on senators, because, if we continue to expand the committee system, reports will not be written by senators; they will be written by Senate staffers. We know the assistance that they give us in all these matters but, if we continue, the reports will start to be written by consultants, because even the Senate staffers will not have time. We have to give this serious attention. I would like to suggest to the government and others that we address this problem of Labor Party representation on this committee and increase it by one. We have one Labor senator on this committee out of 28 senators, and we have two Democrats out of seven. It does not seem to be proportional to me. The two Democrats are Senator Murray and Senator Bartlett, both of whom are interested in this. We always get one of them along to a committee meeting. Of course, we never get both of them at the same time. I will not explore the reasons for that. I am not picking on the Democrats, but I do not think that they deserve two senators on this committee. The Labor Party should have two senators on the committee.

Let me tell you about a dilemma: the normal scheduled time for the meeting of this committee is on a Monday night when the Senate sits. If I do not turn up, they do not have a quorum, because there has to be an opposition senator there while the Senate is meeting. I have to turn up to every one of those private meetings; otherwise they cannot have a formal meeting. I suggest that the government looks at this particular issue and maybe admonishes its own senators, tries to improve their attendance record and looks at the fact that, if those senators are, quite possibly, overstretched with other committee work, they should be replaced by other senators.

I do not think the Liberal Party understood when they were in opposition what pressures there are on government senators on committees. Remember we used to have eight people on reference committees because they insisted on it years ago? Now it is down to six because they could not staff the committees. They could not get enough people on them. When you have nine or ten ministers, four or five parliamentary secretaries, a president and a couple of whips, there are a lot of chiefs and there are not enough Indians left actually to fill these particular positions. My suggestion is that, at least in the short term, those Liberals who are on the committee have a good look at themselves and actually start attending meetings and contributing. That is step one. Step two would be to ask the Democrats whether one of them would mind stepping aside, especially now that Senator Bartlett is leader, and allow an-
other Labor senator to come on. I think it would be a more balanced committee and we would be more satisfied that the workload was being spread.

The final point I want to make is that we are required to listen to a wide range of submissions from a lot of crackpot conspiracy theorists. It is disappointing that the two worst examples of this come from the Liberal Party again. We have had to listen to submissions from Mrs Gallus about allegations going back nine or 10 years—all anecdotal, all personally related and all absolutely trivial. They were not able to be resolved with her local returning officer. Why not I do not know. Then we had Mr Wakelin, the member for Grey, actually having the gall to turn up to the committee in Adelaide last week, argue that his informal vote in assisted votes was too low and ask what we would do about it. It is a bit beyond me to know how to get his informal vote up unless he votes more than once.

We have two Labor members of the House of Representatives appearing in Prospect next Friday. I tell you what: if their submissions are full of conspiracy theories and as shallow as the two Liberal ones, they are going to get a bit of biff from me as well, because people are wasting the time of this committee. With all the allegations about false enrolment, every time you ask for evidence they disappear. They cannot produce anything or they repeat the same disproved things time and time again. It is very frustrating. I regret that the committee is not of the same quality that it was 19 years ago. I hope I am not suffering from generation-itis here, trying to bag the next generation. I try to resist that. But this committee should be one of the most productive in the parliament. Thanks to Mr Georgiou, it is on the rebound. It is coming back to being a good committee but I would like to see it being the same quality as it was 19 years ago, and many of the Liberal members of that committee are letting us down.

Employment: Workplace Safety

Senator WEBBER (Western Australia) (8.17 p.m.)—I rise tonight to speak of a tragedy that took place in Perth on 18 September 2002. On that day, the life of a fellow Western Australian ended on a construction site in Myaree. Mr Desmond Kelsh, a rigger, was crushed to death by a falling precast and tilt-up wall. Mr Kelsh is survived by his wife, two young children and a daughter from a previous marriage. There can be no doubt that this tragedy, although claiming just one life, has forever affected many others.

For those senators not aware of what was involved here, I will briefly describe the precast and tilt-up method of construction. Essentially, walls for a building are precast in concrete to the specification for that building. These walls are now often precast to the level of two storeys. The precast wall is then delivered to the building site. The precast wall is lifted into position with a crane. The wall is held in place with supports until such time as all the walls are in place, at which time it is secured. Such a method has increased the speed with which buildings are constructed. Here, of course, is the basis for this method of construction: it is quicker and cheaper.

This terrible accident is being investigated and there are many factors that contributed to this loss of life. We often hear talk about people’s rights—rights such as civil liberties, freedom of speech et cetera. But I ask the Senate: what is more fundamental than the right to go to work in the morning and to walk away from it at the end of the day? Safety in the workplace is a fundamental right and all Australians deserve its benefits. Much is said about workers needing to share the responsibility with their employers on safety issues. In fact, in many cases it is said that the worker was at fault because they did not act responsibly in their workplace. Safety legislation has been drafted in all jurisdictions and was predicated around this need for shared responsibility. Safety committees are elected on most sites, safety delegates are trained and, failing some form of internal resolution, there is recourse to government regulators. Why is it therefore that we still have Australians being killed in the workplace? Why is it that we have legislation operating, yet Australians still die? The bottom line is always this: why are Australians asked to work in unsafe conditions?
Building and construction is often seen as one of the most dangerous sectors in which Australians work—the other, of course, being the mining industry. But we have to again ask why. Building and construction is one of the oldest of all human occupations as well. Indeed, you could say that since we moved out of the caves we have dwelled in shelters built by people. Why then is it still so dangerous? It points to an industry that fails to learn from its own past. If an accident occurs then surely steps should be taken to ensure that it does not happen again. The current situation with precast and tilt-up construction is that there is no code of practice governing its operation, nor is there adequate training covering its use. How is it that it is satisfactory for so many buildings to be constructed in this manner when inadequate training exists? The bottom line, you would have to guess, is money. This methodology is cheaper than any other option. It costs far less to construct buildings using this method than any other, and so it is used widely. It is used without a code of practice, used without accredited training courses and used with obvious risks to safety.

At the same time that this tragedy took place we have a royal commission inquiring into the building industry. One of the key elements in the operation of the royal commission is the constant attempts by the commissioner, his associates and, indeed, members of the government to paint the building unions as unions using safety as an industrial weapon. Safety is not an industrial weapon; it is, in fact, a right. It is a right enshrined within legislation, yet unions that legitimately use industrial action as a means of addressing safety concerns are attacked. Where is the action by the royal commission to address employers who continually fail to provide safe workplaces in the building industry?

We are left with a situation where our fellow Australians look at this industry and see death and injury taking place far too often and a royal commission that wants to paint building unions as unions using safety as an industrial weapon. Our fellow Australians are entitled to know that using safety as an issue is not a weapon; it is a simple protection of their rights. The royal commission, indeed, needs to be even-handed in its approach to the building industry. Safety in this industry is dismal and Australians are being injured and killed far too often. I believe that it is time for the royal commission to address the issue of safety to ensure that no more tragedies like this take place.

Indonesia: Terrorist Attacks

Senator KIRK (South Australia) (8.23 p.m.)—This evening I rise to speak on the recent tragedy in Bali and its impact on my state of South Australia. Flags fly at half-mast today all over Australia in recognition of the significance that the recent terrorist attacks on Bali hold for all Australians. It is estimated that the death toll will be in excess of 180. Australians are likely to be a significant proportion of that number. Latest reports indicate that 20 Australians have been confirmed dead. It is believed that 113 Australians have been injured and a further 160 remain unaccounted for. The likely Australian death toll should emerge within the next 48 hours.

