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Tuesday, 25 March 2003

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

QUESTIONS WITHOUT NOTICE

Iraq

Senator HUTCHINS (2.01 p.m.)—My question is directed to Senator Hill as the Minister representing the Prime Minister and the Minister for Foreign Affairs. Does the minister stand by his statement to the Senate yesterday when he said:

Turkish military forces as such had not entered Iraq but that a number of personnel who could be better described as having police type functions ... have entered Iraq ...

Is the minister now aware of the statements of the Turkish Prime Minister in a national TV address last Sunday that Turkey:

... wants to send troops into Kurdish controlled northern Iraq to provide security and stability in the region ...

And, further, that:

... any deployment of Turkish troops would be aimed at protecting Turkish security.

In light of this confirmation of Turkey’s intention to deploy troops into Iraq, what is the Australian government’s reaction to any such incursion?

Senator HILL—I am aware of that statement. I am also aware of subsequent statements of Turkish authorities to the effect that they had not sent troops across the border into Iraq. My advice of yesterday was as I relayed it to the Senate in answer to questions in this place. The advice of today is a little more ambiguous as to whether some forces might have crossed the border.

Senator Carr interjecting—

Senator HILL—You might not understand this, Senator, but it is very difficult to get authoritative information on these matters. The view of the Australian government is, of course, that it would be preferable if Turkish troops did not enter Iraq. It seems to us that it would simply add an extra complication. We can, nevertheless, understand the wishes of Turkey to protect its border, to deal with humanitarian issues, and we can also understand some concerns they might have in relation to the possibility of an independent Kurdish nation. It is a highly complex issue. I know that senators on the other side did not like this yesterday, but it is being dealt with principally between the United States and Turkey. The latest advice that I have is that it is being managed satisfactorily.

Senator HUTCHINS—Mr President, I ask a supplementary question. In light of this confirmation of Turkey’s intention to deploy troops into Iraq, what action has the Australian government taken, or will the government take, to advise the Turkish government of our position in relation to any such incursion into Kurdish areas of Iraq? If Turkey does indeed deploy troops in the way set out by the Turkish Prime Minister, wouldn’t that just parallel the action by the coalition of the willing? Is this the second very recent preemptive strike by a country on another in the name of self-defence and national interest?

Senator HILL—The simple answer to the latter part of the question is no. As I have stated, it would be of concern to us if a Turkish force of any number entered Iraq at this time, because we would see it as a complicating factor. I am sure that the Turkish authorities would be aware of our views.

Iraq

Senator BRANDIS (2.05 p.m.)—My question is directed to the Leader of the Government in the Senate and the Minister for Defence, Senator Hill. Will the minister update the Senate on the international effort to disarm Iraq? Are there any further details of Australia’s contribution to this effort?

Senator HILL—I thank Senator Brandis for his question. As the operation is ongoing, it would be unwise to be too authoritative, but I can provide some further information to the Senate. I think it is worth remembering that the operation has been in existence for only a little over five days, and I think some people have some unreal expectations. Having said that, coalition forces have advanced to within about a hundred kilometres of Baghdad. They are now facing up to the major Republican Guard divisions that surround Baghdad. Efforts are being made, and
have successfully been made, to consolidate their gains behind the front line. The next 48 hours or so will be important in terms of the front line and its action against the Republican Guard divisions that guard Baghdad, and also to better assess the success of consolidation in smaller towns and cities to the south of Baghdad. Other positives are that the southern oilfields have been secured, which has averted the possibility of a major ecological and economic disaster. I think that is a major success that all honourable senators would applaud.

It is worth noting also that the coalition stands ready to deliver massive humanitarian assistance—food, water and medicines—to the Iraqi people because, as I said yesterday, the Iraqi people are not our opponents in this conflict. Our opponent is the regime of Saddam Hussein, which is determined to maintain and further develop weapons of mass destruction which are a threat to his people, to his neighbours and to the wider international community. Honourable senators might also be interested to know that there are now more than 50 countries participating in or supporting the coalition to disarm Iraq, which includes in excess of 30 providing military assets to the combat phases of Operation Iraqi Freedom.

In relation to Australian forces, the Chief of Army reported this morning that our special forces continue to conduct highly successful strategic reconnaissance and direct action operations deep behind enemy lines, destroying enemy facilities and denying freedom of movement to Iraqi forces. Our Navy clearance diving team is now operational, operating in the southern Iraqi port city of Umm Qasr, where it will be working to clear the port and approaches, which, of course, will be vital to allowing humanitarian aid to enter that port facility. Our ships remain on interception operations in the Persian Gulf. Air operations continue over Iraq, although I have to say that the weather is significantly deteriorating. The Australian National Commander, Brigadier McNair, has reported that Australian FA18s have been involved with other coalition aircraft in strikes against Iraqi tanks, defensive positions and a barracks. The C130s are providing vital intratheatre airlift and our P3s are supporting coalition airlift and our P3s are supporting coalition maritime forces and have done so operationally during the last 24 hours. I am pleased to report that all Australian personnel are safe and well, and I know the best wishes of all of the Australian community are with them as they undertake this very difficult and dangerous task on behalf of the total Australian community.

**DISTINGUISHED VISITORS**

The President—Order! I wish to draw the attention of honourable senators to the presence in the chamber of a parliamentary delegation from the People’s Republic of Bangladesh led by the Chief Government Whip, Mr Khondker Delwar Hossain MP. On behalf of honourable senators I welcome you to the chamber. I hope that your stay in Australia is both an informative and an enjoyable one.

Honourable senators—Hear, hear!

**QUESTIONS WITHOUT NOTICE**

Iraq

Senator Moore (2.10 p.m.)—My question is also to Senator Hill, the Minister for Defence, representing the Prime Minister and the Minister for Foreign Affairs. Does the minister recall that in the Senate yesterday, in answer to a question about the lack of electricity and water services in the city of Basra, he stated:

... every effort is being made to avoid suffering by innocent Iraqi people ... He also stated:

I am sure every effort will be made to return those essential services as quickly as possible.

In light of these reassuring words from the minister and in light of the answer just given to Senator Brandis, can he now inform the Senate of precisely what efforts the government has made to ensure full restoration of power and water supplies to the residents of Basra? How has the Howard government brought pressure to bear to ensure that the Red Cross will gain immediate access to the pumping station to facilitate water supplies to these innocent people?

Senator Hill—I understood that some of the essential services had been restored to
Basra, but I will see if I can get an update before the end of question time.

Senator MOORE—Mr President, I ask a supplementary question. Perhaps when the minister is getting that information he can fulfil some of these particular points. Is the minister aware of the concerns expressed by UNICEF that:

... in Basra there is the very real possibility now of child deaths, from the conflict but also from diarrhoea and dehydration. We estimate that at least 100,000 children under the age of five are at risk ...

Does the Howard government recognise that it has a heightened humanitarian responsibility as one of only three members of the coalition of the willing to put troops on the ground of Iraq? How will the Howard government use this position to ensure the supply of essential food and ensure that water, power and medical supplies are provided as coalition forces continue to lay siege to every Iraqi city on their way to Baghdad?

Senator HILL—There are a few points that I think could be made. The first is that the honourable senator obviously did not listen to my earlier answer, which was that there are now more than 50 countries committed to disarming Iraq.

Senator Sherry—How many? The land forces in Iraq—50 countries?

Senator HILL—Fifty countries—in excess of 30 providing military assets to the combat phases of Operation Iraqi Freedom.

Senator Chris Evans—She said troops. Don’t mislead the Senate; that is not what the senator said. She said troops—that is what she said.

The PRESIDENT—Order! Senator Evans!

Senator HILL—The second point I want to make is that the implication within the question is that the humanitarian difficulties are as a result of the actions of the coalition.

Senator Carr—Who bombed them? Who bombed the water supply?

The PRESIDENT—Senator Carr!

Senator HILL—The humanitarian problems are as a result of Saddam Hussein for 12 years refusing to meet the reasonable demands of the international community that he disarm his weapons of mass destruction and thus leaving no alternative to disarm him other than using force.

Opposition senators interjecting—

The PRESIDENT—Order! Senators on my left will come to order. Have you finished, Senator Hill?

Senator HILL—No, I will go on. Mr President, the Australian Labor Party still does not seem to realise that it is not our wish to exercise force. It was our wish to achieve this objective peacefully. (Time expired)

Iraq

Senator LIGHTFOOT (2.13 p.m.)—My question is addressed to the Minister for Communications, Information Technology and the Arts, Senator the Hon. Richard Alston. What mechanisms has the government put in place to enable the public, including the friends and relatives of our armed forces, to communicate by way of email and facsimile with Australia’s troops in Iraq? During this difficult time how important is it that Australia’s troops have the strong support of the wider Australian public?

Senator ALSTON—I thank Senator Lightfoot for a very important question. This is a much more important issue than any other issue. The Department of Defence does have arrangements in place to ensure that nominated relatives and friends of individual Defence Force members in the Middle East can maintain contact with their loved ones. In addition, the Department of Defence has set up a 24-hour email and fax service to provide members of the general public with the ability to send their messages of support.

This messages to the troops facility is similar to that established during the East Timor deployment. The fax number is 1800 643 938 and the sender does not pay for the fax. The email address is messagetotheets-roops@defence.gov.au. The Department of Defence collates all messages and sends them in hard copy form through Australia Post to the personnel serving in the Iraq conflict. The messages are dispatched to the ships in the Gulf and to CHQ in Qatar where they are distributed to units for display in
communal areas. For those people who do not have email or fax facilities, messages of support can be sent by mail to the following address:

Department of Defence
PACC Division
Attention: messages to the troops
Russell Offices RG-G-014
Canberra ACT 2600

They will also be sent on to the troops. I am aware that a number of electorate offices are receiving numerous letters of support and they can forward these letters to the Defence mailing address. In the last week, Defence has received over 1,100 faxes and 7,000 emails of support from the public. These have included messages from families, schools, community groups, businesses, ex-service organisations and aged care facilities. This is a tremendous fillip for our men and women in the Middle East. I would also like to thank the Australian media outlets that have publicised the messages to the troops facility and those who have established their own messages of support facilities. They include Channel 7, the Daily Telegraph, the Herald Sun, radio 3AW, the Adelaide Advertiser and Sunday Mail in Adelaide, the Northern Territory News and the Townsville Bulletin.

In addition, Defence has created a facility by which Australians can show their support of the families of deployed personnel. People wishing to support Defence Force families can email to ourfamilies@defence.gov.au. Defence will post a selection of these messages on the Defence web site and defence families are encouraged to monitor the web site for messages of support from the public.

The government congratulates Defence on taking these initiatives. It is crucial that all Australians get 100 per cent behind our troops regardless of the views they hold about the conflict. As the Prime Minister made clear last week, those people who have a beef about Australia’s involvement in military action in Iraq should complain to the government, not to the troops. Finally, we are aware that a small percentage of messages received through the Defence messages to the troops facility have been negative, inappropriate or not supportive. Quite appropriately, these messages are not being forwarded on to the troops and the government implores people who do not agree with the government’s position on Iraq to voice their concerns to the government and not through the messages to the troops facility.

Iraq

Senator MARSHALL (2.17 p.m.)—My question is to the Minister for Defence, Senator Hill. Is the minister aware that in a briefing today, Defence did not rule out that the SAS entered Iraq before the US 48-hour deadline expired at midday on Thursday last week? Can the minister confirm whether SAS troops entered Iraq some time after the government announced its decision to join the US led attack on Iraq on Tuesday last week but before the end of the deadline? Did the government authorise this action?

Senator HILL—I can remember saying last week that from the time of the announcement by the government, which was on Tuesday, the Australian forces were under operational command. I do not think it is appropriate to comment at this time on the implementation of those commands and the sort of detail that the honourable senator is seeking.

Senator MARSHALL—I ask a supplementary question, Mr President. Given Australian troops are dispersed across the gulf, how are the personnel from the Incident Response Regiment providing protection to all Australian troops? Are personnel from the Incident Response Regiment dispersed through all deployed forces? If not, are some Australian personnel relying on protection from chemical and biological attack from the US and the UK?

Senator HILL—that is really a second question rather than a supplementary question.

Senator MARSHALL—I ask a supplementary question, Mr President. Given Australian troops are dispersed across the gulf, how are the personnel from the Incident Response Regiment providing protection to all Australian troops? Are personnel from the Incident Response Regiment dispersed through all deployed forces? If not, are some Australian personnel relying on protection from chemical and biological attack from the US and the UK?

Senator HILL—That is really a second question rather than a supplementary question.

Senator Chris Evans—You did not answer the first question.

Senator HILL—Okay. If you say that you did not get an answer, you can ask a second question, I do not mind. The Incident Response Regiment has been provided, as has been suggested in the second question, to give support in matters relating to chemical
and biological weapons. They would be called upon as needed to support Australian forces and it is believed they will be predominantly provided in relation to the operation of the special forces on the ground, but it could be other forces. They could also provide that assistance to other forces in the coalition in the same way that we can call upon similar skills held by other coalition partners to the advantage and for the safety of our forces.

Iraq

Senator BARTLETT (2.20 p.m.)—My question is to the Minister for Defence, Senator Hill. The minister would no doubt agree that it is clear that Australia is not going to be committing any more troops to the war in Iraq in addition to the existing deployment of 2,000 troops. In that context, could the minister comment on the accuracy of a report in the Australian Financial Review on Saturday entitled ‘More anthrax shots for troops’ that claims that the Australian defence forces are urgently importing enough additional anthrax vaccine to supply an additional 10,000 troops and are also seeking permission to import 5,000 tablets that are antitodes to agents typically used in chemical warfare? If true, are these vaccines for rotating forces, other peacekeeping troops or are they planned for troops in Australia? Or is the report without foundation?

Senator HILL—I also noticed the article. I have not followed it up because it made sense to me in terms of the new strategic environment in which we are living where our forces are having to face up to threats of weapons of mass destruction, including chemical and biological weapons. As the honourable senator I think has conceded, our force of approximately 2,000 is going to be maintained at that size. If the conflict continued for some time, there may be a need for rotation of forces. It would therefore be prudent to ensure that forces that might need to be rotated in due course are covered. I should say that there has been no decision made in that regard. In relation to our forces on the ground and our Air Force, I do not envisage it to be likely. In relation to our ships, they, of course, have been rotated regularly for the last 12 years, and it would be reasonable to assume that Navy has a tentative rotation planned in that regard. These anthrax vaccine imports may well be in part to ensure that any future rotation of ships enables sailors to be prepared to combat this risk. If the honourable senator wants more specific information, I can get it for him, but there is no hidden agenda in relation to this matter.

Senator BARTLETT—Mr President, I ask a supplementary question. Is the minister seriously suggesting he did not bother to follow up this report despite the fact that it was from an unnamed defence department source? Firstly, would that alone not concern him—that his department is leaking such material to the media? Secondly, I assume, by him saying he did not bother to follow it up, that he thinks importing 10,000 anthrax vaccines is routine and that applying for antitodes to chemical weaponry is also routine. Is it genuinely the case that this is now a routine matter, which he does not bother to verify when he reads it in the media?

Senator HILL—I have answered the question really, that I think that in this new world where our forces have to face up to threats of biological weapons—in the case of anthrax and other such types—we have to be prudent. We have demonstrated in relation to the current deployment that we are not prepared to have forces in theatre unless they are properly protected against both chemical and biological threats. To note that the ADF is continuing that prudent approach for the future strikes me as being quite sensible.

Iraq

Senator COOK (2.24 p.m.)—My question is to Senator Hill, the Minister for Defence. Does the minister recall saying after the 1991 Gulf War that, on the assumption that Saddam would fall, he supported Australia playing a role in the reconstruction of Iraq. He said at the time: Australia can now do in peace what it did in war: that is, in a modest but constructive way, be a useful contributor in the support of the UN peace keeping ...

Through you, Mr President: Minister, why don’t you now support Australia being a ‘modest but constructive’ contributor in peacekeeping after the war in Iraq?
Senator Hill—Australia will want to make a contribution to the future of Iraq. Clearly we have already announced significant contributions in addressing humanitarian issues which will overcome any crisis aspects associated with the war, although I have emphasised in the last few days that the state of health of the Iraqi people relates more to what has happened under Saddam Hussein’s regime in the past rather than what has happened in relation to the war. We will contribute to the reconstruction of Iraq. In some way I suspect we will contribute to the transition to, hopefully, what will be a free and open society with democratic government. Whether we provide any military personnel is still to be decided, but the Prime Minister has indicated that we are not of a mind to deploy a significant peacekeeping force. The reason for that is that we believe under the current levels of operational tempo that that would not be the best decision for us to make. Our forces, after this conflict, could well argue that they deserve a bit of a break.

Senator Cook—Mr President, I ask a supplementary question. You did support it in 1991 and you have now changed your tune. Minister, why was the government so eager to commit 2,000 troops to the attack on Iraq but has ruled out—and I think that is what you just did—providing peacekeepers for rebuilding the country? Doesn’t this send the signal that the government is willing for war but it is not willing to shoulder the burdens of making the peace?

Senator Hill—I think that is a bit rough. We still have 1,100 peacekeeping forces in East Timor. We have, in effect, peacekeeping forces in Bougainville, and so it goes on. What I have said is that we are not going to contribute a broad-scale military component to a peacekeeping force. But I am sure that Australia, as one member of the international community, will accept its fair share of responsibility for the rebuilding of Iraq. That has been the Australian way in the past and it will be the Australian way in the future.

Iraq

Senator Nettle (2.27 p.m.)—My question is to the Minister for Defence, Senator Hill. Can the minister confirm the accuracy of comments made last week by defence analyst Professor Des Ball that the joint defence facility at Pine Gap in the Northern Territory is being used to gather intelligence for targeting and guiding US missile and bomb attacks on Iraq? Can the minister confirm that this role is ongoing in the targeting of attacks on Iraqi towns?

Senator Hill—Obviously, I can say no more about the functions of Pine Gap other than what has been said previously in a public form. It has some functions that are disclosed and some that are undisclosed. It is a very important asset in our alliance with the United States and our broader alliance with like-minded states. That facility and those relationships are a very important part of Australia’s ultimate security blanket. I can say, for example, that it plays a part in the early warning of missile launches, and I would have thought that the honourable senator would applaud that because she could see that that could specifically be a major contribution towards peace. But I can say no more than what has been publicly and previously stated to be its other functions.