I wish to express my deepest sympathy to the families and friends of the victims of this tragedy. I, like all Australians, have been deeply shocked by the terrorist bombings on the Indonesian island of Bali. The attacks represent the greatest loss of life due to terrorism since the September 11 attack on the World Trade Centre in New York. In fact, the number of Australians per capita affected by the bombing is likely to exceed that of Americans in the September 11 tragedy. We should also remember, however, that it is not only Australians who are mourning this tragedy; tourists from many other countries have also been lost in the blast. The final death toll of Indonesians may well rival that of Australians.

This is an incident that will greatly scar the Australian psyche. This attack on Australia’s most popular holiday island has brought the awful realities of terrorism home to us. Whilst this attack has had a deep impact across the nation, as a Labor senator for South Australia I would like to highlight the tragedy faced by my home state. It is estimated that up to 2,900 South Australians were in Bali over the weekend. Inevitably, a
number of those are among the dead, missing and/or injured.

The Golotta family from Tea Tree Gully in Adelaide’s northern suburbs face a deeply personal tragedy. John and Tracey Golotta took their daughter Angela, their son Michael and his girlfriend on a two-week holiday to Bali. On the night of the attack their teenage daughter Angela stayed on at the Sari Club with friends while the rest of the family went back to their hotel. After a gruesome search, following the blast, through the Sanglah Hospital looking for their daughter, the family—in particular, Mr Golotta—identified Angela as one of the dead.

Many of our nation’s sporting teams choose Bali as the destination for their end of season trip. For South Australia, it was the Sturt Football Club and SANFL premiership team that were partying at the Sari Club on Saturday, 12 October. Twenty of them had arrived in Bali only hours before the attack to celebrate Sturt’s first SANFL premiership in 26 years. Many of the team-mates were also at the Sari Club and received injuries, some serious.

Josh Deegan, aged just 22, a promising young player for the Sturt club’s reserves team, was yesterday confirmed to be among the dead. This tragic announcement was made to his fellow players just before they arrived back at Adelaide Airport and to anxious family, friends and fans. The Sturt trainer, Bob Marshall, is still missing. He was a club official, a Sturt footballer in his youth, who had a 50-year association with the Double Blues. Whilst we still hold out hope that he will be found alive, the South Australian Premier has offered the club access to counselling, as they need it, in response to these two tragic apparent deaths.

Often it is the waiting and not knowing that is the most difficult for those affected. While South Australians eagerly await news of the injured and the missing, they are also participating in the massive relief effort that is required by a tragedy of this magnitude. The Royal Adelaide Hospital has sent three medical teams, comprising some of South Australia’s best doctors and nurses, to Darwin to treat the injured retrieved by the Royal Australian Air Force from Bali. Dr Bill Griggs heads the state’s retrieval trauma assistance team, Dr Peter Sharley heads a retrieval team and Dr John Greenwood heads a specialist burns team. Five critical burns patients injured in the blast have been air-lifted to the Royal Adelaide Hospital’s specialist burns unit.

All Adelaide metropolitan hospitals and intensive care units are on stand-by. Emergency cases have been diverted away from the Royal Adelaide Hospital to the Queen Elizabeth Hospital and the Flinders Medical Centre. Some South Australians have had elective surgery cancelled to make way for the increased pressure on the state’s medical services. In addition, the state’s mental health services have had a three-stage response in place. A dedicated hotline at the Queen Elizabeth Hospital has been set up for those wanting advice and counselling about the tragedy. The Queen Elizabeth Hospital’s department of psychological medicine has set up counselling teams for people who arrive back from Bali. It is important that we recognise not only the physical injuries inflicted on Australians but also the psychological ones arising from this tragedy. Those physically injured will be provided with trauma counselling at each hospital that I identified. Their relatives will also be offered counselling support.

In addition to the excellent services provided by our public health system, ordinary South Australians have shown their eagerness to help out, with urgently needed blood donations showing their active support for their fellow South Australians. The South Australian government has also made available its resources to the Commonwealth during this crisis. In particular, assistance has been made available in the areas of forensic analysis and trauma counselling and through our excellent medical retrieval services. South Australia Police are offering intelligence and investigational support to discover the details of this attack and its perpetrators.

There is strong bipartisan support in Australia and of course in this parliament for efforts to crack down on terrorism. This incident highlights the need for Australia to remain vigilant against the threat of what is truly international terrorism. Future days will
provide us with ample time to analyse what this attack means for Australia. At present we must continue to provide relief and support to the victims, their families and friends as the nation struggles to come to terms with this disaster.

Indonesia: Terrorist Attacks

Senator STEPHENS (New South Wales) (8.31 p.m.)—I rise this evening to join my Senate colleagues in extending my deep sympathies to those whose friends and family members have been killed or injured in the bombings in Bali. In particular, I feel for those who are still waiting for news of their loved ones. It must be incredibly distressing and painful to have someone you care for missing under these circumstances, particularly seeing the images that have been on the news over the past few days. My thoughts and prayers are with them all.

They are also with those in the communities that have been profoundly affected by the events. Several of those who are missing or injured or killed are from Forbes, Wagga Wagga, Leeton and other New South Wales regional communities. Everyone who knows someone who was in Bali during these bombings will be affected by this, not only families and friends of the victims but also those who worked or studied with them—those who saw them every day. The situation is exacerbated in smaller communities, in which no-one remains unaffected. In Forbes in particular, there will be few people who do not either know or know someone who knows those members of the Platupi rugby union team who were holidaying in Bali when these terrible bombings took place. Due to the coincidence of this attack with the end of the sporting seasons, some communities have been hit particularly hard. I am thinking of another rugby team, the Coogee Dolphins. Five of their number are missing, and this is a terrible blow for other members of the team, their friends, supporters and families. And of course there is the Western Australian team from the town of Kingsley, many of whose members are still searching for some of their contingent missing in Bali.

Clearly, we are all affected by these events. The sudden and violent death of innocent people is always difficult to comprehend. We all try to understand what it would be like to lose someone in this way, and the closer the tragedy is to us the more we feel it. We all know someone who has been to Bali—many of us have been ourselves—and I can assure the families and friends of victims that the thoughts of all Australians are with you.

I would like to congratulate and offer my support to the many people who have worked so hard under such difficult circumstances to help those who have been injured in the bombings, particularly those involved in the terrible task of recovering and identifying the deceased. They include those health professionals and others who were in Bali at the time and who have volunteered their services. As well, health professionals in Australia have rushed to help. I acknowledge the contributions of the staff at the Royal Darwin Hospital, which have been outlined so fully by Senator Crossin this evening, of those at the Royal Adelaide Hospital and of the burns unit at Concord Hospital, as well as the contributions of those at St George, Westmead, the Prince of Wales, the Royal North Shore and Sydney hospitals. The Royal Perth Hospital, which has a specialist burns network, has been treating patients, and doctors and nurses have been sent from Princess Alexandra Hospital in Queensland, which has also dispatched Royal Flying Doctor Service planes to Darwin. Staff of the Department of Foreign Affairs and Trade have also been working around the clock, answering more than 17,500 calls in the past few days. Emergency Management Australia and the Department of Defence have been at the forefront in providing both practical and logistical support.

The airlines have reacted impressively too, and I would like to congratulate Qantas on its assistance in transporting people out of Bali to Australia and also for agreeing to transport the bodies of the deceased victims at no cost. Australians always make us proud in the face of a disaster and have done so here: Australians have reacted swiftly and selflessly to help the victims. We also owe an immense debt of gratitude to the Balinese working and volunteering both within the hospitals and at the site of the bombings in...
Bali. We also acknowledge of course that this tragedy has touched many Indonesians who have lost family and friends. These bombings will have no small impact on Bali, something which we should not forget or underestimate.