Senator Nettle—Mr President, I ask a supplementary question. Given that the minister confirmed in August that ‘all activities at the joint defence facility are carried out with the full knowledge and concurrence of the government’, does this mean that the frightening and devastating attacks labelled ‘shock and awe’ by the US military are undertaken with Australian assistance and concurrence? If so, can the minister reveal whether advice has been sought as to the legality of Australia’s involvement in such tactics if they are found to be in contravention of article 51 of the Geneva convention which outlaws attacks on civilians—a convention that Australia has ratified but our allies have not?

Senator Hill—The objective of the Australian government is for a short war, a successful war and a war with a minimum of civilian casualties. I would have thought that any fair and objective honourable senator would accept that there have been enormous efforts taken to minimise civilian casualties in this conflict. It is true that we are working with coalition allies to also win the conflict
and achieve our goal of disarming Saddam Hussein of weapons of mass destruction, but we want to do it in a way that is as humanitarian as possible.

**National Security: Terrorism**

Senator LUDWIG (2.30 p.m.)—My question without notice is to Senator Ellison representing the Attorney-General. Does the minister recall telling the Senate yesterday of Australia’s domestic security threat level, when he said:

We do not have colour coding; we do not have gradations on a scale of one to 10.

Is the minister aware that the publicly available ASIO annual report for 2001-02 says that for many years we operated on a very low to low zone of threat and that a normal operating level now is low to medium, with threat levels occasionally reaching high? In light of ASIO’s contradiction of the minister’s statement to the Senate—that in fact there is a gradation of threat levels operating in Australia—can the minister finally tell the Senate and the Australian people just what the current terrorist threat assessment level is?

Senator ELLISON—Mr President, you will note from Senator Ludwig’s question that what ASIO said in its report is that we do not have colour coding, we do not have any gradation from one to 10 and that ours is a different system entirely from that of other countries. That is precisely what the Prime Minister has said on other occasions, as has the Minister for Foreign Affairs and the Attorney-General. And that is what I said yesterday in relation to the question that was put to me. In its annual report ASIO has stated as Senator Ludwig has said, but of course what Senator Ludwig has not carried on to say is that we have been on a heightened level of security alert since 11 September 2001. That is something that has been in the public domain and conceded by all concerned.

On 19 November there was an alert issued in relation to a generalised threat to Australia and it was stated that it would be in place for some months to come. That remains in place. There is nothing inconsistent at all in relation to what the ASIO report has said and what the Attorney-General, the Prime Minister and I have been saying. We have been saying that we are on a heightened level of security alert—and that is the case. In relation to any gradation, I said we do not have colour coding, we do not have a score of one to 10—and we do not. ASIO’s report has said that in previous instances our security threat has been low. We are on a heightened level right now, which obviously we would be.

What the opposition are really trying to say is that, because of the Iraq war, we are on a higher state of alert than we otherwise would be. We categorically reject that. There has been no information whatsoever to support a change in our current status of alert. The Prime Minister has just answered that question in the other place, as has the Attorney-General, in those terms.

Senator LUDWIG—Mr President, I ask a supplementary question. Can the minister explain, in the short time available, the process that is used? What is the actual level of threat that Australia is facing in relation to terrorists? How does it work? If you are saying it is heightened—heightened from where to where? In other words, can you have heightened plus heightened?

Senator ELLISON—Obviously, pre September 11, 2001, the world was a different place—and it certainly was here. What happened after that was that there was a heightened level of alert as a result of that attack. Subsequently, in November last year a warning of a generalised nature was issued because there was no specific threat as such, but an alert was issued. What I am saying here is that you have ASIO saying that prior to September 11 the world was a very different place and the threat in relation to Australia was a very different threat indeed. What we had after that was a heightened level of security alert.

Senator Faulkner—Mr President, I rise on a point of order. On four occasions yesterday, this minister was asked to provide the threat assessment level to the Senate. He has been asked twice today. It should be a simple answer to a straightforward question. Could you direct him to tell the Senate what the threat assessment level is?
The PRESIDENT—There is no point of order. You know as well as I do that I cannot direct a minister about the fashion in which he answers a question.

Senator ELLISON—The Prime Minister, the Attorney-General, the foreign minister and I have stated that the status of alert in this country is a heightened level of alert. That is the status of alert in this country, and that has been the case since September 11, 2001.

Australian Defence Force: Support for Families

Senator CHAPMAN (2.35 p.m.)—My question is directed to the Minister for Family and Community Services. Will the minister inform the Senate of the support being provided to the families of Australian Defence Force personnel who are deployed on operations?

Senator VANSTONE—I thank Senator Chapman for the question. Our hearts and minds are very much with the service personnel serving overseas, but also with their families who are left behind. In one sense, this is a question that could have been directed to the Minister representing the Minister for Veterans’ Affairs, but I have chosen to take this question because the support we provide to the families left behind is a very important issue and it is something that all other families in Australia would be interested in.

The government is taking all the steps it possibly can to provide appropriate support and care for the families of service people in Iraq. The Defence Community Organisation provides welfare support in all operational deployments and delivers personnel and family support services. The next of kin of deployed members have access to a comprehensive range of services, which includes information on how to contact a family member, access to local support groups and support in relation to a family crisis, including arrangements for compassionate return to Australia. There are suitable local referrals for any specific problems, and access to sources of emergency financial assistance and organised predeployment briefings for members and families. They have access to a free 1800 public information referral service via the Family Information Network for Defence and there is support for families through the case management of members who might be seriously injured or their families if they are—as we hope no-one is—killed. There are sponsored social gatherings that promote networking amongst families and free personal mail of up to one kilogram for families. Families also have free access to the National Welfare Coordination Centre, which provides 24-hour, seven days a week central coordination for the referral of welfare and family support.

All Australians hope, and none more so than their families, that all our service men and women return home safely. It is, of course, a very difficult time for the families in particular, when loved ones are called to serve in times of conflict. Mr President, as you know, they are all somebody’s father or mother or sister or brother or daughter or lover and nothing but their safe return will relieve this anxiety. This government will do everything possible to support the families and ease their burden of concern whilst our service personnel are deployed overseas.

Defence: Capability

Senator CHRIS EVANS (2.38 p.m.)—My question is directed to Senator Hill, the Minister for Defence. I refer the minister to the tragic accident last Sunday in which an RAF Tornado returning from a mission was shot down by a US Patriot missile near the Iraq-Kuwait border. Does the minister have any information on whether the RAF Tornados that Britain has deployed to the gulf are fitted with ‘identification friend or foe’, or IFF, systems that are fully compatible with US systems? Can the minister provide an assurance that our FA18s have all necessary equipment to prevent such a horrific accident? In particular, can he give the Australian community reassurance that the IFF capability fitted to the FA18s is 100 per cent compatible with the US missile defence systems?

Senator HILL—The Chief of the Air Force yesterday spoke on this subject at some length. It might be better that I table his response, as he obviously has a technical knowledge base that far exceeds mine on
these matters. As I understand it, our FA18 aircraft have been equipped with the appropriate friend or foe identification and therefore are protected from the sort of tragic accident that occurred in relation to the British aircraft.

 Senator CHRIS EVANS—Mr President, I ask a supplementary question. I thank the minister for his answer. I have read the transcript of the air marshal’s comments, but I asked the minister a specific question and I would appreciate him getting an answer on that. It goes to the question of IFF compatibility with the US missile defence systems and whether all other communication systems on the FA18s are totally compatible with the US communications systems. In particular, have there been any problems with communication between our FA18s and US and UK forces because of a lack of compatibility with systems? I would appreciate it if the minister could answer the question about compatibility in terms of both the identification of friend or foe and the communications systems on our FA18s.

 Senator HILL.—It was, of course, an important element in preparation of our platforms to operate with those of others in the coalition. The advice that I have been receiving is that the communications are working effectively and that there have not been any significant problems. But I will ask my department if they can provide any more specific information on that matter to the Senate. If so, I will table it.

 Immigration: Ms Puangthong Simaplee

 Senator GREIG (2.41 p.m.)—My question is to the Minister for Justice and Customs, Senator Ellison, and follows on from my question yesterday concerning the tragic case of Ms Simaplee, trafficked into Australia at the age of 11 and forced into prostitution. Given that Ms Simaplee was trafficked into Australia as a child, does the minister agree that this appalling situation should have been dealt with not as a matter of illegal immigration resulting in the swift deportation of the victim but rather as a criminal matter warranting Federal Police investigation into the traffickers themselves? Given that there is evidence to suggest that up to 1,000 trafficked women could currently be in Australia, can the minister advise how frequently the Federal Police carry out spot checks on brothels to find trafficked women, and when did the last spot check occur?

 Senator ELLISON—I understand that in relation to the young person that Senator Greig refers to, Ms Simaplee, there is an inquest in process at the moment. That was commenced on 12 March this year and is continuing. I do not think it is appropriate that we comment on a matter surrounding that which is a subject of an inquest.

 Senator Allison.—It’s about how she died.

 Senator ELLISON—I just put that before the Senate so the Senate understands my reticence in discussing that particular case. It is inappropriate whilst a coroner’s inquest is in process. I now turn to those other aspects in relation to the question of people trafficking and raids on brothels. The regulation of prostitution is a state and territory matter—that is the subject of state and territory jurisdiction. The question of immigration is a federal matter and I will address that part of it. There have been a number of matters referred to the Australian Federal Police by the department of immigration. The AFP has investigated all matters referred to it which have amounted to some 14 investigations. Seven of those investigations resulted from nine referrals by the department of immigration, as one investigation incorporated multiple referrals. The remaining seven matters were internally generated by the Australian Federal Police. Three of these matters are still under investigation and one is awaiting finalisation. The remainder did not disclose a case to answer or did not have a reasonable prospect of conviction. This is due in part to the reluctance of potential witnesses, many of whom are in the country illegally, to testify.

 I mentioned yesterday the provisions we have in place for a criminal justice stay visa. The jurisdiction of checking the issue of prostitution is in the realm of the state and territory police. The Australian Federal Police are working with them. We have a federal jurisdiction which deals with those people who have been brought to Australia for the purposes of prostitution and we have had referrals from the department of immigra-
tion. We are investigating those referrals. So from the federal jurisdiction, the Commonwealth law enforcement agencies are doing what is necessary to investigate a matter of great concern to the Australian government. But you have to remember that if you are going to look at the wider question of prostitution in which these people are involved that also involves state and territory authorities, and you should address part of your question to them.

Senator GREIG—Mr President, I ask a supplementary question. Minister, I acknowledge your answer but submit that trafficking is very much a federal issue, and that went to the heart of my question. Has the government considered introducing a ‘safe house’ system such as that which operates in the UK? They provide a form of witness protection for trafficked women such that they can live under protection until such time as they subsequently testify.

Senator ELLISON—We certainly have a federal witness scheme—and if I am incorrect I will come back to the Senate and advise accordingly. My understanding is that, if you had someone who was giving evidence in accordance with our criminal justice stay visa, there should be no reason why some form of protection under our witness protection regime would not be available to them. Ms Simaplee was detained as an illegal entrant, as I understand. I will not go into the detail of that case because it is the subject of a coroner’s inquest. But certainly I could see no reason why a witness protection scheme could not extend to someone who is assisting the police with their inquiries in relation to people trafficking.

Transport: Border Protection

Senator GEORGE CAMPBELL (2.47 p.m.)—My question is to Senator Ian Macdonald, the Minister representing the Minister for Transport and Regional Services. Is the minister aware that on 18 March 2003, in contemplation of hostilities against Iraq, the United States shifted to high terrorism alert and the Department of Homeland Security announced a wartime homeland security plan known as Operation Liberty Shield? Can the minister confirm that Operation Liberty Shield in the United States implemented increased security at borders, including implementing more US Coastguard patrols by aircraft, ships and boats and using the US Coastguard to enforce security zones in areas around critical infrastructure sites in key ports? Given that Australia does not have a coastguard, what comparable measures has the Howard government taken to protect critical transport infrastructure in Australia?

Senator IAN MACDONALD—I thank Senator George Campbell for that question. It probably means that the question I might have anticipated later in the proceedings will not now need to be asked of me. So thank you, Senator George Campbell. Firstly, you did ask me whether I was aware of the arrangements that apply in the United States. Generally speaking, I am aware of them. Obviously, I do not have any specific briefing on the arrangements but I think that what you said is correct. But what the United States government does is a matter for the United States government. We here are a sovereign government and we do what we think and know is best for Australia.

I am advised that no intelligence has been received requiring the raising of the overall threat level in Australia. Should information become available to the government requiring a change to threat levels, the public will be advised and appropriate additional security measures will then be put in place. Accordingly, we are maintaining our current level of security measures, those that have been in place since 19 November 2002. The Department of Transport and Regional Services has established a transport security division and it is also leading work on a national transport security strategy to establish an Australia-wide approach to preventive security for the transport system as a whole. That will involve states, territories and, obviously, the Commonwealth government.

Some of the initiatives, Senator George Campbell, that the government has put in place, say, in the aviation area, include the screening of goods and persons entering sterile areas, an increase in the number of airports where passenger screening takes place, 100 per cent checked bag screening on certain international flights, broadening the categories of prohibited carry-on items,
strict security arrangements for international and domestic cargo and increased APS presence at domestic airports.

Opposition senators interjecting—

Senator IAN MACDONALD—Senator, your colleagues say, ‘What’s new?’ Of course many of us in this chamber who travel a lot will have noticed all these increased security efforts since November last year. You would be aware of the deployment of armed air marshals on domestic services. Shortly, the Minister for Transport and Regional Services, Mr Anderson, will be introducing into parliament an aviation transport security bill which provides the first step in the government’s overhaul of aviation security policy framework. The bill will address fundamental elements of aviation security regulation arrangements and it does clarify the roles and responsibilities of the aviation industry, the government and the travelling public. It does provide a framework for implementing the government’s recent decisions on screening and access control and, as well, several key features on the ANAO report on aviation security. I could tell you, Senator George Campbell, if you were to ask me a supplementary, about what we are doing in the ports area and on land, but I am afraid time has beaten me to complete this answer.

Senator GEORGE CAMPBELL—Mr President, I ask a supplementary question. I note that my original question went to what was happening at sea and in the ports, and the minister ignored answering that part of the question and concentrated on aviation—which was obviously the question he was expecting from one of his backbenchers. Can the minister further confirm that Operation Liberty Shield in the United States has enhanced rail security, including providing additional police at selected bridges, increasing security at major facilities and key rail hubs, monitoring the transportation of hazardous material and increasing the surveillance of trains carrying hazardous material? What similar protective measures has the Howard government taken to protect critical rail infrastructure in this country?

Senator IAN MACDONALD—Senator George Campbell, you put me in a predicament. I was going to go on and complete the answer but I ran out of time. But let me try anyhow. You asked particularly about land transport. The Commonwealth is working with the states and territories to implement the new UN model code on safe transport of dangerous goods by rail and road. We are also very active in the Australian Transport Council and the Australian Logistics Council in building an effective preventive security response which includes the development of the National Transport Security Strategy. In the ports area we now have implemented procedures for greater access control, identity passes, closed-circuit TV, passenger and baggage screening on international cruises and ships, increased security controls and a range of other measures. All in all, I inform the Senate that it is the government’s intention and goal to provide a safe system of transport for Australia. (Time expired)

Iraq

Senator BUCKLAND (2.53 p.m.)—My question is to the Minister for Defence, Senator Hill. Can the minister confirm whether Umm Qasr is now fully controlled by coalition forces? Isn’t this a strategically important target because it is the only major port in Iraq? How long will it be before Umm Qasr can be used to offload the humanitarian aid that UNICEF has stated is desperately needed by the people of Basra?

Senator HILL—My understanding is that it is now under control, but we have seen over the last few days that remnants of opposition can change that circumstance. But that was the last advice that I received. The adjoining waterways are being cleared of any mines. I understand that humanitarian assistance should therefore shortly be able to enter the port, I think within the next few days.

Senator BUCKLAND—Mr President, I ask a supplementary question. Is the minister aware of reports that targets in Basra have been shelled because of resistance in that city? Given the ongoing fighting, will humanitarian aid be able to be delivered across the battlelines or will civilians in the city have to wait until the battle is won before they get the supplies they need?
Senator HILL—In relation to the primary question that was answered, I will get confirmation tomorrow for the honourable senator on what I have said. In relation to Basra, the problem that is occurring is that the Iraqi forces are embedding themselves within the metropolitan areas of these towns and cities. Basra is the second largest city in Iraq. With forces embedded within it, particularly utilising artillery from basically a domestic environment, it creates an enormous challenge for the coalition. As I have said earlier in this place, we want to achieve a victory but in a way that is at least civilian cost. So that remains our objective. Obviously, consistent with that objective is to support those who need humanitarian support as quickly as possible.

Immigration: Refugees and Asylum Seekers

Senator COLBECK (2.56 p.m.)—My question is to Senator Ellison, the Minister representing the Minister for Immigration and Multicultural and Indigenous Affairs. Will the minister inform the Senate about the extent of Australia’s humanitarian response to the Middle East, and specifically Iraq, in recent years? How does Australia’s response compare on an international scale?

Senator ELLISON—In the times we find ourselves in, this is a very important question from Senator Colbeck. Australia has a proud history of responding to humanitarian need. Over the last 50 years, Australia has resettled some 600,000 refugees and humanitarian entrants. The United Nations High Commission for Refugees estimates that since the last Gulf War in 1991 some 70,000 Iraqi refugees have been resettled from countries of first asylum. Only nine countries have substantially participated in the resettlement. Australia is one of those nine countries. We are joined by the United States, Canada, Sweden, the Netherlands, Denmark, New Zealand, Norway and Finland in the resettlement of those people.

Something which is often overlooked in the public debate, especially in relation to the question of answering the humanitarian need that we see in our world today, is Australia’s fine performance in this area. People being resettled are those who cannot go home to Iraq and who generally cannot stay where they are. They remain vulnerable and do not have the opportunity or resources to engage people smugglers and to claim asylum in developed countries. Australia has been consistently a major contributor to the resettlement effort with a response on a par with other significant resettlement nations such as the USA and Canada. The Middle East and South-West Asia component of the Australian humanitarian program has been around 30 per cent for several years. In the past program year of 2001-02, 32 per cent of visas were granted to people from that region. That includes a sizeable intake of 1,434 people of Iraqi background. So far this financial year, Australia has already given visas to more than 1,600 Iraqis under its offshore program. Australia recognises the contribution being made by countries of first asylum in the region and has offered assistance to those countries. Hundreds of thousands of Iraqis have sought sanctuary in those surrounding countries. Australia, as I say, has made a significant humanitarian contribution to countries of first asylum in recent years with funding from both AusAID, as outlined by the Minister for Foreign Affairs, and the immigration portfolio.

In the 2000-01 budget, the immigration portfolio was allocated just over $20 million for four years to assist displaced Afghani and Iraqi people. To date, the minister for immigration has released over $10 million from this fund to support the efforts of the UNHCR and other international agencies in addressing the situation of Afghans displaced in South-West Asia. Almost $11 million is to be dispersed from this fund in the 2002-03 financial year and the next financial year. The government is now exploring ways to target these funds to support Iraqis who have been displaced or may be displaced in coming weeks. Australia has a proud record of humanitarian support in the region, and we will maintain that record.

Senator Hill—Mr President, I ask that further questions be placed on the Notice Paper.
QUESTIONS WITHOUT NOTICE:
ADDITIONAL ANSWERS

Iraq

Senator IAN MACDONALD (Queensland—Minister for Fisheries, Forestry and Conservation) (3.00 p.m.)—Yesterday, Senator O’Brien asked me a question about some letters from the departmental secretary and the Chief Veterinary Officer. I have an answer that I will table and I seek leave to incorporate the answer in Hansard.

Leave granted.

The answer read as follows—

Yesterday in the Senate, Senator O’Brien asked me to confirm if the Secretary of the Department of Agriculture, Fisheries and Forestry and the Chief Veterinary Officer had sent letters advising of an increased level of quarantine awareness concerning the occurrence of a highly contagious disease. Senator O’Brien also asked if the Government has significantly increased the level of preparedness for an outbreak of such a disease.

The Secretary of Department of Agriculture, Fisheries and Forestry wrote on 19 March 2003 to members of the National Management Group which he Chairs. The NMG comprises CEOs of State and Territory agricultural departments, CSIRO and industry leaders.

The Commonwealth Chief Veterinary Officer wrote to members of the Consultative Committee on Emergency Animal Diseases which he Chairs. The CCEAD comprises Chief Veterinary Officers from States and Territories, the Australian Animal Health Laboratory, as well as industry representatives who are technically qualified.

The letters made clear that there was no information which suggests any substantive threat exists. The letters encouraged the recipients to be particularly aware of any indications that could signal the occurrence of disease.

This has been the standard practice for the Department of Agriculture, Fisheries and Forestry to collaborate with its animal health emergency networks on a regular basis to maintain awareness of disease risk and implications. For example regular consultations took place during the Olympics, East Timor and during the UK FMD outbreak.

This current opportunity was taken to reinforce the need for constant awareness and rapid reporting of any unusual circumstances—messages that have been given over the last few years.

The standard actions taken by the Department of Agriculture, Fisheries and Forestry are consistent with normal communication arrangements for emergency animal health preparedness and to ensure that vital networks are kept fully informed.

Senator O’Brien then asked a supplementary question relating to terminology contained in the letter and also if diseases relevant to animal health are a concern for humans.

The Department Secretary and the Office of Australian Chief Veterinary Officer have not been advised of any increased risk to Australia. The circulation of a note was purely precautionary and consistent with best practice.

There are over sixty animal diseases which are considered a threat to Australian agricultural industry. Some of these are zoonotic in nature.

QUESTIONS WITHOUT NOTICE:
TAKE NOTE OF ANSWERS

Answers to Questions

Senator LUDWIG (Queensland) (3.01 p.m.)—I move:

That the Senate take note of answers given by ministers to questions without notice asked by opposition senators today.

Today in question time we heard an extraordinary response from Senator Ellison to the question I asked about our level of threat. For the sixth time—and a point of order was taken by Senator Faulkner—Senator Ellison has failed to explain to the Senate and the Australian people what our level of threat is. Either Senator Ellison is under strict instructions not to tell the Australian people what our level of threat is or he does not know. We can rule out the second of those; we can assume that Senator Ellison, as the Minister for Justice and Customs, would know what the level of threat in Australia is. Senator Ellison says that we do not use a colour-coded system. Senator Ellison is trying to avoid answering the question in relation to our level of threat. He clearly has the capacity, and I am sure the intellect, to say, using something other than a colour-coded system, what our level of threat is. There are a number of options by which Senator Ellison can articulate what our level of threat is, whether it is by colour—if he wishes to use that—by grade or by level.

Senator Ellison chooses to tell the Senate and the Australian people that our level of
threat is heightened. He does not go on to explain what that means. Does it mean that it is heightened? If so, then heightened from what to where? Is it a level of threat that is only known to him? That would be the conclusion that people on this side of politics would come to very quickly. But it is not credible to accept the minister’s answer that our threat level is apparently heightened without some understanding of what the base and the top levels are. But the minister has provided no information on the scale or level of threat that Australia faces. It is unbelievable that there are no graded levels in place to work out what the security threat is today.

There is a reason that he does not want to come to this chamber and tell us. He does not want to have a comparison drawn between the threat level that exists in the United States and here, because the United States have had a sufficient reason to have a level of threat and to explain their level of threat to their citizens. They have a five-level system, and they are at the second-highest level in that system. Why hasn’t Senator Ellison come to this chamber and told the Australian people and the Senate? It is because he does not want that comparison to be made, because we would ask the question: why is the US at a particular level—that is, at their second-highest level—and Australia is at X level? But he will not tell us what the X level is, so we cannot draw the comparison. The US and Britain have told their people but Senator Ellison has failed to tell the Senate and the Australian people what our threat level is.

Mr John Howard knows, but he cannot take the political risk of explaining to the Australian people what that level is. We would expect the minister for justice to do it, but he is in a straitjacket. He is in a straitjacket created by Mr John Howard and he is under strict instructions not to tell the Australian people what our threat level is. He and Mr Howard should come clean and tell the Australian public what we are facing—what the level of threat is and what his response to that level of threat will be. Senator Ellison’s colleagues are astonished that he does not know what the level of threat is. In fact, they are not only astonished—I think that they agree with me. I think that they are embarrassed because he fumbled it. He was unable to explain what the level of threat is. We all know it was not because he did not know. He was embarrassed because he did know but he was under strict instructions and in a straitjacket. The government is sending mixed messages. You have, on the one hand, the defence facilities and the embassies on heightened security alert. They are responding to security threats but this government—

(Trust expired)

Senator MASON (Queensland) (3.06 p.m.)—There is no inevitability about this war—none at all. The government has committed troops to military intervention in Iraq because it believes that this is the only way to get Saddam Hussein to disarm. The governments of Australia, the United States and the United Kingdom have no quarrel with the people of Iraq. Rather, we believe that the only way to force Saddam Hussein to disarm is to do it militarily. After 12 years of deceit, lying and hiding weapons, enough is enough.

Those on the other side seem to believe that Iraq used to be in a state of peace—that somehow containment, which is the policy implicitly endorsed on the other side, works. You know what UNICEF says? It says that every year for the last few years, under the policy of containment endorsed by the Labor Party, the Democrats and the Greens, 60,000 Iraqis have died, most of them under the age of five. And they call that peace! They call 60,000 Iraqis dying every year, under a policy of containment, peace. More people die each year under the regime of Saddam Hussein than died in the first Gulf War. More people, according to UNICEF figures, died in the 12 months before the recent conflict started than were killed in the first Gulf War. And they call that peace!

This is the peace that Senator Brown, Mr Crean, Ms Macklin, Senator Faulkner and the Labor Party talk about. They talk about peace in Iraq. More people died in the 12 months before the start of war than died in the first Gulf War. They call it peace. It is, of course: it is peace for Senator Faulkner, Senator Brown, Ms Macklin and Mr Crean. It is peace for them but it is a continuing hell for the people of Iraq, and we do not see
much at all from the Labor Party by way of concern about the people of Iraq. Those people sitting opposite who are against Australia’s military involvement in Iraq continue to condemn the Iraqi population to years and years more of oppression, murder and rape. Those people who believe the United States, the United Kingdom, Australia and other forces should not go into Iraq condemn the Iraqi people to years more of rape, murder and slaughter. They call it peace.

There is nothing like those people who are recent converts. Those who have opened their eyes always have the greatest clarity of thought. There was an article by Daniel Pepper published in the *Sunday Telegraph* in England the other day. In the article, entitled ‘I was a naive fool to be a human shield for Saddam’, he wrote:

Perhaps the most crushing thing we learned was that most ordinary Iraqis thought Saddam Hussein paid us to come to protest in Iraq. Although we explained that this was categorically not the case, I don’t think he—that is, the taxi driver they were talking to—believed us. Later he asked me: ‘Really, how much did Saddam pay you to come?’

That is what he said to one of the members of the human shield. Pepper writes:

It hit me on visceral and emotional levels: this was a real portrayal of Iraq life. After the first conversation, I completely rethought my view of the Iraqi situation. My understanding changed on intellectual, emotional, psychological levels. I remembered the experience of seeing Saddam’s egomaniacal portraits everywhere for the past two weeks and tried to place myself in the shoes of someone—an Iraqi—who had been subjected to seeing them every day for the last 20 or so years.

Last Thursday night I went to photograph the anti-war rally in Parliament Square. Thousands of people were shouting ‘No war’ but without thinking about the implications for Iraqis. Some of them were drinking, dancing to Samba music and sparring with the police. It was as if the protesters were talking about a different country where the ruling government is perfectly acceptable.

*Time expired*

**Senator GEORGE CAMPBELL** (New South Wales) (3.11 p.m.)—I rise to support the motion moved by Senator Ludwig. We have a government that says it would like to the Australian population to be alert but not alarmed. You have to question whether or not that is the case when this government will not tell the people of Australia what the threats are that they are facing. This is a government that has refused to reveal the threat assessment level and is keeping Australians in the dark.

Yesterday we had Senator Ellison tell this chamber that the level of threat assessment is not classified. If that is the case, why won’t he tell the people what sort of threat it is that we are facing? Why won’t he tell the people what the heightened level of threat that Australia now confronts is? The Minister for Justice and Customs has stated that the threat assessment levels have been heightened, but he still will not tell us what level they have been heightened to. What is it he means by ‘the threat levels have been heightened’? What is the definition of a heightened threat level? What is the difference between the level now and what it was, for example, six months ago? Senator Ellison has not attempted to explain any of these questions that have been put to him or to even set the parameters for the Australian people in terms of the nature of the threats we may be facing.

One has to wonder, having listened to Senator Ian Macdonald’s answer today and to Senator Ellison’s answers, whether or not there is some confusion within the government, because Senator Ellison has said that the level of threat has heightened, yet Senator Macdonald said that there has been no change to the threat levels since 19 November 2002. When was the threat level heightened in Senator Ellison’s eyes? Is he talking about a level that was established in November 2002, or has that changed from 2002 to now? Or is he talking about a different set of threats facing the Australian people from the set of threats that Senator Ian Macdonald is aware of? These are questions that obviously this chamber and the Australian people are entitled to answers to. We can only speculate that the reason this government will not tell the people what the threat assessment level is
is that it would mean admitting that Australia has become a bigger target for terrorists as a result of the Prime Minister’s rash and reckless decision to commit troops to the invasion of Iraq.

The US government’s statement that, as a result of the invasion of Iraq, there is a certainty that terrorists will try to launch multiple strikes against the US and its allies confirms this. They have put it foursquare on the table that, as a result of the activities now occurring in Iraq, there is a greater threat to the US and its allies, one of which is Australia. For example, in answers in this chamber over the past few days Minister Hill has admitted that defence facilities increased the level of security at their establishments once the war began. He has not told us to what extent they have increased them, but he has admitted there has been an increase in the security at defence establishments. You would expect that to occur. All these actions, in fact, contradict Prime Minister Howard’s statement last month that he did not think Australia had become more of a terrorist target as a result of our commitment to the coalition of the willing.

However, the Leader of the House in the other place, Mr Abbott, has put the lie to all of that. He has admitted that our commitment to the war in Iraq would increase the risk of a terrorist attack, contradicting what the Prime Minister said in his statement. The refusal of the government to detail the threat level contrasts with the United States, who at least have made the threat level very clear and have implemented a homeland security plan known as Operation Liberty Shield—something that has not been done by this government. This government has not laid on the table the security plan it has drawn up to ensure the protection of the Australian people and the Australian homeland. It has not identified in this chamber what it believes to be the heightened threats, and it has not detailed the sorts of actions—

Senator COLBECK (Tasmania) (3.16 p.m.)—You really have to wonder whether the Labor Party are slow listeners on this particular issue. They admitted today that they have asked this question six times. They have received the same answer six times: Australia is at a heightened level of alert following September 11. The Labor Party have criticised the government over the past few months for blindly following the United States. They think that we should not be doing everything the United States does. Now they say that, just because the United States has issued a heightened state of alert—or has changed its level of security rating—we should do the same. Perhaps they should make up their minds. Are we a country independent from the United States or aren’t we? Are we a country independent from the United Kingdom or aren’t we? You criticised us for following the United States blindly and now, because we have the capacity to make our own decisions, to follow our own security organisations and to follow the threat assessments that are set by those security organisations, we should be following the United States. That is something that is completely inconsistent in the Labor Party’s arguments.

You have to wonder whether the Labor Party really want Australia to be a bigger target. They continue to talk it up. They continue to scaremonger and to try to frighten the Australian people, while the position of the government has been consistent, responsible and considered. The threat assessment is set by ASIO, not by the government. It is set based on intelligence provided by ASIO. Yet the Labor Party continue to argue, despite having had the answer given to them several times by the Prime Minister and by several other ministers that the overall threat in Australia has not changed since the beginning of the war in Iraq. It has been stated in just those simple terms on countless occasions by the government—by the Prime Minister, by ministers in the other place and by ministers in this chamber. As the government has indicated, some specific threat levels in respect of some defence facilities and foreign interests in Australia have been raised.

Senator Ludwig—There’s always an exception!

Senator COLBECK—It is a bit like your policy on Iraq in the first place, isn’t it? You always have an out, always have an excuse and always have a way to change your minds
at the last minute. The Labor Party have been jumping around all over the place. Perhaps they need to read the publications that come out with the polls on Tuesday mornings and see what the results of those indicate. Obviously they are not getting any traction with their arguments in the media and obviously not getting any traction in the public eye.

Australia’s interests are being protected by this government on a consistent and common basis. The fact is that the government has been completely open with the Australian people all through this argument, since September 11, sharing on all occasions that it can information relevant to public safety. The government has done this even when the information is generalised and non-specific, which has opened us up to some criticism. The alert of 19 November is a case in point. It was in the same spirit of responsibility and openness that DFAT issued the warning about Surabaya on Saturday, 22 March. This government has consistently, over a period of time as I have said before, been responsible and considered in its responses to the security elements of Australia, and has taken heed of the advice given to it by its security organisations. It will continue to do so. It will not be pushed by the Labor Party, who continue to try and scaremonger and push us into making unfounded claims about the security elements and security risks in this country. It continues to maintain a reasonable, consistent, responsible and considered argument. (Time expired)

**Senator COOK (Western Australia) (3.21 p.m.)**—I do not blame Senator Colbeck for the weak and flaccid argument that he just put. He was speaking from the notes he has been given. But the big problem with that argument—the notes from the Prime Minister’s office that have been handed to government backbenchers to speak from—is that the government of Australia has a duty of care to its citizens to keep them properly informed as to what the level of risk to ordinary Australians might be.

It has a duty of care. The concern from the Labor side is that the government is not paying any attention to that duty of care. It is trying to lull the Australian community into believing that we in Australia, somehow uniquely among all countries of the world, can have a safe war. The government wants Australians to believe that we can have a safe war and that we can be at war with a country which the government alleges sponsors international terrorism but the level of threat to ordinary Australians because of that war will not increase. Therefore it is safe and secure to make this war. That is nonsense, but that is what the government wants Australians to believe. It wants them to believe that nonsense. Only, Tony Abbott let the cat out of the bag by saying that there was a heightened level of terrorism in Australia.

It is well known that the first casualty of war is truth and we can take some of the things that the government has said about this conflict with a grain of salt. We can remember, for example, that the government reassured Australians that the troops were not being sent to war, they were simply being predeployed and no decision had been made as to whether they would fight. We remember that. That was transparently rubbish because they were being allocated to fight, yet the government maintained that fiction. It maintains that the security problems in Australia have not heightened by being at war, which is another example of the government trying to hoodwink the Australian people.

Let me give you a third example. The government said that we were not into regime change. Then, when it needed a convenient argument about the desecration of human rights by this tyrant in Baghdad, it suddenly discovered after 12 years the human rights infractions in that country and then declared that we are into regime change. The only reason for that change is the change in rhetoric needed to sell this war to Australian people who are sceptical about its purpose. The change in rhetoric arises because the only way it could sustain the human rights argument was to change the tyrant and introduce a new regime which would not engage in that type of infraction.

We know about the children overboard. That is another classic example of the government being honest with the Australian people! Children were not thrown overboard. That is a proven fact, but so far the govern-
ment has not admitted that that is true despite the photographic evidence and the findings of the Senate inquiry which proved that they were never thrown overboard.

The government leaves these impressions. It wants you to draw from them that it is safe to make war internationally and the level of terrorism threat in Australia will not increase. In its private advice ASIO says that the level of terrorism has increased. We know that Senator Hill believes that to be the case because security has been tightened around military bases in Australia. We in this place know that it is true because the security of Parliament House has been tightened to protect us. In addition, we know that the Australian Federal Police have doubled their protection regime for foreign diplomats in this country and have upgraded their security checks everywhere else. We know that the United States is now at the second highest level of alert ever for internal terrorist threats.

We know all those things, but what does Mr Howard say? Mr Howard says—and Senator Colbeck made a fair fist of repeating his remarks—that the level of security threat for Australia has not changed because of the war in Iraq. What nonsense. This war in Iraq is a war to disarm Saddam Hussein, we are told, of his weapons of mass destruction and to fight terrorism. Does anyone seriously believe that terrorist organisations do not target Australia? Why is the Prime Minister maintaining this fiction that the level of threat has not risen and that security is not endangered? He is doing that simply because he wants us all to believe that it is possible to have a safe war. It is not. The reality should be told honestly and openly to the Australian people. The government has a duty of care to its citizens to honestly tell them, in decent language, what the truth is. The fact that it hides behind this smokescreen is—(Time expired)

Question agreed to.