This Sunday the victims of the bombings will be remembered in a national day of mourning. I encourage all Australians to participate and to take this opportunity to mourn, to reflect on what has happened and to support the members of our communities who have been most directly affected by these tragic events.

Joint Standing Committee on Electoral Matters

Senator FERRIS (South Australia) (8.36 p.m.)—Senator Ray quite correctly outlined this evening the difficulties that members of this chamber have in trying to serve on the number of committees of which we are members. The point I would like to make tonight outlines the reason why I, as one member who was named in his speech tonight, have been unable to attend meetings. I think I speak for other members who were also named tonight and who were not in the chamber but who are also members of many committees and find themselves unable to attend as many meetings as they wish.

I resigned from the Joint Standing Committee on Electoral Matters on 28 August, following my election as Government Whip in the Senate. The secretariat of the committee confirmed this evening that there were in fact 11 and not 20 meetings between March and 28 August. I acknowledge that I was able to attend only one meeting in its entirety—that is, the second meeting—due to other commitments, including chamber duty as the then deputy whip, and apologies were recorded. For the remaining five meetings for which I did not record an official apology as not being able to attend as I had hoped to attend, I was in fact conducting meetings of the Senate Rural and Regional Affairs and Transport References Committee on the US beef quota and was unable to attend without collapsing the quorum on that very important matter. For a further two meetings I was attending National Crime Authority inquiries, and at another meeting I was in fact chairing the native title inquiry, which involved a deputation appearing from the Indigenous Land Corporation.

I have absolutely no doubt that all members of all committees find themselves, as Senator Ray quite correctly said tonight, unable to satisfy the requirements of each of those committees. I think it has been made more difficult since many of the committees are now also meeting when the Senate is sitting and that involves even more difficulty for the whips and deputy whips to make it to the meetings. I sympathise with the points that Senator Ray raised tonight, but I do think that it is important to put on the record accurately those meetings which I was unable to attend. I feel sure that in due course other members whom Senator Ray has named will make their own contributions.

Senate adjourned at 8.39 p.m.

DOCUMENTS

Tabling

The following government documents were tabled:

Comcare—Report for 2001-02, including the report of QWL Corporation Pty Limited.
Crimes Act 1914—Reports—Authorisations for acquisition and use of assumed identities for the period 12 October 2001 to 30 June 2002—Australian Customs Service.
Controlled operations for 2001-02.
Customs Act 1901—Report for the period 12 October to 30 June 2002 on the conduct
of customs officers under subsection 233(3A) of the Act.

Department of Communications, Information Technology and the Arts—Report for 2001-02.

National Lending Right Committee—Report for 2001-02.


Torres Strait Regional Authority—Report for 2001-02.

Treaties—

Bilateral—

Text, together with national interest analysis and other documents—An Exchange of Letters between Australia and the Republic of Ireland constituting an agreement to amend the 1997 Agreement on Medical Treatment for Temporary Visitors, done at Canberra on 30 July 2002.


Multilateral—Text, together with national interest analysis and current status list—Third Agreement to Extend the 1987 Regional Co-operative Agreement for Research, Development and Training Related to Nuclear Science and Technology, done at Vienna on the 1st day of October 2001.


Tabling

The following documents were tabled by the Clerk:


Civil Aviation Act—Civil Aviation Regulations—

Airworthiness Directives—Part—


107, dated 10 and 24 September 2002; and 10 October 2002 [2].


Defence Act—


Determination under section 58B—Defence Determination 2002/19.


Motor Vehicle Standards Act—
  Road Vehicle (National Standards) Determination No. 1 of 2002.
  Road Vehicle (National Standards) Determination No. 2 of 2002.

National Health Act—
  Declaration No. PB 14 of 2002.
  Determination under Schedule 1—HSR 26/2002.
  Regulations—Statutory Rules 2002 No. 239.


Radiocommunications Act—
  Radiocommunications (Australian Space Objects) Amendment Determination 2002 (No. 1).
  Radiocommunications Licence Conditions (Outpost Licence) Amendment Determination 2002 (No. 1).
  VHF High Band Frequency Band Plan (148 to 174 MHz) Variation 2002 (No. 1).


Sydney Airport Curfew Act—Dispensations granted under section 20—Dispensations Nos 8/02 and 9/02 [4 dispensations].

Taxation Ruling (Old Series) IT 2270 (Notice of Withdrawal).

Telecommunications Act—Telecommunications Labelling (Customer Equipment and Customer Cabling) Amendment Notice 2002 (No. 3).


Indexed Lists of Files

The following document was tabled pursuant to the order of the Senate of 20 June 2001, as amended on 27 September 2001:

Departmental and agency contracts—Letters of advice—2002 spring sittings—Employment and Workplace Relations portfolio.

PROCLAMATIONS

Proclamations by His Excellency the Governor-General were tabled, notifying that he had proclaimed the following provisions of Acts to come into operation on the dates specified:


Migration Legislation Amendment (Migration Agents) Act 2002—Items 3, 5 and 9 to 17 of Schedule 1—1 November 2002 (Gazette No. GN 38, 25 September 2002).
QUESTIONS ON NOTICE

The following answers to questions were circulated:

Trade: Fertiliser Imports
(Question No. 393)

Senator O’Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 24 June 2002:

(1) What was the total amount, in Australian dollars, spent by the Australian agricultural sector on all fertilizers for domestic use for each of the past five financial years.

(2) For each of the past five financial years, what percentage of all fertilizers used by the Australian agricultural sector for domestic use were imported, both in terms of metric tonnage and value in Australian dollars.

(3) For each of the past 5 financial years, including the current year, how many shipments have been received where the importation documentation describes the cargo as being at least in part fertilizer from China.

(4) For each year of the period specified in (3), what has been the total amount in metric tonnes of shipments where the importation documentation describes the cargo as being at least in part fertilizer from China.

(5) Which Australian agricultural industries are users of fertilizers imported from China.

(6) Is it the case that in late April or early May 2002, Australian Quarantine and Inspection Service (AQIS) officials impounded two containers of material imported from China and found that it was hazardous waste.

(7) Where and when did this impoundment occur.

(8) Specifically what type of fertilizer did the documentation that accompanied the shipment describe it as.

(9) From where else does Australia import fertilizer so described.

(10) Which Australian agricultural industries are users of imported fertilizers so described.

(11) Since May 2002, what meetings has the Minister had with state ministers on the issue of hazardous waste being imported to Australia under documentation describing it as a type of fertilizer.

(12) When and where were these meetings held.

(13) Who attended each meeting.

(14) What was discussed at these meetings.

(15) When is the next round of scheduled meetings with state ministers on the issue of hazardous waste being imported to Australia under documentation describing it as a type of fertilizer.

(16) What are the next planned steps, including target dates, for the department in relation to addressing the issue of hazardous waste being imported to Australia under documentation describing it as a type of fertilizer.

(17) For each of the past five financial years, including the current year, what has been the detection rate of such shipments by AQIS, in terms of metric tonnes intercepted by AQIS as against the total amount of such shipments in metric tonnes AQIS estimates has been shipped to Australia.

(18) For each of the next 5 financial years what is the target rate for detection by AQIS of such imports, in terms of metric tonnes to be intercepted by AQIS as against the total amount in metric tonnes AQIS estimates will be shipped to Australia.