Iraq

Senator BARTLETT (3.27 p.m.)—I move:

That the Senate take note of the answer given by the Minister for Defence (Senator Hill) to a question without notice asked by Senator Bartlett today relating to an approval to import anthrax vaccine for Australian Defence troops.

My question related to whether the Australia Defence Force had been granted approval to import an urgent consignment of enough anthrax vaccine to supply an additional 10,000 troops. That information was provided by an anonymous Department of Defence source to the *Australian Financial Review*, which published that information on the weekend. The article also stated that the Therapeutic Goods Administration had approved that request, as required, and that another request had been submitted just the day before to the Therapeutic Goods Administration for permission to import 5,000 tablets which were antidotes to agents typically used in chemical warfare.

I should say up-front that, in raising this issue, the Democrats are not in any way suggesting that the government should not be ensuring that they are adequately prepared for the wellbeing of our troops in the event of anthrax or other chemical attacks. One of the two key points the Democrats are trying to highlight is that the government obviously would not be importing this large amount of anthrax vaccine unless they thought there was a reasonable probability that they would be needing it in the near future.

Anthrax is not easily kept for long periods of time. The vaccine has to be transported in an insulated container and it has to be stored in a refrigerator at reasonably low temperatures, but it cannot be frozen. There is also the need for booster vaccines in addition to the initial vaccine. It is not manufactured in Australia so it can only be imported, and that is only for those at high risk of exposure. The fact that the government have in effect confirmed the report in the *Australian Financial Review* highlights that they clearly believe that there is a high risk of exposure of many thousands of Australian troops to anthrax poisoning and presumably also a risk of exposure to agents used in chemical warfare. The fact that this was virtually confirmed by the minister was demonstrated by his answer. He said that he had seen the report but saw no need to chase it up to see if it was correct. He seemed to think it was suffi-
ciently unremarkable not to even bother to inquire into such an article that quoted an anonymous defence department source. His answer basically was that this is the reality of the world we now live in. No doubt he is quite right about that and it is a tragedy that that is the case. Again, it is appropriate that, if that is the case, the government or the Defence Force do what they need to do to ensure and maximise the protection of our troops against those agents.

Certainly from the Democrats’ point of view, we take the government at their word that the deployment of troops in Iraq is not going to go beyond 2,000—we do not always take them at their word, but certainly in that regard I do—and the minister reiterated that today. There are only a few reasons why the government would need another urgent amount of anthrax vaccine for up to 10,000 troops: either they believe the war in Iraq may go on for a sufficient length of time that they will need to provide additional vaccine—and obviously there is no doubt that the Defence Force would have taken adequate vaccinations for booster shots et cetera when they initially left, so that gives a clear indication that there is a reasonable probability or possibility that the troops will be there for a longer period than was expected—or that replacement of troops in a rotating sense might be needed because the war or the occupation may go on for longer than was initially suggested, with the troops therefore needing to be vaccinated, or that other troops in Australian peacekeeping forces in other parts of the world are now potentially at realistic risk of attack from anthrax or chemical weaponry. If so, I think the government should admit the fact that the security threat level has gone up by that degree or, indeed, whether the vaccine is needed for troops here in Australia. If that is a possibility then the government should highlight that increased security risk.

As other questions from the opposition this week have clearly shown, the government is very coy about being in any way specific or even trying to deny the fact that there is an increased security risk in Australia, despite it being blatantly obvious. This question and the answer from the minister give another clear indication that the risk level to troops—*(Time expired)*

Question agreed to.

**PETITIONS**

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

**General Agreement on Trade in Services**

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

The Petition of the undersigned shows our concern that:

(a) all “requests” under the General Agreement on Trade in Services (GATS) must be lodged by 30 June 2002;

(b) formal offers must be concluded by March 2003;

(c) the Australian Government has so far not revealed what it proposes to put on the table at GATS;

(d) our democracy and the future of our public services are under threat from other countries which are pressuring Australia to open up telecommunications, postal services, water supply, health and education services, banking and the professions to foreign corporations, and to accelerate privatisation of services which should be publicly monitored and accountable and which may deteriorate when left to private interests seeking first profit and near monopoly rather than reliable and equitable social and environmental interests.

Your petitioners respectfully ask that the Senate urgently request the Australian Government to publicly release all demands and concessions it proposes to make to other countries for opening up trade in services as part of negotiations on a new General Agreement on Trade in Services (GATS).

by Senator Cherry (from 59 citizens).

**Workplace Relations: Paid Maternity Leave**

To the Honourable the President and Members of the Senate in Parliament assembled. The Petition of the undersigned shows:

- Our concern that Australia is now one of only two OECD countries without a national scheme of paid maternity leave;
- Our concern about the two-thirds of Australian working women who currently lack any paid support on the birth of a child;
- Our strong support for the adoption of a national scheme of paid maternity leave for
Australian working women at the earliest opportunity;
• Our belief that paid maternity leave is an employment-related measure that recognises, first and foremost, the benefits of at least 14 weeks paid leave for working mothers, their children and their families, along with its contribution to equal opportunity at work, productivity, and women’s employment security and attachment.

Your Petitioners request that the Senate should at the earliest opportunity pass legislation to provide a national system of paid maternity leave which recognises the principles of ILO Convention 183, and provides at least a 14 week payment for working women at the level of their normal earnings (or at least at the minimum wage), with minimal exclusions of any class of women, and a significant contribution from Government.

by Senator Stott Despoja (from 41 citizens).

Petitions received.

NOTICES
Presentation

Senator Brandis to move on the next day of sitting:
That the time for the presentation of the report of the Economics Legislation Committee on the Designs Bill 2002 and a related bill be extended to 13 May 2003.

Senator Heffernan to move on the next day of sitting:
That the time for the presentation of the report of the Rural and Regional Affairs and Transport Legislation Committee on the Dairy Industry Service Reform Bill 2003 and a related bill be extended to 27 March 2003.

Senator Forshaw to move on the next day of sitting:
That the order of the Senate of 20 June 2001 relating to departmental and agency contracts be amended as follows:
(a) paragraph (1), omit “the tenth day of the spring and autumn sittings”, substitute “2 calendar months after the last day of the financial and calendar year”;
(b) at the end of paragraph (2)(b), add “the commencement date of the contract, the duration of the contract, the relevant reporting period and the twelve-month period relating to the contract listings”;
(c) paragraph (7), after “first”, insert “and second”; and
(d) at the end of paragraph (8), add “and with respect to bodies subject to the Commonwealth Authorities and Companies Act 1997, on and after 1 January 2004”.

Senator Stott Despoja to move on the next day of sitting:
That the Senate—
(a) notes that:
(i) the ‘HOPE’ Hand of Peace Exchange was launched on 18 March 2003,
(ii) this project aims to highlight the plight of children in Iraq and other regions in humanitarian crisis,
(iii) the ‘HOPE’ Hand of Peace Exchange will involve the exchange of handprints between children all around the world, as a show of solidarity with the Iraqi children caught in the war, and
(iv) the United Nations estimates that there are currently more than one million malnourished children in Iraq; and
(b) urges the Government to increase Australia’s foreign aid budget, specifically our aid to Iraq, after the war.

Senator O’Brien to move on the next day of sitting:
That the Senate—
(a) notes that:
(i) on 16 October 2002 it agreed to an order for the production of documents relating to the Government’s consideration of an ethanol excise and production subsidy,
(ii) on 21 October 2002 the Parliamentary Secretary to the Treasurer (Senator Ian Campbell) advised the Senate that, ‘the Government intends to comply with the order as soon as possible and fully expects to be in a position to do so shortly’,
(iii) on 12 December 2002 Senator Ian Campbell advised the Senate that, ‘consideration of the documents is close to conclusion’ and committed to tabling the requested documents out of session by 17 December 2002,
(iv) on 5 February 2003 Senator Ian Campbell advised the Senate that, ‘the Government is seeking to conclude its consideration of these
documents and its compliance—albeit very late—with the order of the Senate,'.

(v) on 4 March 2003 the Senate noted the Government’s failure to comply with the order of the Senate and called on the Government to comply by 6 March 2003, and

(vi) more than 155 days have passed since Senator Ian Campbell gave the Senate a commitment that the Government would ‘shortly’ comply with the Senate order, and

(b) calls on the Government to comply with the order of the Senate no later than 5pm on 27 March 2003.

Senator Brown to move on the next day of sitting:

That the Senate again calls on the Howard Government to return Australia’s 2000 Defence force personnel from Iraq immediately.

Senator Nettle to move on the next day of sitting:

That the Senate—

(a) notes that the Liquefied Natural Gas Plant proposed to be built by Phillips Oil Company Australia at Wickham Point in Darwin Harbour would increase the Northern Territory’s gas emissions by 40 percent;

(b) notes that Phillips has been required only to carry out a Public Environment Report for this proposal;

(c) notes that this process did not involve assessment of the impact of the proposal on dugong populations, mangroves or the ongoing impact of dredging; and

(d) insists that Phillips be required to carry out a full Environmental Impact Assessment for the revised high capacity plant under the Environment Protection and Biodiversity Conservation Act 1999.

Senator IAN CAMPBELL (Western Australia—Manager of Government Business in the Senate) (3.34 p.m.)—I give notice that, on Thursday, 27 March 2003, 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:

Corporations (Fees) Amendment Bill 2002,
Corporations (Review Fees) Bill 2002,
Corporations Legislation Amendment Bill 2002, and the
Workplace Relations Amendment (Termination of Employment) Bill 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—

CORPORATIONS LEGISLATION AMENDMENT BILL 2002
CORPORATIONS (FEES) AMENDMENT BILL 2002
CORPORATIONS (REVIEW FEES) BILL 2002

Purpose of the Bill

These Bills will amend the Corporations Act 2001 (the Corporations Act) to implement Phase 7 of the Government’s Corporate Law Economic Reform Program (CLERP 7). The object of the Bills is to reduce the paper lodgment compliance burden on Australian companies and to assist ASIC in making optimal use of electronic communications technology. The Bills will also simplify the fees regime, provide for new fees and some fee relief for small business.

Reasons for Urgency

Passage in the Autumn Sittings 2003 is critical to allow for commencement on 1 July 2003 to ensure that the proposed new company reporting requirements are in place with sufficient lead time to prevent the need for ASIC to activate procedures under the existing reporting regime in relation to the 2003 calendar year reporting period.

(Circulated by authority of the Parliamentary Secretary to the Treasurer)

WORKPLACE RELATIONS AMENDMENT (TERMINATION OF EMPLOYMENT) BILL 2002

Purpose of the Bill

The Bill amends the Workplace Relations Act 1996 (the WR Act) to:

- extend the coverage of the federal unfair dismissal jurisdiction by making greater use of the corporations power in section 51(xx) of the Constitution;
improve the operation of the federal unfair dismissal laws as it impacts on small business; and
make a number of other improvements to the way the unfair dismissal laws operate.

Reasons for Urgency

The Bill seeks to correct inefficiencies in the current unfair dismissal system and deliver a number of reforms that would assist business, and in particular small business.

One of the major inefficiencies in the current arrangements is the operation of concurrent federal and state unfair dismissal jurisdictions. One of the most significant consequences of these arrangements is that similar unfair dismissal cases are being handled differently merely because they fall into different jurisdictions, resulting in inequitable treatment for both the employees and employers concerned.

This Bill would seek to simplify the existing arrangements by creating a national unfair dismissal jurisdiction for corporate employers. The complexity and confusion that currently arises from the existence of multiple, overlapping jurisdictions would be remedied and would benefit employers and employees alike.

A number of other proposals in the Bill would benefit business by reducing financial costs, increasing certainty of outcomes and resolving unfair dismissal claims more quickly.

The measures in this Bill will strongly contribute to economic and employment growth and should be implemented as quickly as possible so that business, employees and the broader economy can benefit from the reforms.

(Circulated by authority of the Minister for Employment and Workplace Relations)

Senator Stephens to move on the next day of sitting:

That the Senate—

(a) notes that:
(i) the New South Wales Labor Premier (Mr Bob Carr) has secured an historic third four-year term of government in the New South Wales Parliament,
(ii) the re-election of the New South Wales Labor Government is an endorsement of Mr Carr’s plan to secure New South Wales’ future, and
(iii) the people of New South Wales have voted for a government that unequivocally rejects the legitimacy of the unilateral war on Iraq;

(b) congratulates:
(i) Mr Carr and the New South Wales Labor administration for their election campaign, and
(ii) Labor candidates and campaign teams for their part in a campaign that has reduced Liberal/National representation to its lowest level in almost two decades; and

(c) expresses its condolences to the family of Mr Jim Anderson, former Member for Londonderry, following his sudden death on the morning of polling day.

Senator Brown to move on Thursday, 27 March 2003:

That the following matters be referred to the Legal and Constitutional References Committee for inquiry and report by 15 May 2003:

(a) the legality of the Government’s deployment of troops to Iraq; and
(b) the desirability of constitutional change to ensure parliamentary consent for such deployments of Australian Defence Force personnel overseas in future.

Senator Bartlett to move, on Thursday, 27 March 2003:

That the Senate—

(a) notes:
(i) the announcement on 24 March 2003 by the Queensland State Government that it will legislate to protect the pristine sand dunes of Shelburne Bay on Cape York Peninsula by not renewing two mining leases over the Shelburne Bay dune fields,
(ii) that Shelburne Bay is one of the largest and least disturbed areas of active parabolic dunes in the world, and is listed on the National Estate,
(iii) that any mining would have involved the removal of two dune systems and the construction of a major port facility on the edge of the Great Barrier Reef, and
(iv) that the cancellation of the leases had been called for by the traditional owners, the Wuthathi people, to enable them to have greater access to, and involvement in, this special area of their traditional lands; and

(b) congratulates the Beattie Government for its sensible decision, and the many conservation, indigenous, political and
community groups who have campaigned so long to achieve this outcome.

Postponement

Items of business were postponed as follows:

Business of the Senate notice of motion no. 1 standing in the name of Senator Stott Despoja for today, relating to the disallowance of the Customs (Prohibited Exports) Amendment Regulations 2003 (No. 1), postponed till 26 March 2003.

Business of the Senate notice of motion no. 2 standing in the name of Senator Brown for today, relating to the disallowance of Amendment 41 of the National Capital Plan (Gungahlin Drive Extension), postponed till 27 March 2003.

General business notice of motion no. 389 standing in the name of Senator Evans for today, relating to the decline in the rate of bulk billing, postponed till 27 March 2003.

General business notice of motion no. 406 standing in the name of Senator Brown for today, relating to breastfeeding in the Senate chamber, postponed till 14 May 2003.

General business notice of motion no. 423 standing in the name of Senator Brown for today, relating to a proposed aluminium smelter in Iceland, postponed till 26 March 2003.

COMMITTEES

Legal and Constitutional Legislation Committee

Senator Ferris (South Australia) (3.38 p.m.)—by leave—At the request of the Chair of the Legal and Constitutional Legislation Committee, Senator Payne, I move:

That the presentation of the report of the Legal and Constitutional Legislation Committee on the Customs Legislation Amendment Bill (No. 2) 2002 be postponed till a later hour.

Question agreed to.

ENVIRONMENT: WORLD WATER DAY

Senator Stott Despoja (South Australia) (3.39 p.m.)—I move:

That the Senate—

(a) notes that:

(i) 22 March 2003 is World Water Day,

(ii) more than 1.1 billion people around the world do not have access to safe drinking water, and 2.4 billion people around the world do not have access to adequate sanitation,

(iii) it is estimated that by 2025, two-thirds of the world’s people will live in countries suffering from water scarcity,

(iv) currently, Australia spends only 3.5 per cent of its total aid on water and sanitation, compared to the 7 per cent average spending of other donor countries;

(b) congratulates Water Matters Australia on its campaign to ensure everyone has access to safe water and adequate sanitation, starting with the world’s poorest countries; and

(c) urges the Government to:

(i) immediately increase Australia’s overseas aid for water and sanitation to $100 million in the 2003-04 financial year, and to continue raising this level to $355 million a year by the 2007-08 financial year,

(ii) encourage good governance in the provision of water and sanitation services, and

(iii) ensure that any participation by the private sector benefits the poor.

Question negatived.

Senator Brown—Mr President, I would like to record the Greens’ support for that motion.

SPORT: 2003 CRICKET WORLD CUP

Senator Ian Campbell (Western Australia—Parliamentary Secretary to the Treasurer) (3.40 p.m.)—It is my great pleasure to move:

That the Senate:

(a) congratulates the Australian One Day Cricket Team on its outstanding achievement in winning the 2003 World Cup in South Africa on Sunday, 23 March 2003;

(b) conveys, on behalf of all Australians, the nation’s pride and congratulations for the performances of all the team members who played in the team over the course of the competition;
(c) expresses its thanks to all the team’s support staff and others who have contributed to the success of the team;

(d) notes that Australia is the only nation to have won this prestigious World Cup on three occasions and, in doing so, the team was undefeated throughout the competition, winning 11 straight matches, scoring its highest ever One Day International total in the final, and extending its winning run to 17 One Day Internationals and 17 consecutive World Cup wins;

(e) notes that a number of the members of the team are past scholarship holders with the Australian Institute of Sport; and

(f) acknowledges the contribution of the Australian Sports Commission to the development of young Australian cricketers.

Question agreed to.

FOREIGN AFFAIRS, DEFENCE AND TRADE
LEGISLATION COMMITTEE
MEETING

Senator FERRIS (South Australia) (3.41 p.m.)—At the request of Senator Sandy Macdonald, I move:

That the Foreign Affairs, Defence and Trade Legislation Committee be authorised to hold public meetings during the sittings of the Senate on Monday, 16 June 2003, from 7 p.m., and on Monday, 23 June 2003, from 7 p.m., to take evidence for the committee’s inquiry on off-setting arrangements between the Veterans’ Entitlements Act and the Military Compensation Scheme.

Question agreed to.

BUSINESS

CONSIDERATION OF LEGISLATION

Senator IAN CAMPBELL (Western Australia—Manager of Government Business in the Senate) (3.42 p.m.)—by leave—I move the motion as amended:

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:

- Energy Grants (Credits) Scheme Bill 2003
- Energy Grants (Credits) Scheme (Consequential Amendments) Bill 2003
- Family and Community Services Legislation Amendment (Disability Reform) Bill (No. 2) 2002 [No. 2]
- Health Insurance Amendment (Diagnostic Imaging, Radiation Oncology and Other Measures) Bill 2002
- Industry, Tourism and Resources Legislation Amendment Bill 2002
- Medical Indemnity (Prudential Supervision and Product Standards) Bill 2002
- Medical Indemnity (Prudential Supervision and Product Standards) (Consequential Amendments) Bill 2002
- National Blood Authority Bill 2002
- Taxation Laws Amendment Bill (No. 7) 2002
- Veterans’ Affairs Legislation Amendment Bill (No. 3) 2002

Senator BROWN (Tasmania) (3.42 p.m.)—by leave—On behalf of the Greens, I oppose the cut-off proposal for the Energy Grants (Credits) Scheme Bill 2003, which is listed in the motion, but I am not going to
insist on that. I will put forward our essential opposition when the bill comes before the Senate. The reason why we should not be dealing with this bill is that changes from the original Diesel Fuel Rebate Scheme were introduced in 1999, as part of the GST package. Notably, they were to extend the rebate to road transport. The package, including GST rebates for business use of diesel and petrol, increased fossil fuel subsidies by $4.7 billion over three years. That compares with environmental expenditures of $1 billion over the same period, a five to one disproportion.

At the time the government promised to introduce an energy credits scheme in 2002—last year—to give price incentives and funding to convert from the dirtiest and most inappropriate to the cleanest and most appropriate fuels. That was embodied in the Diesel and Alternative Fuels Grants Scheme Act 1999 and the Democrats produced a discussion paper in 2001. The Energy Grants Scheme in the new bill is, however, simply a slightly streamlined version of the existing legislation and there are no substantial or notable environmental benefits here whatsoever. The government should take this bill back and redraft it to do what it said it was going to do three or four years ago, instead of fostering the burning of fossil fuels.

Senator Ludwig (Queensland) (3.44 p.m.)—by leave—I move an amendment to the amended motion:

Omit “Family and Community Services Legislation Amendment (Disability Reform) Bill (No. 2) 2002 [No. 2].”

Question agreed to.

Original question, as amended, agreed to.

COMMITTEES

Environment, Communications, Information Technology and the Arts
References Committee

Extension of Time

Senator Allison (Victoria) (3.46 p.m.)—I move:

That the time for the presentation of the report of the Environment, Communications, Information Technology and the Arts References Committee on environmental performance at the Ranger, Jabiluka, Beverley and Honeymoon uranium operations be extended to 15 May 2003.

Question agreed to.

RENEWABLE ENERGY

Senator Allison (Victoria) (3.47 p.m.)—I move:

That the Senate—

(a) notes:

(i) the release, on Thursday, 20 March 2003, of a report on the future of wind energy in Australia Driving investment, generating jobs: Wind energy as a powerhouse for rural and regional development in Australia,

(ii) that there are now 104 megawatts of wind power installed and running in Australia, 736 megawatts approved or under construction, and 1 400 megawatts formally proposed for planning approval,

(iii) that this total of 2 240 megawatts is sufficient to supply the energy needs of approximately 800 000 houses but is twice as much energy as is currently mandated under the Mandatory Renewable Energy Target,

(iv) approximately 6.6 times as many manufacturing and installation jobs are created for wind power as for coal-fired plant and up to 9 375 jobs could be created in Australia together with income of $17 million for rental of land from Australian farmers, with 5 000 megawatt installed capacity by 2010, and

(v) the cost to households of increasing the target to 10 per cent is estimated to be just $1.20 per month; and

(b) urges the Government to heed the recommendations of the report and increase the target from 2 per cent equivalent to 10 per cent.

Question negatived.

NUCLEAR ENERGY: WASTE STORAGE

Senator Allison (Victoria) (3.47 p.m.)—I move:

That the Senate—

(a) notes that:

(i) the South Australian Parliament has passed the Nuclear Waste Storage
(ii) the legislation bans both the establishment of a nuclear waste dump in South Australia and the transportation of nuclear waste from other states in South Australia,

(iii) a 4-month sunset clause is contained in the legislation to allow legal advice to be sought to strengthen its effect, and

(iv) a majority of South Australians and the South Australian Parliament are opposed to the Federal Government plan to site a nuclear waste storage facility in that state; and

(b) calls on the Federal Government:

(i) to recognise that the South Australian Parliament has legislated according to the wishes of that state, and

(ii) to not proceed to locate a national nuclear waste repository in South Australia.

Question agreed to.

MINISTERIAL STATEMENTS

Environment: Maralinga Rehabilitation

Senator IAN CAMPBELL (Western Australia—Parliamentary Secretary to the Treasurer) (3.49 p.m.)—I table a statement on behalf of the Minister for Science, Mr McGauran, on the Maralinga clean-up, together with a report entitled Maralinga Rehabilitation Technical Advisory Committee, Rehabilitation of the former nuclear test sites at Emu and Maralinga (Australia).

Senator CARR (Victoria) (3.49 p.m.)—by leave—I move:

That the Senate take note of the document.

This report was begun in 1998. It has been a long time coming, which is possibly due to intractable political problems that have beset both the program and the government when it comes to issues of nuclear waste. In his speech, the minister refers to three previous unsuccessful attempts to clean up Maralinga—this may well be the fourth. The minister also makes great play of the claim that this program achieved world’s best practice. This is a claim that remains in dispute.

At the heart of the government’s problem is its overriding concern with cost control at the expense of quality control. It is notable that even today the minister seeks to justify the cheaper alternative by reference to the national code of practice for the near surface disposal of radioactive waste. It sounds im-
pressive, but is it in reality? When it is understood that this code of practice applies to low-level or short-lived waste and not to lethal long-lived plutonium, then government claims in regard to best practice appear increasingly fragile. This is even more evident when one considers that despite the minister’s reliance on the certification by ARPANSA of the construction of the burial trenches, neither ARPANSA nor its CEO, Dr John Loy, can produce any report or certificate to substantiate the claim. As I have observed on previous occasions recently, the role of ARPANSA in regulatory matters requires closer scrutiny, especially to ensure that the independence of that agency is not compromised.

One further issue that ARPANSA perhaps should consider is whether the burial of small quantities of longer-lived radioactive materials is, in fact, in accordance with the government’s own paper *Safe storage of radioactive waste—the national store project*, which, among other things, states that such waste is not suitable for near surface burial. The treatment of contaminated debris on site by burial in shallow trenches leaves potentially hazardous material near the surface. The previous commitments by the minister never to opt out of Maralinga also need to be challenged in this context. The government, as we are well aware, is in the process of seeking a decommissioning licence from ARPANSA prior to handing over the land around the Maralinga site to the traditional owners. Labor believes that, instead, the minister should amend the ARPANSA Act to provide an ongoing role for the Commonwealth after the handover.

Maralinga as a test site demonstrates the legacy of bids by conservative governments to seek out and win the approval of great and powerful friends and the lengths that they would go to secure these, irrespective of the social or human cost to the Australian community. In 1954, at the height of the Cold War, the then Prime Minister Robert Menzies agreed to a British request for a permanent site to test nuclear weapons. Seven ABombs—atomic bombs—were detonated at Maralinga in the late 1950s, while over the next six years hundreds of smaller experiments, using plutonium, uranium and other radioactive materials, were conducted. It now appears that most of the contamination at the site is the result of these smaller, and often clandestine, trials rather than the A-bombs themselves.

The Maralinga Tjarutja Aboriginal people were prevented from entering these lands during the period of the tests and their aftermath. Steps are now in train to return the land to their control. Andrew Collett, the lawyer for the Indigenous people, said:

There’s a very, very heavy burden on the community to weigh up how effective this clean-up will be, so the issues include how good is the clean-up, what does that mean in the future, will there be problems in the future, will the proposed burial of plutonium in a deep burial trench last a quarter-of-a-million years, what happens if it doesn’t, who’s going to meet the cost if it doesn’t.

Those are statements he made on ABC Radio on 16 April 2000.

Despite three attempts, there was no effective clean-up conducted by the British nuclear authorities. In fact, the British only succeeded in worsening the problem, by spreading radioactive waste further around the site, as a result of their various botched attempts at a clean-up. Despite this, the British believed that they had signed off on the problems associated with the site. It took a very effective inquiry, initiated by the then Labor government, to demonstrate the ineffectiveness of the British and earlier Australian clean-up attempts, and the need to comprehensively deal with the problems associated with Maralinga.

The report of that inquiry, the *Rehabilitation of former nuclear test sites in Australia*, was produced by a government appointed technical assessment group, was published in 1990 and has become the benchmark for subsequent rehabilitation programs. As a result of this report and the efforts of the then Minister for Agriculture and Energy, Mr Simon Crean, in December 1993 the British government agreed to pay £20 million to settle Australia’s claims and contribute to the rehabilitation of the Maralinga site. The British contribution was anticipated to meet approximately half the costs of site rehabilitation. The effectiveness of Labor’s response
stands in sharp contrast to the history of blunders that mark the current government’s management—or, one should say, mismanagement—of the process.

Clearly there is a problem in the way in which the government deals with the issue of nuclear waste and the storage and management of the low-level and intermediate level nuclear waste repositories. The selection of a site for a repository for low-level waste was set in train in 1992 under the previous Labor government. The crucial stages of the process of site selection have taken place under the current government. The parameters for the siting of a waste repository were set by the Labor government and included the twin principles of scientific evaluation and genuine community consultation. It is quite apparent that, in the case of the community consultation, this government has neglected its responsibilities to a woeful degree. We have seen the neglect of the Aboriginal community within the region. Now we see a situation in which the people of South Australia are told that they have to accept this new site, and a $300,000 propaganda campaign has been initiated by this government to persuade them that this government knows best.

In addition to its culpable neglect of community consultation, the government has mishandled the process in many other ways. The government has now backflipped on its commitment to release the 667 submissions that were provided to the consultative process the government did establish. This lack of transparency has triggered further problems. The defence department has said that they are not happy with the government’s preferred site for a repository—next door to a missile testing range.

The problems with the Maralinga strategy include the government’s preference for cost control over quality control. Take, for example, the retreat from the use of in situ vitrification—a process agreed in 1996 to be the best, preferred solution for the clean-up of the material within the various pits within the Maralinga precinct. In 1999, this was dumped in favour of simply reburying the plutonium. The reason was that the government felt that their adherence to the national code of practice for near surface burial was adequate. Quite clearly it was not. It was, in fact, driven by the desire to cost cut at a time when the project was overbudget. What has become patently clear is that the decision to abandon the preferred ISV methodology followed increasing pressure to modify or abandon the process as the costs of treating the contaminated material became larger than anticipated. We are left with a cheap and nasty solution which aimed to save money but which failed to meet the standards adopted at the outset of the rehabilitation process. (Time expired)

Senator ALLISON (Victoria) (3.59 p.m.)—In his statement accompanying this report the Minister for Science says that the Maralinga Rehabilitation Project is something the government can be proud of. I do not think so; at least, I do not think it ought to be proud of its record on this issue. The minister’s statement and the 403 pages of this report by the Maralinga Rehabilitation Technical Advisory Committee have not persuaded the Democrats that the clean-up was anything but botched and inadequate. No matter how many reports are produced, the fact of the matter is that 22 kilograms of plutonium are buried in simple unlined earth trenches, some of it just a couple of metres below the surface. The government says, ‘That is not right—five metres of clean soil was put on top,’ but those who were involved say that it was much more like two or three metres in some places.

The government has consistently said that these simple earth burials were constructed consistent with the national code of practice for near-surface disposal of radioactive waste. What it does not admit is that this code of practice is not suitable for—was never designed for, never written for—debris which is highly contaminated with plutonium. Why else would a government—Labor, as it happens—have decided in the first place to vitrify the debris before it was buried? After the explosion in 1999 in one of the pits, this government agreed to drop the process. The minister says that the explosion caused major damage to ISV equipment and the process was discontinued for safety reasons. It just so happens that that decision
saved the contractor an enormous amount of money.

Critics of this government—and there are plenty of them—argue that had the debris been properly sorted to make sure material that was likely to explode had been removed prior to vitrification there would have been no explosion. We still have no explanation about what caused that explosion. The only thing the government knows is that it was enough to stop that process. The minister’s statement says the melt blocks were excavated and reburied at greater depth. This is simply not true; the blocks were cracked and broken up and, in so doing, the plutonium was exposed.

The minister says ARPANSA considers that a simple earth burial is a useful benchmark of scientifically acceptable standards for plutonium buried as radioactive waste. This is complete nonsense. The government says the amount of uranium, plutonium and americium buried in trenches at Maralinga is well below the levels allowed in the NHMRC code of practice. Here they have used the oldest trick in the book: they have averaged out the contaminated material and counted in the enormous amount of lightly and noncontaminated material—some 360,000 cubic metres of material, largely soil—that is in the pits.

I understand why the government would want to silence, denigrate and discredit its critics—they have been extremely critical of the government and this process. I am not talking here about conservation groups or the Democrats, who might not be expected to have inside knowledge about the detail of the clean-up or understand the complex technical nature of processes like ISV—vitrification. The people most critical of this botched clean-up are professional people—engineers and the like—who are intimately involved in the process but who can now speak openly and honestly, independent of government and independent of contractors who stood to gain so much from this change in process. The government—the minister in particular—has done its best to vilify these people. The most recent of them is Mr Dale Timmons, who this week was described as a loner by Minister McGauran. The minister said that Mr Timmons’s motivation is different from that of the Australian government. Well, yes it is; it is different in respect of Mr Timmons wanting to see that the Australian public are properly informed about this botched clean-up. The minister went on to say:

Mr Timmons, I suspect, has launched a preemptive strike—getting right with the language of the time—so as to maintain the reputation of his technology and Mr Timmons has a certain motivation, I believe, because his technology exploded.

Wrong, Mr Minister. Mr Timmons has no financial interest in the vitrification process or technology nor in the company that offers this technology. He was a consultant hired to assist with the Maralinga project because of his expertise in high-temperature geochemistry and his experience with vitrification technology.

Mr Timmons thinks the Australian public should be aware of what actually went on at Maralinga. He thinks we have been left with anything but world’s best practice. World’s best practice is vitrification; it is said to encase and immobilise plutonium for a million years. Not even the United States would consider burying this kind of material in unlined earth pits, and it certainly would not describe it as world’s best practice. Some members of MARTAC, the authors of this final report, held the view that the debris should not have been buried this way but, at the very least, should have been encased in concrete. The government says the problem with vitrification, apart from the explosion, was that the blocks were cracked. Mr Timmons, an expert in the field, points out that the blocks should have been allowed to cool naturally over a period of about 12 months but, instead, the contractors uncovered the blocks then drenched them with cold water so that they could take samples. It is little wonder they cracked.

The report is very lengthy at 403 pages, and it is not possible to do it justice in only two hours. However, it is useful to examine the minister’s statement. We found it riddled with errors and misleading statements. I hope, in this respect at least, that his statement does not reflect the report itself. Let us
go to the second paragraph. The minister says:
The project achieved its goals and a world's best practice result.

One of the goals of the project was to treat the Taranaki pits by ISV; that was option 6(c). This was not done; therefore, the minister cannot claim that the project met its goals. It is interesting to talk about world's best practice because if you look at the ARPANSA web site, which was apparently written by Geoff Williams from ARPANSA, you will see that he says that terms such as ‘world’s best practice’ are ‘bureaucratese’ and ‘the last resort of scoundrels’. So the minister himself is using this last resort of scoundrels. The minister misquotes the 1985 royal commission, saying it recommended that Maralinga and Emu should be cleaned up so that the land could be fit for habitation by the Aboriginal traditional owners. In fact, it recommended the clean-up be done so that the land could be fit for unrestricted access. This is not what we are left with. The minister says:

The implementation of option 6 (c) would permit unrestricted access to about 90% of the 3200 square kilometre Maralinga site and permit access...

In fact, this is completely misleading because the area enclosed by the boundary markers is about 450 square kilometres out of a total of 3,200 square kilometres. That is not 90 per cent which is available to unrestricted access—it is more like 86 per cent. Also, the only land that has been added that is suitable for unrestricted access is that cleaned at the TM sites and Wewak, and that area is 0.5 square kilometres. The 1.6 square kilometre cleaned area at Taranaki is within the boundary markers and the Indigenous people have been advised that access is restricted. In other words, very little has actually been added to the land available for unrestricted access. The minister indicates:

The Maralinga Rehabilitation Project was oversighted by the Commonwealth Department of Education, Science and Training...

Then, two paragraphs down, he says that it was oversighted by ARPANSA. This is just another example of getting it wrong. In fact, ARPANSA was responsible for the regulation, not for the overseeing at all.

The minister says that one of the problems was that the vitrification process did not melt the steel. It was not meant to melt the steel; in fact, it was meant to encase the plutonium which was coated on that steel. The minister says that it was the 11th melt of the series which exploded. Again, that is wrong; it was the 13th. The minister says no worker received any measurable take-up of plutonium during the clean-up. The draft report said otherwise. It said that two workers received a measurable uptake of uranium. (Time expired)

Senator Chapman (South Australia)

(4.09 p.m.)—The Maralinga Rehabilitation Technical Advisory Committee report, Rehabilitation of the former nuclear test sites at Emu and Maralinga (Australia), which has been tabled today, is an extremely comprehensive and detailed document. It runs to some 400 pages. It also contains a compact disc of some additional 6,500 pages of attached documents. The report describes in detail the $108 million clean-up of the former British nuclear test sites in my home state of South Australia. Contrary to everything that Senator Allison has just said, it is important to realise that, as this report very clearly documents, the project did achieve the goals that were set for it and indeed it has been conducted on the basis of the best known technology and best results achievable in the world.

The background to this clean-up is that between 1953 and 1957 the British government conducted nuclear weapons testing at both Maralinga and Emu. Between those four years it conducted what were termed ‘major trials’; between 1955 and 1963 some additional ‘minor trials’ were conducted, which left the sites contaminated. The British government made three attempts to clean up Maralinga, all of which were unsuccessful. As a consequence of that there was continuing public concern and in 1984 a royal commission was convened by the then federal government into the British nuclear tests in Australia.