Senator Ian Macdonald—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(1) Approximately $2 billion is spent by the Australian agricultural sector annually on fertilizers for domestic use. The Fertilizer Industry Federation of Australia estimates the value of domestic sales of fertilizer for each of the past 5 years as:
(2) The Fertilizer Industry Federation of Australia provided the following information for 1999. Information for other years was unavailable.

In terms of metric tonnage, in 1999, imported fertilizers accounted for approximately 76% of nitrogen, 75% of phosphorus and 100% of potassium nutrient requirements annually. In addition, the 25% of phosphorous fertilizer manufactured in Australia was derived from imported phosphate rock.

Since 1999, production of ammonium phosphates has commenced near Mt Isa in Queensland and this domestic production accounted for an estimated 20% of phosphate and 6% of nitrogen used in 2001-2002.

In terms of value in Australian dollars, over the past five years imported fertilizers have accounted for an estimated 45% of annual expenditure on fertilizers in Australia.

(3) The Australian Quarantine and Inspection Service (AQIS) inspects shipments of cargo to Australia on quarantine grounds. According to AQIS records, over the last five years, China has exported 239 consignments of product identified as fertilizer in the documentation supplied to the Australian Customs Service (ACS) as a part of the ACS import process. The Australian Bureau of Statistics reports official statistics on the importation of fertilizer, based on data collected by ACS.

Following is the AQIS breakdown of shipments over the past five years:

<table>
<thead>
<tr>
<th>Year</th>
<th>Shipments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1997-98</td>
<td>15</td>
</tr>
<tr>
<td>1998-99</td>
<td>34</td>
</tr>
<tr>
<td>1999-2000</td>
<td>42</td>
</tr>
<tr>
<td>2000-2001</td>
<td>60</td>
</tr>
<tr>
<td>2001-2002</td>
<td>88</td>
</tr>
</tbody>
</table>

However, these statistics may not provide a full picture of fertilizer shipments from China or from other overseas sources. The collection of this data depends on the reporting of ACS codes in the documentation associated with the ACS import process. While some codes may relate to a fertilizer product, chemical commodities which may be used as fertilizer ingredients may not be identified as fertilizer.

(4) See the response to question 3. Again drawing upon AQIS records, approximately 110,030 metric tonne of product identified as fertilizer was imported from China over the past five years, broken down as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Tonnes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1997-98</td>
<td>4,206.5</td>
</tr>
<tr>
<td>1998-2000</td>
<td>3,358.6</td>
</tr>
<tr>
<td>1999-2001</td>
<td>3,144</td>
</tr>
<tr>
<td>2000-2002</td>
<td>50,340</td>
</tr>
<tr>
<td>2001-2002</td>
<td>48,980</td>
</tr>
</tbody>
</table>

(5) These fertilizers are used across most Australian agricultural industries.

(6) No. Environment Australia is responsible for the Hazardous Waste (Regulation of Exports and Imports) Act 1989 which governs the importation of hazardous waste.

(7) The impoundment referred to in question 6 did not occur.

(8) The impoundment referred to in question 6 did not occur.

(9) Most major Australian fertilizer manufacturers and importers, which account for over 95% of the mineral fertilizers used in Australia, import zinc and manganese sulphate from China. While information on other sources of these nutrients is not readily available, Australia sources fertilizer from a large number of countries, including:

Algeria, Argentina, Bahamas, Bahrain, Bangladesh, Belgium-Luxembourg, Canada, Peoples Republic of China, Chile, Christmas Islands, Egypt, Arab Republic, Estonia, Fiji, Finland, France, Federal Republic of Germany, Greece, India, Indonesia, Israel, Italy, Japan, Jordan, Kuwait, Malaysia, Mauritius, Mexico, Morocco, Netherlands, New Zealand, Norway, Philippines, Poland,
Qatar, Russian Federation, Saudi Arabia, Republic of Singapore, South Africa, Taiwan, Tanzania, Thailand, Tunisia, United Kingdom, United States of America and Venezuela.

(10) See the response to question 5.
(11) None.
(12) This question should be referred to the Minister for the Environment and Heritage.
(13) This question should be referred to the Minister for the Environment and Heritage.
(14) This question should be referred to the Minister for the Environment and Heritage.
(15) This question should be referred to the Minister for the Environment and Heritage.
(16) Agriculture, Fisheries and Forestry – Australia (AFFA) is leading a whole-of-government approach to harmonising State/Territory fertilizer regulations and labelling requirements with respect to contaminants in inorganic fertiliser, including those which may be derived from hazardous waste. The Fertilizer Working Group, chaired by AFFA and comprising Environment Australia, fertiliser industry and State/Territory Agriculture Department representatives, has been established and has begun work on the development of a national domestic standard for contaminants in inorganic fertiliser.
(17) None. See the response to question 6.
(18) None. See the response to question 6.

Research and Development: Agricultural Sectors
(Question No. 452)

Senator O’Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on July 11 2002:

(1) The level of funding provided by the Commonwealth for each of the past 10 financial years for research and development specifically aimed at increasing efficiency or profitability in Australian agricultural sectors.
(2) The level of funding provided by the Commonwealth to each state and territory government for each of the past 10 financial years for research and development specifically aimed at increasing efficiency or profitability in Australian agricultural sectors.
(3) The level of funding provided by the Commonwealth to private or listed companies for each of the past 10 financial years for research and development specifically aimed at increasing efficiency or profitability in Australian agricultural sectors.
(4) The names of the companies that have received the most Commonwealth funding over past 10 financial years, and the quantum of funding each received for each of the past 10 financial years, for research and development specifically aimed at increasing efficiency or profitability in Australian agricultural sectors.
(5) The five specific agricultural industries that have received the most Commonwealth funding over the past 10 financial years, and the quantum of funding directed at each specific agricultural industry for each of the past 10 financial years, for research and development specifically aimed at increasing efficiency or profitability in Australian agricultural sectors.

Senator Ian Macdonald—The Minister for Agriculture Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(1) Within my portfolio funding of research and development aimed at increasing the efficiency or profitability in Australia’s agricultural sectors is achieved through the rural research and development corporations and companies. Commonwealth funding for each of the past 10 financial years is as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Funding</th>
</tr>
</thead>
<tbody>
<tr>
<td>1992-93</td>
<td>$105.77m</td>
</tr>
<tr>
<td>1993-94</td>
<td>$117.95m</td>
</tr>
<tr>
<td>1994-95</td>
<td>$126.19m</td>
</tr>
<tr>
<td>1995-96</td>
<td>$124.72m</td>
</tr>
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<td>$132.13m</td>
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<tr>
<td>1997-98</td>
<td>$150.13m</td>
</tr>
<tr>
<td>1998-99</td>
<td>$160.22m</td>
</tr>
</tbody>
</table>
The above figures include the industry-owned companies, which are providing research and development services to their industry, but does not include the Australian Bureau of Agricultural and Resource Economics or the Bureau of Rural Sciences.

The rural research and development corporations and companies are funded from industry levies, which are matched by the Commonwealth on a dollar for dollar basis up to 0.5% of GVP.

There are a large number of other Commonwealth R&D funding initiatives aimed at improving the efficiency or profitability of the Australian agricultural sector including funding of the CSIRO, the Cooperative Research Centres Programme within the portfolio responsibility of the Minister for Education, Science and Training.

(2) Funding for research and development is paid directly to the rural research and development corporations and companies who work with the State and Territories, CSIRO, universities and other research and development providers to improve the efficiency and profitability of Australia’s agricultural sectors.