Among the terms of reference for that royal commission was a request to make rec-
ommendations for the future management and use of the test sites. The royal commis-

sion reported in 1985 and recommended that Maralinga and Emu should be cleaned up so that the land could be fit for habitation by the Aboriginal traditional owners and that all costs should be borne by the British govern-

ment. As a consequence, the Australian gov-

ernment convened the technical assessment group, which consisted of Australian, American and British scientists, to undertake further studies and quantify the health risks posed by the contamination, particularly the health risks posed to the Indigenous population, and to develop different clean-up op-

tions for the government to consider.

The major risk at Maralinga was deter-

mined to be the inhalation or ingestion of plutonium-contaminated dust by Aboriginal children living an out-station lifestyle. The technical assessment group developed crite-

ria for the safe rehabilitation of the site, which included that the post-rehabilitation annual dose for individuals would not exceed five millisieverts of radiation. Various reha-

bilitation options were devised by the techni-

cal advisory group to achieve this five-

millisievert limit and that report was pre-

sented to the government in 1990.

The option among those presented by the technical advisory group that was adopted by the government was that called 6(c) which, as I have already mentioned, was costed at some $104 million in 1994 values and in-

volved a program of scraping up contami-

nated surface soil and burying it in trenches and treating a number of plutonium-

contaminated debris burial pits by in situ vitrification. The British government com-

mitted a full and final amount of £20 million towards the rehabilitation of the site. I must say that that is less than might have been expected given the cost of $104 million, given the recommendations of the royal commission and given the fact that this was a British project. Nevertheless, that £20 million went towards that cost of $104 million. In 1994 the government formed the Maralinga Rehabilitation Technical Advisory Committee to provide expert and independent advice to the minister and the department on the main aspects of the project.

From the start the project was inconvenienced by inadequate records from the Brit-

ish tests and the subsequent clean-ups. It is significant that, as a consequence of the in-

adequate records the advisory committee found at that time, they determined the situation would not persist in relation to their work and they determined to bring together within one document their own report, the final reports from the project main contractors and all relevant supporting papers. That is what we have presented today in this very comprehensive document which runs to some 400 pages and some 6,500 pages in the attached CD of additional documents.

We have here a complete record in rela-

tion to the site and the clean-up process that has occurred. That can be drawn on in any future situation in other areas, particularly in clean-ups of a like manner that other coun-

tries overseas might need to undertake. It is important that this record is available because the Australian experience will be beneficial internationally in that circumstance. The report describes the state and nature of the contamination, the rehabilitation meas-

ures applied, the measured outcomes and future land and environment management issues.

The Maralinga legacy from the British had two major components that required inter-

vention. These were plutonium-contaminated surface soils and plutonium-contaminated de-

bris burial pits. The first stage of the reha-

bilitation work was the removal of contami-

nated surface soil from a combined area of more than 2.25 square kilometres, which resulted in the burial of a total of some 360,000 cubic metres of contaminated mate-

rial in trenches 10-15 metres deep under a capping of at least five metres of clean soil.

The second stage was the treatment of de-

bris burial pits by excavation and burial and by in situ vitrification, a process that in-

volved passing an electric current through electrodes in the ground to melt debris and incorporate the material into a vitrified monolith or glass/ceramic block. Unfortu-

nately, difficulties were encountered applying the in situ vitrification technology at Maralinga and it was decided not to continue with the application of that technology due to
safety reasons coupled with the particular difficulties of applying the technology in an isolated area such as Maralinga.

An important part of the clean-up was worker protection, and it is significant that no workers received any measurable plutonium uptake during the clean-up. The 120-square-kilometre area of lightly contaminated land around the soil removal area was surrounded by boundary markers, signifying to the traditional owners that the land is available for hunting but not for permanent habitation. This has proven to be very conservative. It is important to note that the Maralinga Rehabilitation Project was completed successfully at the major test sites in 2000. In that year the Commonwealth’s independent regulator, the Australian Radiation Protection and Nuclear Safety Agency, confirmed that the clean-up of the major test sites met the standards agreed at the start of the project by the Commonwealth, the South Australian government and the traditional owners—standards which are consistent with international guidelines. ARPANSA has provided a further assessment of the outcomes of the clean-up and, as a consequence of the combined effects of revised dosimetry and a better than expected level of clean-up of residual contamination, the estimated dosage is mostly about one millisievert rather than the five millisieverts which was the original target.

So when Senator Allison says that this clean-up has not been successful, she needs to remember that it has been more than successful. It has achieved levels of one millisievert compared with the five millisieverts which were set as the goal. The rehabilitation has surpassed the standards set at the start of the project, and ARPANSA has found that possible radiation doses are well below those anticipated. As a result, a restricted land use zone is not strictly required. Even though it is kept in place as a conservative measure, ARPANSA has concluded that restriction on permanent occupancy within the restricted land use boundary is purely a precautionary measure. ARPANSA also certified that the burial trenches were constructed consistent with the national code of practice for the near surface disposal of radioactive waste.

The project has been successful. As a consequence of that it is hoped that the site will be handed back to the Maralinga Tjarutja traditional owners this year. The contaminated site has been effectively cleaned up. Undoubtedly there will be a need in other parts of the world to similarly clean plutonium-contaminated sites, which will benefit from this experience. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

DELEGATION REPORTS

Parliamentary Delegation to Canada and China

Senator FERGUSON (South Australia) (4.20 p.m.)—by leave—I present the report of the Australian parliamentary delegation to Canada and China, which took place from 17 to 30 November 2002. I seek leave to move a motion to take note of the document.

Leave granted.

Senator FERGUSON—I move:

That the Senate take note of the document.

I do so with a great deal of pleasure. I have been on some delegations in the past but I must say that this was one of the outstanding delegations that I had the opportunity to be a part of and to lead. I want to compliment the other members of the delegation: Senator Lees, who was a very earnest and good member of that delegation; together with Mr Lindsay Tanner, who was the deputy leader of the delegation; the Hon. Graham Edwards from Western Australia, the member for Cowan; Mr Gary Nairn, the member for Eden-Monaro; and Mr John Forrest, the member for Mallee. Certainly, they were a wonderful group to travel with and we had a very harmonious visit. All in all, the visit that took place over the period of two weeks to these very important countries was one which was beneficial to all of us as members of the delegation and beneficial to the relationship between those two countries and the Australian parliament and the Australian people.

It was a very hectic program and was designed as such. There were many things that the members of the delegation wanted to do and they had to be fitted into a very short
time. We commenced our visit in Ottawa, Canada. From the outset I want to place on record our appreciation of the efforts of the Australian High Commission in Ottawa—High Commissioner Tony Hely, protocol officer Mary Gleeson, and particularly Third Secretary Stacey Morgan, who travelled with us for a considerable portion of that trip. The fact that they were so close by and that they helped us so much with all of the arrangements—which were very well done—to provide us with a varied program and to look after the interests of the people who were travelling I think does them great credit. I want to place on record our appreciation of their efforts.

It is very difficult to describe just how much we managed to pack into our time in Ottawa and on the rest of the visit. The meetings that we held in a couple of days included one with the Secretary of State (Asia-Pacific), the Hon. David Kilgour, and one with the House of Commons Standing Committee on Foreign Affairs and International Trade. We had meetings with the Speaker of the House of Commons and visited question time. We met with the National Research Council of Canada and we also had a long meeting in the morning with Health Canada, which I know was of interest to all of us on the committee but particularly to Senator Lees. We had a very extensive briefing which could have gone on longer. We also had briefings by the Aboriginal affairs secretariat.

At the conclusion of our meetings in Ottawa, amongst the other meetings we had, was a great meeting with our counterparts in the Canada-Australia-New Zealand Parliamentary Friendship Group, which was extremely well attended. I cannot remember the exact duration of the meeting, but it was probably an hour and a half. We covered an enormous range of subjects. It brought home to me the importance of parliamentary friendship groups for people with a particular interest in a country. Those members who were there discussed with us a wide range of topics. I think the way that you can have a frank discussion with members of other parliaments in the environment of the parliamentary friendship group is wonderful. So we had a very extensive program in Ottawa itself.

For the final three days of our time, we decided to get some idea of the culture of Canada by visiting Quebec City and the parliament of Quebec province. I think that all members of the delegation would agree that Quebec City was a wonderful highlight of our visit. You may be interested to know that the day before we arrived in Canada they had their first heavy winter snow, so there was snow on the ground all the time that we were in Canada. The train trip from Ottawa through Montreal to Quebec City gave us an idea of the vastness of the countryside. To see it all covered in snow was a particular pleasure to many of us in Australia who rarely have the opportunity to ever see snow, let alone experience the wintry conditions.

Quebec City and Quebec province, because of their uniqueness and French culture, gave us an insight into how the two cultures live together in Canada and some of the difficulties that arise because of it. The expense of having two languages on every single item of produce or the fact that every document that is produced in Canada must be in two languages must be enormous. To see the ancient city of Quebec—where there was first a European civilisation in 1608—and to feel the history, walking the streets of the old French quarter in Quebec City, was a delight. We were hosted by the Quebec provincial parliament. We listened to their question time and they hosted us at lunch. We were able to talk to them about some of the particular problems that they have in dealing with their indigenous people. That was a very productive afternoon. We had a discussion which made us realise that many of the problems that exist in Australia are mirrored in the Canadian situation amongst their indigenous peoples. All in all, it was an outstanding visit to Canada.

The second half of our delegation visit was to China. Once again, I would like to place on record our appreciation of the contribution of the embassy in Beijing and also of Sam Gerovich, the Consul-General in Shanghai, for the final couple of days of our visit. I particularly want to thank Second Secretary Larissa Ashwin, who, with her
Mandarin-speaking abilities, made life very much easier for us. She travelled with us to Chonqing and while we were in Beijing. In spite of the fact that it was her daughter’s first birthday while we were travelling, she showed tremendous commitment to the delegation. We were very pleased with all of the help that we received from the embassy in Beijing and from the consulate.

China was a totally different scene from what we had seen in Canada. We went from a country where the people are probably more like us than any other country in the world that I have been to—with the exception, perhaps, of New Zealand—to China, where the culture and customs are totally different. We were fortunate that when we first arrived our program was structured so that we went to Chonqing first. That was one of the highlights of our trip. Apart from the fact that it was where the first Australian diplomat was appointed to China, Sir Frederick Eggleston, who was appointed by the Menzies government in 1941—the embassy was then in Chonqing, which was the capital of old China—Australia has a tremendous amount of aid money flowing into Chonqing, particularly in the area of vocational education and training.

We had a chance to see some of that aid money being put to work. We went to the school where vocational education and training was done and we were treated to a presentation probably unlike any I have ever seen before: students showed us their skills in floral art; some students were training to be hotel staff; and there were people there who were involved in accountancy. There were people there doing all sorts of work, which was a delight to see. I think it is probably fair to say that they were very pleased that we had come to see them, to see just what sort of good work was being done with the aid money that we are pouring into that area of China particularly. That was a chance for us to see China as it was, although it is quite modernised in some areas.

We then moved to Beijing, which has been the capital now for over 50 years. The impression of Beijing that I had in my mind was one of bicycles clogging every roadway, which was all I had ever been taught when I was younger. Those same thoroughfares are now clogged with motor cars and bicycles. We had some wonderful meetings in Beijing, including what finished up being close to a four-hour meeting with the chairman of their foreign affairs committee. That committee had visited Australia last year and we had met a number of them. We were able to freely and frankly discuss anything with them that we wished to.

My time is running short, so I must say briefly that our final visit was to Shanghai. I was staggered by Shanghai, as I think everybody who went would be. Shanghai almost looks like China’s equivalent of New York, with its many skyscrapers. In the Pudong district one of our members said that he counted 132 skyscrapers from his hotel window, yet there was nothing there 10 years ago—it was farmland. It was a wonderful delegation, one which I think will give great benefit not only to the members of the delegation who were fortunate to visit those countries and our parliaments but particularly to the people of both nations. All of these delegations are undertaken to promote goodwill and understanding between our countries and, from that perspective, I do think that it was a success.
many of the issues facing them are the same ones that we face. But it is always interesting to spend some time looking at how other countries are doing things. I think we can safely say that we are managing the cost of our medications a lot better with our PBS. But, as far as some of the concerns for elderly Canadian citizens, they can teach us a few things. In particular, they have a program which is basically a mentoring system where elderly folk are looked after before they actually need crisis attention. A system of contacts is made if any help is needed. It is taking considerable pressure off their public hospitals as well as being of great benefit to elderly Canadians, who feel far more secure that they will be looked after should they need any urgent or long-term support.

I will not go through many of the issues that Senator Ferguson has already dealt with. I found the briefings very thorough. Indeed, I do not think there was a briefing where the committee was ready to pack up and leave. Usually we ran over time. The information was certainly very helpful. I found the health briefings—particularly those in Canada but also the information we gained in China on a number of issues—will be of benefit as I move on in my parliamentary career. The extensive travel involved was tiring, to say the least. We flew directly from Australia through the US into Ottawa, where we immediately started our meetings. We travelled on by rail to Quebec and then to Toronto. We then flew to Chicago, straight to Beijing and then on to Chongqing. So we flew from Toronto to Chongqing basically in one hit, with only a few hours stopover here and there. I think that taxed all of us.

Certainly the visit to Chongqing was very useful. I find that it is always useful when travelling to visit some of the aid projects that Australia is involved in. I would recommend to all members and senators that, whenever they travel, whatever delegation they are on, official visit they are making or even perhaps in their own time, they talk to AusAID before they go and take some time to visit some of the particular projects where Australian money is being spent. In Chongqing one project is certainly reaping huge rewards. Young people are being trained for China’s growing tourism industry. They took great pride in showing us their many skills and what they were doing. I found the trip to the Three Gorges Dam project very useful. It has been discussed quite a lot here in Australia, particularly some of its environmental impacts. It was very good to hear first-hand why they are undertaking the project, what it will mean and where they are heading.

Perhaps one of the most useful meetings we had in Canada was the meeting with other parliamentarians. We had an hour and a half or more to talk with the Canada-Australia-New Zealand Parliamentary Friendship Group. Many of the issues facing them were rural issues facing us, from land degradation and issues relating to water rights to salinity. Indeed, the book that I was given on land-clearing issues could just as easily have been on western New South Wales or Queensland if you changed a few place names.

In China, the visits to Chongqing and the Three Gorges Dam were very useful, as I said, and so was the briefing that we had with their foreign affairs committee. It probably went on for about four hours in all. A lot of that was confidential, but it was very interesting to discuss with them some of the current issues facing the world, some of the conflicts facing the world and the problems in bodies such as the United Nations. It was interesting to have a first-hand and very frank debate with some of the people at the highest levels of decision-making processes in China.

I thank the other members of the delegation for their friendship and for a very worthwhile visit, made very pleasant by the very cooperative, supportive and harmonious manner in which everybody worked. I will finish by saying to senators that, if you do get the opportunity to be part of a delegation, I can certainly recommend it. I found it very informative and certainly very worth while.

Question agreed to.
received letters from party leaders seeking variations to the membership of certain committees.

Senator COONAN (New South Wales—Minister for Revenue and Assistant Treasurer) (4.37 p.m.)—by leave—I move:

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

Foreign Affairs, Defence and Trade References Committee—
Appointed—substitute member: Senator Stott Despoja to replace Senator Ridgeway for the committee’s inquiry on the performance of Government agencies in the assessment and dissemination of security threats in South East Asia in the period 11 September 2001 to 12 October 2002

Procedure Committee—
Appointed—Senator Ian Campbell
Discharged—Senator Brandis

Joint Committee of Public Accounts and Audit—
Appointed—Senator Humphries
Discharged—Senator Colbeck.

Question agreed to.

APPROPRIATION BILL (No. 3) 2002-2003
APPROPRIATION BILL (No. 4) 2002-2003

First Reading

Bills received from the House of Representatives.

Senator COONAN (New South Wales—Minister for Revenue and Assistant Treasurer) (4.38 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 COONAN (New South Wales—Minister for Revenue and Assistant Treasurer) (4.38 p.m.)—I move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

APPROPRIATION BILL (No. 3) 2002-2003

It is with great pleasure that I introduce Appropriation Bill (No. 3) 2002-2003.

Appropriation Bill (No. 3) together with Appropriation Bill (No. 4), which I shall introduce shortly, comprise the Additional Estimates Bills for 2002-2003.

The Bills ask the Parliament to appropriate monies to meet essential and unavoidable expenditures from the Consolidated Revenue Fund. These monies are additional to the appropriations made in the last Budget for 2002-2003 in Appropriation Acts (Nos. 1 and 2).

The bulk of this additional money is required to meet routine changes in the estimates of programme expenditure arising from forecast increases in costs and changes in the timing of payments. The bills also request agreement to expenditure in 2002-03 on new activities—the greater number of which were incorporated by the Government in its “Mid-year Economic and Fiscal Outlook” document last month.

The additional appropriations in these two Bills total some $1,454.7 million—$1,191 million is sought in Appropriation Bill (No. 3) and $263.8 million in Appropriation Bill (No. 4).

These amounts are partly offset by savings that are expected against Appropriation Acts (Nos. 1 and 2).

The savings, amounting to some $167.4 million in gross terms, are detailed in the document entitled “Statement of Savings Expected in Annual Appropriations”.

After allowing for prospective savings, the provisions represent a net increase of $1,287.3 million in appropriations in 2002-2003, or some 2.5% of total annual appropriations.

It should be noted that the additional amounts included in the Bills relate only to expenses financed by annual appropriations, which comprise some 30% of total General Government expenses and capital appropriations.

I now turn to the main areas for which the Government seeks additional provisions in Appropriation Bill (No. 3). This Bill provides authority for meeting payments for expenses on the ordinary annual services of Government. Details of the proposed appropriations are set out in the Schedule to the Bill.

The bill provides:

- $178.6 million funding towards the package of additional drought measures announced on Monday ($193.2 million in gross terms);
• a total of $17.2 million in support for people on drought affected farms in the Bourke, Brewarrina, Grafton/Kempsey, Western Division, Walgett/Coonamble and Northern New England regions of New South Wales and the Peak Downs region of Queensland;
• $36.5 million for Sugar Industry Reform measures, including income support, interest rate subsidies and assistance in diversification to other agricultural commodities;
• a $5 million donation to the Farmhand drought appeal;
• $4.6 million in additional funding for the Australian Security Intelligence Organisation;
• $19.2 million support for victims of the Bali disaster and their families;
• $80.4 million in indexation adjustments for Defence;
• $44.3 million for expected continued growth in New Apprenticeships;
• $350 million for rephasing from 2001-2002 to 2002-2003 Australia’s contribution to the 13th replenishment of the International Development Association and Australia’s commitment to the Heavily Indebted Poor Countries Initiative;
• $5.9 million additional funding for the administration of electoral and ministerial offices; and
• $5.2 million additional funding to enhance the Budget advisory capacity in the Department of Finance and Administration.

The remaining amount included in Appropriation Bill (No. 3) is made up of estimates variations for departments and agencies and other measures.

I commend the Bill to the Senate.

Debate (on motion by Senator Buckland) adjourned.

BROADCASTING SERVICES AMENDMENT (MEDIA OWNERSHIP) BILL 2002
Second Reading

Debate resumed from 24 March, on motion by Senator Ian Macdonald:

That this bill be now read a second time.

Senator LUNDY (Australian Capital Territory) (4.39 p.m.)—I rise to continue my remarks from yesterday evening and to remind the Senate that Labor are opposing the Broadcasting Services Amendment (Media Ownership) Bill 2002, which the coalition has brought forward to vary the media ownership laws of this country. We do so knowing that this bill would only further concentrate media ownership in this country, thereby bringing about less diversity and a far lower quality of media content available to Australians.

There are a couple of points I would like to take the opportunity to make today. The first is the issue of localism and its impact on urban or regional areas. There is a growing clamour around the world as regions really yearn to see themselves reflected in both
creative content and current affairs content in their news bulletins and their comedy shows. People need to see themselves reflected: it helps our culture develop and it helps us take a healthy attitude towards how people not only see themselves but relate to other cultures. More than anything else what we are observing is a growing demand for local content produced and seen by the audiences in those regions. This is not a backward step in growing parochialism; rather it is about finding the right balance and responding to an imbalance. Many people, particularly in Australia but also around the world, are seeing media content that is far more concentrated, networked and aggregated, and I think there comes a point where people are just uncomfortable about that.

With this push for greater local content, we are now effectively experiencing a backlash to the distance that is between many in our community and what the networks choose to push out to them in the point to multipoint broadcast method of the traditional media. This issue was the focus of many of the submissions to the Senate inquiry on this bill. Many of those making submissions—in fact, all of the smaller independent broadcasters, radio stations, suppliers of local content—argued vehemently that they felt they would become far more vulnerable to takeover or consolidation or, in fact, going broke if this bill passed, thereby reducing that diversity in their particular community. These issues played a significant role in forming our view, but there were many other issues.

I would like to move to the broader question of why the government persists with these issues. I would like to draw the Senate’s attention to an article that was published in Monday’s Financial Review by Toni O’Loughlin, which reflected on a leaked cabinet submission that dealt with the issue of digital TV last year. This issue is I think coming to haunt the Minister for Communications, Information Technology and the Arts and the coalition on a consistent basis. We have a legacy of cross-media ownership and media policy that has gone from bad to worse under the coalition. Clearly the coalition has been unable to grasp the implications of convergence and learn the lessons in the international market of pay TV, digitisation and terrestrial television as well as the opportunities that exist with datacasting and interactive content as a means by which we increase diversity. Every step of the way the government has effectively locked down behind incumbent media companies in this country and created a regime that preserves their interests in the existing market. I am not saying that these challenges of managing convergence and how the media market is now crossing many more forms of media than it used to are not huge, but there has to be a better way than just throwing your weight behind the incumbent interests.

Australia has a very proud history in the production of quite extraordinary content—I suppose that is the driest description of the wonderful, creative works that we see on our television sets, our movie screens, the Internet and our web sites and hear on the radio and so forth—but that content is something that Australia has even greater potential to develop and grow and take to the world. We already know that Australian produced content, these creative works, are incredibly popular around the world, yet the policies at home stifle that diversity. So you cannot on one hand say that we have these policies to try to stimulate the production of creative content but then create an environment in Australia where it is actually stifled—where there are so few chances for new companies to emerge and actually break into that market with a viable business model, where they can actually make money and go on to grow their own business. And that is exactly where we find ourselves. Indeed, Labor’s analysis shows that this bill will create an environment for further consolidation of content and media ownership in this country. In drawing that analysis, we have been informed by many organisations and individuals who made submissions to this inquiry—and, indeed, the first-hand testimony of some of the smaller independent producers of content, the media organisations—who feel that this bill would make them extremely vulnerable.

I would like to conclude by saying that I understand we are now in a situation where this debate will be adjourned following the
second reading. I presume that will give Senator Alston the opportunity to try and woo the votes necessary to salvage something from this bill. But we will conclude on the note that Labor think this bill does not have a future, and we will certainly be expressing that view by voting against the second reading. We will be very interested to watch how the government tries to salvage something of it.

Senator HARRADINE (Tasmania) (4.45 p.m.)—The Broadcasting Services Amendment (Media Ownership) Bill 2002 would change the regulation of a particularly complex area of legislation. It would change the boundaries we place on Australian media, and specifically television, radio and newspapers. I have found the questions involved in thinking through this legislation particularly challenging. I acknowledge that I have been assisted by the Senate processes, submissions made to the committee and the committee’s report. I also want to place on record my thanks to the delegations that have made representations to me both for and against the bill. I thank them for the time and work they put into informing me of their views.

Other senators in this place have similar views to mine on the general outcomes we want from this legislation. I think it would be fair to say that many of us would like to have a simpler and clearer system of regulation which would prevent further media concentration but allow the media industry to expand for the benefit of the general community. Achieving legislation which meets those objectives is the difficult part.

When considering this bill there is a very important question to be asked. It is one that was posed by the Communications Law Centre: what does this bill do to benefit the Australian public? I recognise that it is generally in the commercial interest of media companies to expand, but is it generally in the public interest? I come to this debate with a particular aim in mind and that is to ensure that we have an equitable system of media regulation which enhances the diversity of news services by both protecting against a concentration of resources in fewer hands and ensuring that the market is more open so that new providers can enter and provide other voices. My particular focus is on news because I see the provision of news services as the most important function of media organisations.

I am particularly concerned about how this legislation will impact on my own state—Tasmania. Media organisations are central components of local communities around Australia. Earlier this month I reflected, in a piece that I wrote for the Launceston Examiner, on the importance of media to these communities. I said:

News coverage of local issues and events, in simple community newsletters and newspapers, on radio and commercial television, builds awareness of issues important to all Tasmanians. We rely on news from a variety of sources to be able to participate fully in our community. Local media not only informs and builds awareness—it binds and strengthens a sense of community.

The media is also very important to the operation of a democracy. Without a range of opinions through television, radio, newspapers and other sources, it is hard for us to make an informed judgement about what is happening in our local, state or federal governments. It is also harder for the media to play its role in helping to keep governments accountable to the people.

Because of the important role media organisations play in public debate and in our daily lives, owning a media company is a significant privilege which comes with significant obligations to the community. But, having said that, I have always had a strong interest in television broadcasting standards, quality and content. Television in particular has a very big impact on community standards and more broadly on Australian culture.

In a debate on an earlier broadcasting bill back in 1987, I referred to a second reading speech made in 1956 by Mr Davidson, the then Postmaster-General—I was actually working with the engineering division of the Postmaster-General’s Department at the time—who said:

Television stations are in a position to exercise a constant and cumulative effect on public taste and standards of conduct, and, because of the influence they can bring to bear on the community, the business interests of licensees must at all times be subordinated to the overriding principle that the possession of a licence is, indeed, as the Royal
Commission said, a public trust for the benefit of all members of our society.

Forty-seven years after the then Postmaster-General made those comments, I think this is still a central point. Those who own or run media organisations are in a position of privilege and influence. They are members of an unelected elite which is not effectively accountable to the Australian people. It is our job as elected legislators to ensure not only that there are reasonable parameters set for the running of successful media businesses but, much more importantly, that these parameters serve the Australian people.

I have a number of concerns with the bill as it stands. These include the likelihood of a further concentration of media ownership resulting from the legislation, particularly mergers of large media groups; the delegation of decisions on cross-media ownership to a regulatory body, where interpretation of parliament’s intentions will become an issue and where monitoring and enforcement of decisions with large media companies would be difficult; and the lack of cross-media ownership restrictions for other media such as pay TV and Internet based media.

It seems to me that under this bill a number of the largest media organisations in Australia would be able to merge and establish substantial cross-media companies. I cannot see how such mergers would be in the public interest when the largest media organisations already have a very large reach in Australia. For example, there is a company in Australia which has almost 70 per cent of the circulation of newspapers in the capital city and national newspaper market. There is a television network which has a potential audience reach of more than 70 per cent of the population. These are very influential organisations, and I would be concerned if they were to become yet more influential by purchasing ownership of other media from other sectors in the same audience areas.

To protect the public interest we need to ensure there is a diversity of media views in local and national markets, and to protect that diversity we need a diversity of owners. I take my thoughts on this point from the Productivity Commission. That commission is best known for its free-market views, so some may be surprised that in its broadcasting inquiry report it takes a bit of a different tack on media ownership. The Productivity Commission found that ‘the likelihood that a proprietor’s business and editorial interests will influence the content and opinion of their media outlets is of major significance’ and there is ‘a strong preference for more media proprietors rather than fewer’. The report concluded that ownership does matter. It stated:

... diversity of opinion and information is more likely to be encouraged by greater rather than less diversity in the ownership and control of the main media.

As I have said, I am also cautious about the delegation of decisions on cross-media ownership to a regulatory body. This is because I am conscious of the difficult role that Public Service agencies play as regulators. Parliamentary intentions can get lost in the journey from the Senate chamber to the regulator’s decision. This is not because of bad faith on the regulator’s part but because parliamentary policy decisions tend to be implemented by turning them into a procedure or process. If people or companies jump through the right hoops to meet the requirements of the process they then get their licence or approval, and the full implications of what is happening can get lost in the paperwork. I suppose that is where a public interest test can help to focus attention on the full implications.

In addition, I do have my doubts about the ability of already stretched regulators to find adequate resources to properly monitor the restrictions on media companies that are proposed in this bill. In particular, the monitoring of ‘separate and distinct processes for editorial decision making’ seems to me to be a particularly difficult task, which if done properly would involve regular checks on the internal workings of newsrooms.

We have moved in Australia, for one reason or another, to a situation where one dominant provider has almost monopoly control of pay television. I agree that pay television includes a range of news views from content providers like Sky, the BBC
and CNN, but I return to the Postmaster-General’s comments:

Television stations are in a position to exercise a constant and cumulative effect on public taste and standards of conduct, and, because of the influence they can bring to bear on the community—a broadcasting licence is—

...a public trust for the benefit of all members of our society.

I think the influence of pay television—an influence that is expected to grow over time as it competes more successfully with free-to-air television—should also be subject to regulation in this bill. I note it is proposed that there be a review of the operation of the legislation after three years, but by that time the Australian media landscape may have changed irrevocably.

This is not to say that the current legislative framework is without problem. Under the current arrangements, newspaper groups are increasingly sharing resources between their masthead papers. I saw the other day that the wrong masthead was in a particular newspaper—we know what paper it was; it has a number of papers throughout the country. It had the masthead of the originator paper and not of the receiver of the general information.

Under the current arrangements, newspaper groups are increasingly sharing resources between their masthead papers while radio stations in some regions are taking syndicated programming. Media organisations may be restricted in owning too big a slice of media operations in particular markets or licence areas, but in some cases they have a very big reach across Australia as a whole. I would like to be able to support an equitable new approach to regulating the Australian media to fix up some of the problems that have emerged under the current system. I would like to support a system that would allow the Australian media to expand their businesses, without reducing what I consider to be the vital factor of diversity of ownership.

One part of this bill which has not had as much attention as the regulatory mechanisms for media ownership is the foreign ownership issue. I must say that I am not very comfortable with reducing foreign ownership restrictions. Australian media is a very important cultural commodity and I would be concerned to see further foreign ownership of organisations which are so central to the depiction, support and development of Australian culture. However, my decision on this issue depends very much on how I respond to the cross-media ownership aspect of the bill. These two aspects of the bill could have very different effects if they are accepted by themselves or as a package. I would like to consider further the question of the foreign ownership aspect of the legislation when I have come closer to a final position on the cross-media laws.

A range of amendments and alternative proposals have been circulated in the Senate over the past month. Though many of these have very good and attractive aspects, I am yet to be fully convinced by any of the various regulatory schemes that have been floated. I am also not aware of the government’s position on some of the proposals that have been put forward. I imagine that the communications minister, Senator Alston, will use his second reading speech to put forward the government’s position on these and to detail any proposal that the government may have for amendments. I will consider this new information before deciding how I vote.

**Senator McLUCAS (Queensland)** (5.03 p.m.)—In speaking to the Broadcasting Services Amendment (Media Ownership) Bill 2002 I want to confine my comments to the potential impact of the legislation on regional media markets and the resultant effect on those regional communities. But in doing so, I need to outline the reasons that Labor has for not supporting this legislation. In my view, this legislation is not about regulating cross-media ownership; it is about abandoning government involvement in media regulation. It fits perfectly with the ideology of the government to withdraw from regulation and intervention and to leave markets to their own making. The bill, if enacted, would lead to greatly increased concentration of media ownership in Australia. It would see our media markets subject to an even greater degree of domination by two or three mass media
companies and it would threaten the current level of media diversity in Australia, which is a critical element of a vibrant and flourishing democracy. The current cross-media ownership laws were developed by the former Labor government and ensure that no single proprietor can control any more than one major newspaper, television station or radio station in the one location. These current laws have provided a level of media diversity that will be threatened if this bill is passed.

The government argues, firstly, that the bill is required because pay TV and the Internet have opened up a whole new layer of media diversity. That is certainly so and, speaking again from a regional perspective, the take-up rate of pay TV in regional Australia is certainly higher than that in the city, but that is more to do with the lack of access to free-to-air television than anything else. Pay TV is a luxury. It is only available to those in the higher income brackets. It is also a fact that there is no locally produced content available on pay TV to serve the regional communities that access it. Pay TV is a luxury. It is only available to those in the higher income brackets. It is also a fact that there is no locally produced content available on pay TV to serve the regional communities that access it. Internet use, too, is essentially national in nature and is produced by existing providers. There are some regional Internet news and content providers, but their influence, to this point, has been very small and in all reality the likelihood of them making a significant impact in the future is limited.

Secondly, the government argues that it is the journalists, not the media proprietors, who determine the flavour of the news. There is little or, I believe, no evidence to support that position. The Australian Broadcasting Authority has produced research which has shown that the ownership of the media outlet is central to determining the viewpoint of the organisation. We all know this as politicians. It is silly for the government to continue to suggest that media owners do not greatly influence the culture and content of a media organisation. The fact is that media owners do influence news and opinion in their media outlet. To legislate on the basis that owners do not shape the news and opinion making output of the media they control is, I believe, both wrong and dangerous.

The government also argues that the Trade Practices Act would exist as an arbiter in ensuring that undue market concentration could not occur. Professor Fels, Chairman of the Australian Competition and Consumer Commission, has said repeatedly that, for the purposes of the Trade Practices Act, newspapers, television and radio are separate markets. According to Professor Fels, the ACCC would not be alarmed at the notion of a television owner, for example, taking over a local newspaper. If this bill were to be carried, we would see our media environment, which currently consists of six or seven major commercial players, contract to three. Most commentators suggest that these operators would be based around the current three commercial television licences, and media diversity would effectively be halved.

The bill repeals cross-media ownership restrictions in major metropolitan markets. It allows an individual to control a major newspaper, television station and radio station in that same metropolitan market, provided they obtain cross-media ownership exemption certificates from the ABA. These certificates will be granted if the holder of the certificate can demonstrate separate editorial policies, appropriate organisational charts and separate editorial news management, news compilation processes, and news gathering and interpretation capabilities. These so-called editorial separation provisions, I believe, are simply a bureaucratic construct that provides no comfort for the community that true editorial separation could or would occur.

In the committee’s report to the Senate, government senators recommended that a version of cross-media ownership be retained in regional areas. They recommended that cross-media ownership in regional areas be limited to no more than two of the three media of television, radio and print. This recommendation has been picked up by the government in respect of regional media markets. The legislation allows media companies to own two out of three of either television, newspapers or radio stations in regional licence areas. By doing so, the government is recognising that the principles of editorial separation will not be an effective
policy in regional areas. I would be interested to know why the government thinks that editorial separation will not work in regional areas but will in the city. It recognises that cross-media ownership needs to be limited in regional Australia to maintain diversity, but somehow that principle is not relevant to the city market. The consistency of that argument is lost on me.

I want to take the opportunity to advise the Senate of what occurred in North Queensland when Southern Cross Broadcasting ceased to broadcast its half-hour weeknight news service in the subregions of Townsville and Cairns, amongst other places in Australia. Southern Cross Broadcasting announced the closure of its newsrooms in Townsville and Cairns on 22 November 2001, citing costs of digital conversion and closed captioning as contributing to the decision and saying that subsidisation of the local news service was disproportionate to the revenue potential in the market. The loss of these two newsrooms resulted in the immediate loss of 20 jobs in Townsville and 12 in Cairns; the loss of the only free-to-air locally produced news service for the area previously serviced by Seven Central, which sourced its news service from Southern Cross Broadcasting; and the loss of the only competitor to WIN news in the coastal region from the area from just south of Townsville to the north of Cairns.

We saw the loss of any alternative to WIN in those two submarkets, but the loss of Southern Cross Broadcasting has left vast areas of northern and western Queensland receiving absolutely no local content at all. Those areas include all of Cape York Peninsula and the Torres Strait, the region extending to Mount Isa and Cloncurry, and most areas south to the New South Wales border. This left WIN as the only provider of local news in North Queensland. As I said, its broadcast footprint is limited to Cairns and Townsville and surrounding communities along the east coast. As a result of community pressure and political pressure, the Australian Broadcasting Authority established an inquiry into the impact of the loss of Southern Cross Broadcasting in our region. In my submission to the inquiry, I said:

There is a very real risk that the quality of the remaining WIN news service will decline with no locally based competition. Competition is a key motivator for the provision of quality services in a market driven economy.