(3) Four industry-owned companies have been formed to undertake research and development for their respective industries. The companies and their quantum of funding are:

Meat and Livestock Australia (est. 1 July 1998)
1998-99  $18.41m
1999-2000 $20.36m
2000-01  $20.77m
2001-02  $23.5m

Horticulture Australia Limited (est. 1 February 2001)
2000-01  $12.3m (5mths)
2001-02  $29.3m

Australian Wool Innovation Company (est. 1 January 2001)
2000-01  $5.8m (6mths)
2001-02  $12m

Australian Pork Limited (est. 1 July 2001)
$3.51m.

(4) See the answer to (3) above.

(5) The five specific agricultural industries that have received the most Commonwealth funding over the past 10 financial years, and the quantum of funding directed are:

<table>
<thead>
<tr>
<th>Grains:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1992-93</td>
<td>$15.96m</td>
</tr>
<tr>
<td>1993-94</td>
<td>$21.19m</td>
</tr>
<tr>
<td>1994-95</td>
<td>$23.27m</td>
</tr>
<tr>
<td>1995-96</td>
<td>$21.29m</td>
</tr>
<tr>
<td>1996-97</td>
<td>$29.14m</td>
</tr>
<tr>
<td>1997-98</td>
<td>$33.76m</td>
</tr>
<tr>
<td>1998-99</td>
<td>$34.40m</td>
</tr>
<tr>
<td>1999-2000</td>
<td>$31.87m</td>
</tr>
<tr>
<td>2000-01</td>
<td>$34.47m</td>
</tr>
<tr>
<td>2001-02</td>
<td>$40.77m</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Meat:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1992-93</td>
<td>$23.75m</td>
</tr>
<tr>
<td>1993-94</td>
<td>$24.55m</td>
</tr>
<tr>
<td>1994-95</td>
<td>$23.41m</td>
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**Horticulture:**

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**Wool:**

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<tr>
<td>2001-02</td>
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**Dairy:**

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<tr>
<td>2001-02</td>
<td>$14.24m</td>
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**Climate Variability in Agriculture Program (Question No. 532)**

**Senator O’Brien** asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on August 8 2002:

1. Does the Minister support the National Drought Strategy’s underlying principle of promoting self-reliance and risk management capability.
2. Has the Minister, or his office, received a copy of the review of the Climate Variability in Agriculture Program (CVAP), prepared by Hassall & Associates and released in April 2002.
3. When did the Minister, or his office, receive a copy of the report.
4. Has the Minister made a formal response to the report?
5. Is the Minister aware the report recommends the extension of funding for the CVAP with a focus on the adoption of climate variability risk management and CVAP tools?
(6) Is the Minister aware the report finds that, without additional funding for the purpose of refining and promoting the adoption of current CVAP tools, there is the prospect that the return on funds already invested in the program will not be fully realised.

(7) Does the Minister agree with the view of the Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry that climatic risk is the most significant uncertainty facing Australian farmers, and CVAP has a major role to play in funding and promoting better forecasting systems and better ways of using those forecasts.

(8) What funding has been allocated to the CVAP through the Agriculture Advancing Australia initiative in the following financial years: (a) 1997-98; (b) 1998-99; (c) 1999-2000; (d) 2000-01; (e) 2001-02; and (f) 2002-03.

Senator Ian Macdonald—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(1) Yes.

(2) The Minister for Agriculture, Fisheries and Forestry and his office have received briefings on the progress of the Hassall & Associates review, but have not received a formal copy of this report. The report forms only one part of an overall evaluation of the CVAP being undertaken by the Department that is expected to be completed shortly and provided to the Minister.

(3) See answer to 2 above.

(4) The Minister for Agriculture, Fisheries and Forestry will respond to the full evaluation of the CVAP when it is completed, and not to individual elements of the evaluation.

(5) Yes.

(6) Before any future investment can be considered the Commonwealth and the Minister will be carefully assessing any research proposals to ensure that the Commonwealth continues to get the best return for its money.

(7) The Minister for Agriculture, Fisheries and Forestry agrees that climatic risk is one of the most significant uncertainties facing Australian farmers and that CVAP has made a valuable contribution by improving and promoting climate forecasting systems and by developing tactical, industry specific tools.

(8) The funding allocation to CVAP through the Agriculture Advancing Australia initiative is as follows:
   (a) 1997-98 - $1.5 million
   (b) 1998-99 - $0.4 million
   (c) 1999-00 - $1.1 million
   (d) 2000-01 - $0.5 million
   (e) 2001-02 - no allocation
   (f) 002-03 - no allocation

Trade: Iraq

(Question No. 537)

Senator O’Brien asked the Minister representing the Minister for Trade, upon notice, on 15 August 2002:

(1) What volume and dollar value of wheat has Australia sold to Iraq in each of the following financial years: (a) 1990-91; (b) 1991-92; (c) 1992-93; (d) 1993-94; (e) 1994-95; (f) 1995-96; (g) 1996-97; (h) 1997-98; (i) 1999-2000; (j) 2000-01; and (k) 2001-02.

(2) What orders have been placed for the sale of Australian wheat to Iraq in the 2002-03 financial year and future years.

(3) What deliveries have been successfully completed in the 2002-03 financial year.

(4) What action, if any, has the Minister or the department taken to protect or increase Australian wheat sales to Iraq in the 2002-03 financial year.

(5) What other goods or services does Australia export to Iraq.

(6) What is the composition and value of these exports.
(7) How has the composition and value of these export changed since the 1990-91 financial year.

Senator Hill—The following answer has been provided by the Minister for Trade:

(1) The Australian Bureau of Statistics (ABS) treats data on the value of Australian wheat exports to all destinations in most years as confidential. Volume data for certain years is also confidential. The ABS does not publish details of confidential exports. Published ABS data show the following details of Australian wheat exports to Iraq:

<table>
<thead>
<tr>
<th>Year</th>
<th>Volume (Kt)</th>
<th>Value ($m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) 1990-91</td>
<td>33.8</td>
<td>6.4</td>
</tr>
<tr>
<td>(b) 1991-92</td>
<td>220.0</td>
<td>42.4</td>
</tr>
<tr>
<td>(e) 1994-95</td>
<td>31.0</td>
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</tr>
<tr>
<td>(f) 1995-96</td>
<td>50.3</td>
<td>n.p.</td>
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<td>(g) 1996-97</td>
<td>583.6</td>
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</tr>
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<td>(h) 1997-98</td>
<td>1,179.3</td>
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<tr>
<td>(j) 2000-01</td>
<td>2,586.9</td>
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</tr>
<tr>
<td>(k) 2001-02</td>
<td>2,245.1</td>
<td>n.p.</td>
</tr>
</tbody>
</table>

n.p. Data not published due to confidentiality restrictions.

(2) No orders have been placed for the sale of Australian wheat to Iraq in the 2002-03 financial year and future years. However, existing contracts provide for some of the wheat sold during 2001-02 to be delivered during 2002-03.

(3) ABS data show that wheat shipments totalling 313.1 kt, 166.4 kt and 199.8 kt left Australia for Iraq in May, June and July 2002 respectively. The majority of the shipments leaving in June and all of the wheat leaving during July 2002 would have been delivered to Iraq in 2002-03. As well, a proportion of the shipments leaving Australia in May might have been delivered to Iraq during 2002-03.

(4) The Australian Government shares the concerns of the international community at Iraq’s refusal to provide a credible assurance that it is prepared to forego weapons of mass destruction. The Government remains hopeful that diplomacy can succeed in disarming Iraq so that it no longer constitutes a threat to the international community. Australia will not, however, be held hostage to threats of trade bans.

The Government is working closely with AWB Ltd to help it to access new markets and increase existing market share for Australian wheat exports. In July the Trade Minister, Mr Vaile, held productive talks with Libyan authorities to expand our existing market there. A 50,000 tonne export sale to Libya has been concluded since Mr Vaile’s visit, and AWB Ltd recently secured a new 50,000 tonne wheat export contract with Jordan, the first major sale to Jordan since 1996-97.

In September Mr Vaile led a trade delegation, including AWB Ltd representatives, to Iran, one of Australia’s top three wheat export markets. During that visit, Iran re-confirmed its intention to purchase a further 530,000 tonnes of Australian wheat.

(5) Other than wheat, Australian exports to Iraq between 1990-01 and 2001-02 have included flour, agricultural equipment, laboratory equipment and cooling equipment, as well as donations of medicine, food and personal items. Pure services exports are not permitted under the UN sanctions regime.

(6) Excluding confidential items, the value of Australian exports to Iraq ranged from a low of zero in 1995-96 to a peak of $427,000 in 2001-02. As noted in the answer to question (5), non-confidential exports to Iraq have included flour, agricultural equipment, laboratory equipment and cooling equipment, as well as donations of medicine, food and personal items.

(7) The composition and value of Australian exports to Iraq have shown little change since the 1990-91 financial year. Taken together, confidential exports and rural exports comprised over 99 per cent of total Australian exports to Iraq in each year between 1990-91 and 2001-02.
Exceptional Circumstances Program
(Question No. 547)

Senator O’Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 15 August 2002:

1. Has the Minister written to state treasurers and/or premiers outlining proposed administrative and funding changes to the Exceptional Circumstances (EC) Program discussed at the May meeting of the Primary Industries Ministerial Council; if so, when did the Minister write to: (a) New South Wales; (b) Queensland; (c) Victoria; (d) Western Australia; (e) South Australia; and (f) Tasmania.

2. Has the Minister received replies to his correspondence from state treasurers and/or premiers; if so, when did the Minister receive replies from: (a) New South Wales; (b) Queensland; (c) Victoria; (d) Western Australia; (e) South Australia; and (f) Tasmania.

3. Have any state treasurers and/or premiers agreed to accept the Minister’s proposed changes to the program.

Senator Ian Macdonald—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

1. The Minister for Agriculture, Fisheries and Forestry wrote to all State, and the Northern Territory, Treasurers on 29 May 2002 regarding the proposed new EC framework and the funding arrangements for EC business support.

2. The Minister has received the following replies to his correspondence. (a) New South Wales – 1 July 2002; (b) Queensland - 4 July 2002; (c) Victoria - 5 July 2002 (acknowledgement only); (f) Tasmania - 28 June 2002 (acknowledgment only) and 15 August 2002; and the Northern Territory - 31 July 2002.

3. None of the replies were supportive of the proposed changes to the program. However at the Primary Industries Ministerial Council meeting in May, most State and Territory Ministers were positive about the proposed EC reform framework and have previously given agreement-in-principle to the proposed EC framework. On 30 August 2002, State and Territory Agricultural Ministers sent a joint letter refusing to provide any additional funding for EC reform.

Trade: United States Beef Quota
(Question No. 551)

Senator O’Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 15 August 2002:

1. What actions, if any, did the Minister take before 9 August 2002 to encourage the United States of America (US) to increase the beef quota allocation available to Australian beef exporters.

2. What actions, if any, has the Minister taken since 9 August 2002 to encourage the US to increase the beef quota allocation available to Australian beef exporters.

3. What actions, if any, does the Minister propose to take to encourage the US to increase the beef quota allocation available to Australian beef exporters.

Senator Ian Macdonald—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

1. to (3) The Government has been lobbying the US Administration for increased market access for Australian beef. The Minister for Agriculture, Fisheries and Forestry raised the matter in discussions with Mr Chuck F. Connor, Special Assistant to the President for Agricultural Trade and Food Assistance while in Washington on 10 December 2001. Following this meeting Minister Truss wrote to Mr Connor, requesting an increase in beef quota access to the US, especially the agreement of the US Government to a one-off increase to the US 2002 calendar year beef quota for which Australia could compete for an increased market volume. The Minister raised the matter with US Secretary of Agriculture, Ann Veneman at the Quint Meeting, Kyoto, Japan in January 2002, and again at the July 2002, Quint Meeting, Nara, Japan.

On 15 October 2001, the Government made a formal request to US authorities for increased access for Australian beef to the US market. The Government has also made tariff rate quota expansion and the reduction of out-of-quota tariffs a key priority in the WTO agriculture negotiations. The Minister for Trade raised this issue with US Trade Representative Robert Zoellick during his
visit to Washington in January 2002, and during the APEC Ministers Responsible for Trade Meeting in Mexico in May 2002. The Minister for Trade also raised this issue with Deputy US Trade Representative Peter Allgeier during the OECD Ministerial Council Meeting in Paris in May 2002.

The Prime Minister raised the beef quota issue with US Administration officials and Congressmen during his 8-15 June 2002 visit to the United States. On 4 August 2002, the Prime Minister also wrote to Senator Max Baucus, Chairman of the Senate Committee on Finance, on trade issues and sought more open access for Australian beef exports. Pursuing this matter with the US Administration will remain a high priority for the Government.

Forestry and Conservation: Plantation Wood Supply

(Question No. 571)

Senator Brown asked the Minister for Forestry and Conservation, upon notice, on 21 August 2002:

1. Who prepared the 1997 projections for plantation wood supply.

2. What new information has, or what new assumptions have, become available in 2002 leading to a 20 per cent upward revision in projected plantation wood availability from 2006.

3. (a) In the 1997 projections, what volume of softwood plantation wood was projected to be available for the 2006-10 period; (b) what volume is now projected to be available for the same period; (c) what are the confidence limits of each set of projects; and (d) how does the Minister explain the revised projections, given that the softwood plantations to which they refer generally have growing times of 30 or more years (in other words, they were already 20 years old when the 1997 supply estimates were prepared).

4. (a) Were the revised projections available before 30 June 2002; (b) why were they not released publicly until August 2002; and (c) how does the Minister expect the revised projections to affect plantation investment and wood prices.

5. Using the new projections, what proportion of Australia’s wood consumption can be met from plantations from 2006-10.

6. Does the Minister agree that competition from other nations such as Argentina, New Zealand, Chile and South Africa will make it difficult for Australian producers to export the impending surplus of plantation wood.

7. What would be the benefits for Australia’s plantation-based industry if old-growth and high conservation value native forests were protected from logging, under the new supply projections.

8. Is Australia facing a wood glut.

9. (a) What is the justification for continued tax and other incentives to expand Australia’s plantation estate; and (b) what is their annual cost.

Senator Ian Macdonald—The answer to the honourable senator’s question is as follows:

Senator Brown’s question on notice was made with reference to:


1. The 1997 projections for plantation wood supply were prepared by:


2. New information used in the ABARE Current Issues 02.7 report, August 2002, was drawn from Ferguson, I.S., Fox, J., Baker, T., Stackpole, D. and Wild, I. 2002, Plantations of Australia - Wood Availability 2001–2044. Consultant’s Report for National Forest Inventory, Bureau of Rural Sciences, Canberra. 108pp - a companion to the Plantations of Australia 2001 report by the National Plantation Inventory (NPI). New information used in the BRS consultant’s Report was collected by the NPI grower census and represents the most accurate data on area, species, age and ownership of the estate up to 2000. It incorporated data on the rapid expansion of hardwood eucalypt plantations since 1994 and revised yield models that take account of empirical growth rates experienced over the last ten years. The report also explicitly accounts for plantation expansion after 2000 using two planting scenarios– ‘no new planting’ and a ‘new planting’ scenario that uses re-
recent forecasts to 2019 developed by the Bureau of Rural Sciences. Therefore, while there are many parallels between the 1997 and 2002 reports, the new report is based on improved information and refined assumptions.

(3) (a) In the 1997 report, the volume of softwood plantation wood (all products) projected for the 2005-09 period was 12.6 million cubic metres per year. (b) In the 2002 report, the volume of softwood plantation wood (all products) projected for the 2005-09 period was 15 million cubic metres per year. (c) The regional forecasts were classified into three reliability classes based on the proportion of grower provided estimates, which were afforded a higher degree of reliability. The ‘no planting’ scenario was based on accurate information on existing plantations, the forecasts represent a lower level of availability with a high degree of confidence. The ‘new planting’ scenario involves forecasts of future expansion and represent higher levels of wood availability with a lower level of confidence.

Further information on these aspects and comparisons with other projections can be found in the report.

(d) The difference between the 1997 and 2002 projections are explained by improvements in method. The 2002 projections are based on new much more detailed regional information gathered through a census of growers conducted for the National Plantation Inventory that was not available when the 1997 estimates were prepared.

(4) (a) No. The data reported in the BRS consultant’s Report were under embargo until their release by me at the Future Prospects for Australian Plantations conference on August 20, 2002, in Canberra. (b) The BRS consultants report was still being revised up until the point of publication. (c) Changes in Australia’s wood production or projections thereof, have little to no impact on final wood product prices which are determined, over the medium and long term, by supply and demand on the larger world market. Australia remains a small producer unable to influence medium and long term world prices. As investment will also be driven mainly by world price outcomes over the long term, it is unlikely that it will be affected by changes in Australia’s wood production projections.

(5) Sawnwood: These projections imply that by 2006-10 softwood plantation product would equal around 85 per cent of Australian consumption of sawntimber.

Pulpwood: Australia could meet all of its domestic consumption of pulpwood from plantations.

(6) Australia is already competing in a competitive world market and this is expected to continue.

(7) There is no soundly based evidence to suggest that reducing the availability of timber from native forests would change returns to the plantation industry.

(8) The prospect of a wood glut in Australia is unlikely. As in many of Australia’s primary industries, there is capacity in Australia’s plantation wood industry to improve productivity to better compete on export markets.

(9) (a) I refer the Senator to my press release of 21 February and 21 March of this year. This Government is creating the framework necessary to support an internationally competitive and sustainably managed forest industry, and has concentrated on removing impediments which discriminate against forestry when compared to other agricultural activities. The Taxation Laws Amendment Act (No. 1) 2002 does not provide incentives to expand Australia’s plantation estate, rather it was introduced to promote certainty and improve investor confidence in Australia’s plantation forestry sector.

(b) I refer the Senator to the Taxation Laws Amendment Act (No. 1) 2002 Explanatory Memorandum, in which the financial impact of these measures were assessed by Treasury.

Trade: Beef Sales to Japan

(Question No. 586)

Senator O’Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 28 August 2002:

(1) Has the campaign announced by the Minister in July 2002 for the promotion of Australian beef sales in Japan commenced; if so: (a) when did the campaign commence; and (b) what form has it taken.
(2) (a) Has the campaign achieved any improved performance for Australian beef sales; and (b) how will its future success be measured.

(3) If the campaign has not commenced: (a) when will it commence; (b) what form will it take; and (c) how will its success be measured.

(4) Has the department assessed the likely impact on Australian beef sales with the discovery of a further case of Bovine Spongiform Encephalopathy (BSE) in Japan in the week commencing 19 August 2002; if so: (a) what is the result of that assessment; and (b) what steps have been taken to protect the volume of Australian beef sales to Japan.

(5) If no assessment has been made of the potential impact of the latest BSE discovery, why not.

(6) If no action has been taken to address the potential impact of the latest BSE discovery, why not.

Senator Ian Macdonald—The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable senator’s question:

(1) (a) The campaign commenced on 9 September 2002.

(b) The retail, food services, public relations and media industries in Japan will be targeted with specially tailored activities that include campaigns, promotions, visits and advertising.

(2) (a) It is too early to access the impact of the campaign given it commenced on 9 September 2002.

(b) The success of the campaign will be measured against key performance indicators and milestones set down by Meat and Livestock Australia Ltd.

(3) Response provided in Question 2.

(4) (a) Advice received from the Department of Agriculture, Fisheries and Forestry Australia (AFFA) representative in Japan indicates the impact of the BSE discovery in the week commencing 19 August 2002 will have a lesser effect on Japanese consumers than earlier detections. Meat and Livestock Australia Ltd provides weekly market assessments to AFFA and the Australian Bureau of Agricultural and Resource Economics conducts quarterly market assessments.

(b) No further steps have been taken, as there has been a steady increase in Australia’s exports to Japan during 2002, despite detections of BSE in April and May.

(5) Response provided in Question 4.

(6) Response provided in Question 4.

Environment: Dismal Swamp
(Question No. 596)

Senator Brown asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 29 August 2002:

With reference to Forestry Tasmania’s proposed tourist operation at Dismal Swamp: What will be the impact on: (a) the adjacent Dismal Swamp Reserve, managed by the Parks and Wildlife Service; (b) the Dismal Swamp Forest Reserve; (c) the National Estate; (d) the World Heritage significance of the polje (karst landform); (e) the ecosystem as a wetland; (f) the adapted flora and fauna (including invertebrates both above and below the surface); (g) the karst system and sinkholes; and (h) the underground aquifers.

Senator Hill—The Minister for the Environment and Heritage has provided the following answer to the honourable senator’s question:

The proposed tourist operation at Dismal Swamp referred to in the question will only require Commonwealth environmental approval if it will, or is likely to have, a significant impact on a matter of national environmental significance under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). The proposal has not been referred to me, as Minister for the Environment and Heritage, under the EPBC Act.

I am advised that a development proposal at Dismal Swamp was referred to the Australian Heritage Commission for advice under the Australian Heritage Commission Act 1975 in 1999. The proposal to which the question refers has not been referred to the Australian Heritage Commission for advice.

I am therefore not in a position to respond to the question.
Environment: Dismal Swamp
(Question No. 597)

Senator Brown asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 29 August 2002:
With reference to Forestry Tasmania’s proposed tourist operation at Dismal Swamp: What will be the impact of: (a) the extraction of water to service the proposed tourist facility; (b) waste water delivered into the swamp; (c) vegetation removal for the establishment of car parks, the constructed facilities, walking tracks and boardwalks; (d) the construction of walking tracks and boardwalks; and (e) noise on users of Dismal Swamp.

Senator Hill—The Minister for the Environment and Heritage has provided the following answer to the honourable senator’s question:
See answer to Question on Notice 596.

Environment: Dismal Swamp
(Question No. 598)

Senator Brown asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 29 August 2002:
With reference to Forestry Tasmania’s proposed tourist operation at Dismal Swamp: What community, environmental, neighbouring or other stakeholders has Forestry Tasmania consulted in drawing up its final plans for the operation.

Senator Hill—The Minister for the Environment and Heritage has provided the following answers to the honourable senator’s questions:
These arrangements are a matter for Forestry Tasmania.

Environment and Heritage: Superannuation
(Question No. 612)

Senator Sherry asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 30 August 2002:
(1) For each department within the Minister’s portfolio, how is superannuation calculated (ie. is the superannuation entitlement calculated on base salary and other income payments, such as overtime allowance or performance bonuses, or on base salary alone).
(2) If the department calculates superannuation on a broader basis, by incorporating all income payments in the calculation of superannuation entitlements, but allows employees to opt out of this arrangement so as to reduce the base upon which superannuation is calculated, what proportion of employees do this.

Senator Hill—The Minister for the Environment and Heritage has provided the following answer to the honourable senator’s question:
(1) Superannuation for employees within the Department of the Environment and Heritage is calculated in accordance with the provisions of superannuation legislation including the Superannuation Act 1976, the Superannuation Act 1990 and the Superannuation (Productivity Benefit) Act 1988 and the associated regulations, declarations and determinations for the scheme concerned (ie either the Commonwealth Superannuation Scheme or the Public Sector Superannuation Scheme). Salary for superannuation purposes is based on the annual salary or wages and allowances of an employee plus allowances that are automatically included for superannuation purposes and/or allowances that are subject to one of the following criteria:
Criterion 1 – the employee has received the allowance(s) for a continuous period of over 12 months; or
Criterion 2 – there is a likelihood (that is, there is a better than 50% chance) that the member will receive the allowance for a continuous period of not less than 12 months, and a certificate to this effect has been given.
The more common allowances recognised for superannuation purposes are outlined below:
Allowances automatically recognised for superannuation purposes
• an allowance payable for the possession of a particular skill or the acquisition of a particular standard of proficiency in a work related skill (eg First Aid Allowance);

Allowances that must meet the criteria outlined above
• higher duties allowance
• shift penalty allowance
• overtime in-lieu allowance

Payments for entitlements such as standard overtime, travelling and certain expenses of office are not counted as salary for superannuation.

(2) The Department does not calculate superannuation on a broader basis.

Defence: Projects
(Question No. 625)

Senator Chris Evans asked the Minister for Defence, upon notice, on 9 September 2002:

Can a breakdown of the project budget that was not spent in Australia (ie. the elements that were not covered by Australian industry involvement (AlI), eg. imported weapons systems, sensors, combat systems, original design costs) and an indication of the approximate value of each element be provided for each of the following projects: (a) the Anzac Ship Project; (b) the Collins Class Submarine Project; (c) the Coastal Minehunter Project; and (d) the two guided missile frigates constructed in Australia.

Senator Hill—The answer to the honourable senator’s question is as follows:

(a) The ANZAC Ship Project is a joint project with the New Zealand Government for the production of 10 ships and associated supplies. New Zealand has purchased two of these ships. The current Australian Project Cost (8 ships) is $5279m and revenue received from the New Zealand Government for its two ships is $940m. Of this, $1839m, or 30% has either been spent or is intended to be spent overseas and 70% is Australian and New Zealand content. A breakdown of the overseas content by major system is provided:

<table>
<thead>
<tr>
<th>Major System</th>
<th>Overseas Content</th>
</tr>
</thead>
<tbody>
<tr>
<td>Design</td>
<td>$236m</td>
</tr>
<tr>
<td>Weapons</td>
<td>$362m</td>
</tr>
<tr>
<td>Combat Systems</td>
<td>$222m</td>
</tr>
<tr>
<td>Sensors</td>
<td>$174m</td>
</tr>
<tr>
<td>Missiles and Ammunition</td>
<td>$89m</td>
</tr>
<tr>
<td>Integrated Logistic Support</td>
<td>$63m</td>
</tr>
<tr>
<td>Propulsion Systems</td>
<td>$159m</td>
</tr>
<tr>
<td>Electrical Systems</td>
<td>$127m</td>
</tr>
<tr>
<td>Other Platform Systems</td>
<td>$192m</td>
</tr>
<tr>
<td>Other (1)</td>
<td>$115m</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$1839m</strong></td>
</tr>
</tbody>
</table>

(1) Includes: construction, administration, shore facilities, engineering, test and trials and post delivery.

(b) For the Collins Class submarine project, to 30 June 2002, $4,996m of a total approved project cost of $5112m had been expended. Of this, $1,303m, or approximately 26%, was spent overseas resulting in an Australian content of approximately 74%. A breakdown of the amount spent overseas and the principal items is provided:

<table>
<thead>
<tr>
<th>Principal Supplies and/or services provided</th>
<th>Amount spent in $A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Power conversion equipment, electrical control systems, pumps,</td>
<td>$74m</td>
</tr>
<tr>
<td>communication systems, main battery cells, echo sounders.</td>
<td></td>
</tr>
<tr>
<td>Sonar systems, main propulsion motors.</td>
<td>$269m</td>
</tr>
<tr>
<td>Specialised lighting systems.</td>
<td>$2m</td>
</tr>
<tr>
<td>Weapon discharge equipment, towed array handling system, communications</td>
<td>$265m</td>
</tr>
<tr>
<td>mast, periscopes, air purification units.</td>
<td></td>
</tr>
<tr>
<td>Electronic support measures, radar and snorkel masts and hoist systems.</td>
<td>$36m</td>
</tr>
</tbody>
</table>
(c) For the Minehunter Coastal Project, to 30 June 2002, $1063m of a total approved project cost of $1245m had been expended. Of this, $344m, or approximately 28%, was spent overseas resulting in an Australian content of approximately 72%. A breakdown of the overseas content by major system is provided:

<table>
<thead>
<tr>
<th>Major System</th>
<th>Overseas Content (April 1993 Prices)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hull structure</td>
<td>$16m</td>
</tr>
<tr>
<td>Propulsion plant</td>
<td>$64m</td>
</tr>
<tr>
<td>Electrical plant</td>
<td>$10m</td>
</tr>
<tr>
<td>Command and surveillance</td>
<td>$68m</td>
</tr>
<tr>
<td>Ship assembly and support</td>
<td>$7m</td>
</tr>
<tr>
<td>Systems engineering</td>
<td>$72m</td>
</tr>
<tr>
<td>Project material</td>
<td>$4m</td>
</tr>
<tr>
<td>Industry facility</td>
<td>$2m</td>
</tr>
<tr>
<td>Integrated logistic support</td>
<td>$38m</td>
</tr>
<tr>
<td>Shore facility</td>
<td>$6m</td>
</tr>
<tr>
<td>Escalation to current prices</td>
<td>$27m</td>
</tr>
<tr>
<td>Ammunition</td>
<td>$20m</td>
</tr>
<tr>
<td>Total</td>
<td>$344m</td>
</tr>
</tbody>
</table>

(d) The last two of the six Guided Missile Frigates (HMA Ships Melbourne and Newcastle) were constructed at Tenix Defence in Williamstown, the ships were delivered in the early 1990s, the Project was closed and the relevant files were archived at that time. It is not possible to provide the overseas spend information for these projects in the time frame required for this question.

**Basslink: Proposed Forest Furnaces**

(Question No. 653)

**Senator Brown** asked the Minister representing the Minister for the Environment and Heritage, upon notice, on 18 September 2002:

With reference to Basslink: Will any electricity be sold to mainland Australia from proposed forest furnaces in Tasmania, including the Southwood proposal.

**Senator Hill**—The Minister for the Environment and Heritage has provided the following answer to the honourable senator’s question:

Basslink will give Tasmanian electricity generators access to the national electricity market. Any wood fired generators will need to compete with other electricity generators. It is not known at this time whether it is likely that any electricity generated by proposed wood fired generation will be competitive and sold to mainland Australia.