I also said:

Prior to the closure of the newsrooms, there was a healthy rivalry between the WIN and SCB newsrooms in both Cairns and Townsville that I believe drove both networks to deliver a quality local news service.

Sadly, my prediction that we would have a loss of quality in the WIN service has been seen to be true. Constituents contacting my office and also recent letters to the editor in the local paper have noted that WIN television is increasingly producing a news service sourcing stories from areas as far apart as Toowoomba, Rockhampton, the central Queensland area, and Townsville and Cairns and is compiling those stories into one broadcast which they define as a local broadcast. Local people in North Queensland see their regions as being quite separate, and news emanating from somewhere like Toowoomba and viewed in Townsville is certainly not seen as local news in Queensland. It begs the question: what is local?

The Australian Broadcasting Authority responded to the range of submissions and presentations that were made to it as part of its inquiry and has recommended the introduction of an additional licence condition that requires a minimum level of local content and locally produced matters, which have the interesting definition of being ‘of local significance’. These locally produced documents have to be broadcast into the submarkets, which are not clearly defined in the publication but which I take to mean the current submarkets of, in my case, Townsville and Cairns. These recommendations are not yet in effect, but, given the changed behaviour of the current licensee in the market in producing an increasingly amalgamated news service, it will be interesting—and we will monitor this—to see how the ABA intends to monitor compliance with the new licence conditions. As I said, the ABA response dealt only with the coastal strip and has left the western region for a subsequent report. That matter is still not resolved, and people in western Queensland...
do not have any local content in news or current affairs at all at this point in time.

My reason for raising this case study is to underline the need for competition to be maintained in any market, but especially a regional market, to ensure that diversity of views can be delivered to a community. This legislation would allow the amalgamation of, say, WIN television with the *Cairns Post* or the *Townsville Bulletin*. It would permit Channel 7 to take over the Mackay *Mercury*. It is reasonable to predict that, as well as the loss of diversity of opinion, in these regional centres there would be a loss of jobs in media management and for the journalists who work in those outlets. We would also see, of course, a compression of editorial opinion, only to the detriment of our communities.

James Cook University has recently established its journalism degree at the Cairns campus of the university. I can say that our community has seen great benefit from the establishment of this course in the region. One of these benefits was the publication of a supplement in the *Cairns Post*, entitled ‘Endeavour news’ which, in itself, provided some diversity in the standard print media in the city of Cairns. It is hoped by many that ‘Endeavour news’ will reappear in some form in the future as part of the Cairns media environment. Certainly it would be sad to see less opportunity for the graduates of James Cook University’s journalism course to remain in the north and start their careers in journalism. We have seen many local journalists and presenters who have started their careers in regional places like North Queensland and now have significant positions in the national media. Surely it is good for developing an understanding of regional differences in our country when we have people from regional and remote locations joining major bureaux in the capitals.

It is unusual—and I say that it is unfortunate—for the local coalition members and me to ever have an identical view on matters in the north. But, in the instance of the loss of Southern Cross Broadcasting’s news service would be of detriment to our constituents. That is why I was quite surprised that neither Mr Lindsay nor Mr Entsch participated in the debate on this legislation in the other place. If enacted, this legislation will deliver exactly the same result as the loss of Southern Cross Broadcasting did: loss of jobs, loss of competition and loss of diversity. I reiterate, though, my reservations about the ability of the Australian Broadcasting Authority to reinstate competitive news services truly based on subregions.

During the debate surrounding the loss of Southern Cross Broadcasting, Mr Lindsay announced that the ABC would reinstate its local news service. According to the *Townsville Bulletin* in January 2002:

he is confident the ABC will restore a North Queensland television news service at Townsville this year.

It is now 2003 and that has not happened but, be that as it may, it is true that the ABC has bid for the restoration of a regional news service in the north in its triennial funding submission of 2003-06. The costs are not huge—$1.667 million this coming financial year moving up to $2.652 million in 2005-06. It is proposed to be based in Townsville with a footprint north to Mossman, west to Atherton and south to Bowen, and reaching about 400,000 people in North Queensland. It is modelled on the local Canberra based ABC production, but I note the objections from the member for Dawson, Mrs De-Anne Kelly, who said she would only back the submission if it included Proserpine, the Whitsundays, Mackay and Sarina. I understand her desire to have an ABC produced broadcast into that region. It once again reiterates the need for an understanding of the question of what is local.

I congratulate the ABC for recognising the need for diversity in the television market in North Queensland. I support the submission from the ABC and encourage the government to provide the funding in this coming budget. I note the change of tune, however, from Mr Lindsay. From initially advising us...
that we would have the production in 2002, in January 2003—earlier this year—the Townsville Bulletin stated:

... the timing of the submission was exactly right as “the real budget process” was about to start.

But then it was intimated that the government would potentially not be able to fund the ABC request, the article noting:

But he said there were many pressures on the budget, including Prime Minister John Howard’s fight against terrorism.

Sadly, North Queenslanders are used to Mr Lindsay changing his position on a whole range of matters.

I understand that independent senators have been in discussion with the government about a range of potential amendments to the bill. I urge caution in proceeding along this path, as the negotiations and agreements made may overlook or even deal out regional needs. I especially encourage Senator Harris, who, as he is based in North Queensland and took an interest in the events, witnessed the demise of Southern Cross Broadcasting’s news service and the consequent loss of jobs, competition and diversity. I ask him to look carefully at the intent of the bill as it stands and to acknowledge that any amount of amendment will not change the fundamental premise of the bill—that is, increased concentration of media ownership in regional Australia will ultimately lead to less diversity of views to the absolute detriment of those communities. This legislation is not good public policy. It is not good for those who live in the cities and, despite the changes, it is not good for regional Australia.

I encourage all senators to defeat this legislation at the second reading stage so as not to open the door even a crack to the loss of competition and diversity in our media environment.

Senator EGGLESTON (Western Australia) (5.21 p.m.)—I would like to say a few words about the Broadcasting Services Amendment (Media Ownership) Bill 2002 tonight, with particular reference to the findings of the Senate Environment, Communications, Information Technology and the Arts Legislation Committee’s inquiry into the bill, which I chaired. Most importantly, I would like to say that, in the light of all the evidence put before it, the government members of the committee came to the view that the actual impact of the changes proposed in the bill to the regulation of cross-media ownership will not be great given the likelihood that around 90 per cent of Australians will continue to have access to three commercial television channels plus the national broadcasters. Also, there will continue to be a diversity of press and radio.

As I said, that would be the case for 90 per cent of the Australian population, so it is reasonable to say that the changes will not be great if the bill is passed. The most important change will be to allow foreign investment in the Australian media industry. The government members of the committee were persuaded of the benefits that would result from lifting restrictions on foreign ownership for media companies, advertisers and consumers, bearing in mind that foreign investment in the media will still be regulated under the Foreign Acquisitions and Takeovers Act 1975 and Australia’s general foreign investment policy. The repeal of restrictions on foreign investment will, in the view of the committee, provide opportunities for access to global capital, resources and expertise for Australian companies, as well as possibilities for Australian expertise to be promoted and advanced internationally.

As for fears that an increase in foreign ownership will lead to less local content, it is important to bear in mind that Australian audiences have been shown consistently to have a marked preference for locally produced programs. One could therefore say that there is a commercial imperative for broadcasters to include Australian content in their programming. In relation to that, it is crucial to note that this bill will in no way alter the existing Australian content rules. Any concerns about a diminution of locally produced programming as a result of this bill are unfounded.

Senator McLucas made the rather broad statement that the bill would end the cross-media rules. However, that is not actually the case. Schedule 2 of the bill relates to the cross-media rules. The bill does not abolish the cross-media rules but instead proposes the granting of exemption certificates, sub-
ject to the application of a public interest test administered by the Australian Broadcasting Authority. The government members of the committee came to the conclusion that reforming cross-media ownership in this manner will permit the generation of synergies, allowing for a more efficient media industry with enhanced economies of scale which will ensure better quality and more diversity of content for consumers.

An issue raised in this debate, in particular by Senator Lees, is the question of a broad based public interest test, which was something the committee considered. In considering the need for a broad based media specific public interest test, the government members of the committee posed the question of what such a test would, if introduced, seek to achieve. It was concluded that such a test would firstly need to maintain diversity of ownership and opinion in the media, as well as preserve Australian content at levels acceptable to the community. Having established these objectives, consideration was then given to what the situation in the media would be if this bill became law, and whether or not there was any specific threat to the protection of the public interest in terms of these objectives. The government members concluded that the public interest is protected by the editorial separation requirements administered by the Australian Broadcasting Authority, the preservation of the concentration rules and the retention of the rules regarding Australian content and that a broad, media specific public interest test is therefore not required.

The A.T. Kearney study into media ownership restrictions in Australia found that, even in the extreme case of consolidation of ownership into a single company of the dominant newspaper, television and radio groups currently owned by News Limited, Publishing and Broadcasting Limited—PBL—and Austereo, the estimated relative influence of such a company, as measured by the market share of national metropolitan consumption of daily news would, when averaged, be relatively unchanged. Moreover, such a scenario would see the maintenance of at least three other major media groups, in addition to the national broadcasters, and the percentage reach likely to be achieved by the consolidated company would still be less than the total of that achieved by all other companies. From the Kearney study it is quite obvious that these proposals are not going to result in a great concentration and consolidation of Australian media ownership.

However, the government members of the committee came to the view that it would further protect the public interest if there were a requirement that a commercial interest be disclosed in the context of any article or editorial comment where co-ownership exists under a cross-media exemption, when one co-owned media outlet made editorial comment about another in the same locality. That is another means of protecting diversity and identifying vested interests.

Some organisations raised concerns about the editorial separation requirements of the bill, especially that they would allow for undue intrusion into the operations of media companies by the Australian Broadcasting Authority and facilitate government intrusion into the freedom of the media. The government members of the committee felt that these fears were quite unfounded and were convinced that the ABA would act both responsibly and appropriately in administering the editorial separation requirements, and rejected the view that these requirements would be the ‘thin edge of the wedge’ in facilitating government intrusion into the freedom of the media. It should be remembered that the Commonwealth, of course, already has the power to regulate newspaper organisations under the Corporations Law.

Senator McLucas has just raised the issue of the regional media and its requirements. The government members of the committee addressed the problems of the regional media in their report and acknowledged the special problems faced by regional media, particularly their higher operating costs and lower revenue base in comparison with their metropolitan counterparts. Regional media companies, for example, often have to operate over large, sparsely populated areas. On top of their higher operating costs, regional media have to contend with lower advertising revenue than metropolitan media.
In relation to cross-media holdings of regional media and concerns that undue concentration of ownership could occur in regional Australia, the government members recommended that the bill be amended so that cross-media exemptions in regional markets could only be allowed for proposals that could result in a media company having cross-ownership in only two of the three generic categories of newspapers, radio and television in their area.

I believe that the concerns that have been expressed about the impact of this bill have been very largely unfounded. I have no doubt in my mind that the conclusions of the Senate legislation committee that the changes proposed by the government are only modest and will not have a great impact are quite justified. These proposals would not only protect and preserve editorial independence and media diversity in both metropolitan and regional areas but also protect and preserve the public interest through the retention of the concentration rules and the Australian content rules. The chief impact, as I said, would be to permit foreign investment in the Australian media, which would have the beneficial effect of injection of new capital and players into our media scene. I trust that the Senate will pay due regard to the benefits that this bill proposes and permit its passage.

Senator MURPHY (Tasmania) (5.31 p.m.)—The Broadcasting Services Amendment (Media Ownership) Bill 2002 is a very important piece of legislation. The purpose of the bill is to amend the Broadcasting Services Act to remove controls on foreign ownership of television—both for free-to-air and pay TV—and newspapers, to provide for exemptions to the cross-media rules in certain circumstances and, with some of the suggested changes, to try and maintain media services, particularly newspapers and radio in rural or regional areas, by applying a two-out-of-three ownership requirement. The current cross-media ownership rules are governed by both the Broadcasting Services Act and the Foreign Acquisitions and Takeovers Act. I will take a few moments to quote from the objects of the Broadcasting Services Act, which are under section 3. Section 3(1) says:

(a) To promote the availability to audiences throughout Australia of a diverse range of radio and television services offering entertainment, education and information; and

(aa) to promote the availability to audiences and users throughout Australia of a diverse range of datacasting services; and

(b) to provide a regulatory environment that will facilitate the development of a broadcasting industry in Australia that is efficient, competitive and responsive to audience needs; and

(c) to encourage diversity in control of the more influential broadcasting services; and

(d) to ensure that Australians have effective control of the more influential broadcasting services; and

(e) to promote the role of broadcasting services in developing and reflecting a sense of Australian identity, character and cultural diversity; and

(f) to promote the provision of high quality and innovative programming by providers of broadcasting services ...

It goes on to say:

(g) to encourage providers of commercial and community broadcasting services to be responsive to the need for a fair and accurate coverage of matters of public interest and for an appropriate coverage of matters of local significance; and

(h) to encourage providers of broadcasting services to respect community standards in the provision of program material; and

(i) to encourage the provision of means for addressing complaints about broadcasting services ...

I have serious concerns that the bill, if allowed to pass in its current form, along with some amendments that the government has proposed, would not in any respect seek to achieve the objects as set out in the Broadcasting Services Act. We have to very seriously consider what we are proposing to do with regard to this piece of legislation. The potential for a further significant concentration of media ownership in this country worries me deeply. I am not going to entertain that proposition. I believe in what the Broadcasting Services Act says and I believe that we can change the media governing rules, in terms of the cross-media rules of this particular act, to the extent that it will allow some flexibility for existing players in the field and, indeed, encourage new players to
come into the game without allowing a significant concentration.

I also have grave concerns about the Trade Practices Act and its application in respect of not only cross-media or media ownership but also its general application. I make it quite clear here and now that the Trade Practices Act, particularly sections 46, 50 and 4, has to be addressed. I am not saying that those sections have to be addressed within this bill, but the government must put down a program for addressing these issues. If and when—maybe it is just ‘if’ at this point in time—this bill does proceed in a way that members of the Senate can agree upon then the operational date for the bill, from my point of view at least, will be governed by the government’s action with respect to the Trade Practices Act in particular.

One of the issues that I have concerns about is that, if we see a further concentration of ownership, we stand to lose diversity, services, jobs and plurality of ownership, which really goes without saying. I have had some discussions with the government, which I am grateful for, about some of the concerns I have had. We are continuing to discuss those, but I make it very clear that they are very serious concerns. I have pursued the issue of what constitutes a platform or a medium within media with regard to pay TV because I believe pay TV should be included in the mix and that, rather than having three mediums of media delivery in this country, we in fact have four.

I will go briefly to the pay TV issue and why I have the view that it ought to be included in the mix. The penetration rate of pay TV within the Australian market currently stands at about 21 per cent. It generates about $1.2 billion in revenue. If we look at what has happened elsewhere in the world with the growth in pay television and its capacity to have influence within the media market, we see that in the UK it is around 41 per cent. It is estimated that it will be about 42½ per cent by the end of this year and that it will grow to 55 per cent during the course of the next 10 years. There is regulation of pay TV in the UK and it falls under the Office of Fair Trading.

But I believe that here, because of the circumstances particularly as to the players involved, we have to look at how we can manage a program where we will just not see one of the two major players now in the media game in this country. We know that News, through Murdoch, is essentially the biggest news media player in the world. I do not see why we need, in what is a relatively small market in Australia, to give Rupert Murdoch and News an even greater say. If there were a public interest in doing that, yes you would consider it. But there is the fundamental question: what is the public interest in allowing that to happen? Nobody has yet told me what that public interest is. I believe there is a public interest in looking at the current media laws with a view to changing them to actually seek out the objectives of the Broadcasting Services Act. We have had some discussion about how that might occur. I have the view that pay TV should be included in the mix. I also have a view as to the minimum number of commercial voices. If you take account of including pay TV in the mix and if you then have a regulation that says no single media owner could own more than two of four mediums, there would be six minimum commercial voices in the marketplace. That would exclude a newspaper that would fall outside the Broadcasting Services Act definition of a newspaper.

Radio and smaller newspapers are of particular importance to regional areas of this country. We have the concentration rules that remain in place essentially as they are, even if you pass the bill as it currently stands—that is, there will continue to be a requirement for there to be three separately owned TV networks. But that does not mean that you will continue to have three TV networks, because in the world of competition, as has been the UK experience, if some TV networks get significantly stronger than others, the others wither and die; the question of ownership becomes irrelevant. So it is important, as I said at the outset, that whatever we do here is right. Pay TV is particularly important because we know that News owns essentially the only pay TV channel in Australia.
What is also very worrying is the issue that goes to third party access to the platform, because we have Telstra and Foxtel involved and there is a serious question of whether or not Telstra ought to be involved in that deal at all. I have heard people say that it is too difficult to unscramble the eggs now—maybe, maybe not. We have the Australian Competition and Consumer Commission actually looking at some of these issues, yet we are not aware of what they might be suggesting. That also worries me a little bit because we may be in a process of putting down laws that could in some part be redundant when we get a report from the ACCC.

If you look at the potential influence that can have, being in a position of control, particularly when it comes to bidding for sports programs and movies et cetera, is an important part of competition in this game. It is important that, if we are to have three television networks, we at least try to ensure that they can compete somewhat equally for these things and that one or two do not end up with a significant advantage over the third. I think they are fundamentally important points.

Pay TV in Canada is interesting from the point of view of competition. No matter what we do with these cross-media ownership rules, the market remains the same. There will not necessarily be more advertising dollars with pay TV. We are not going to increase the market. The market remains the same. When we are talking about new entrants, we have to look at all these things such as the capacity of one player versus another being in a much stronger position and the issue of anticompetitive behaviour. Canada is interesting because in part it tells the story of the effect of pay TV on competition. In 1992, the viewership of conventional free-to-air TV in Canada was 65 per cent, and it fell to 50 per cent by 2001 with the advent of pay TV. It is clear that it experienced change. It is obvious that when you change viewership from free-to-air TV that will affect the capacity to attract advertising. We need to move very cautiously in this area.

I have also pursued the issue of the public interest test. I noted with interest Senator Eggleston’s comments with respect to the majority committee findings and views that he expressed in his speech. If you look at the situation that currently applies under the Trade Practices Act and under the Broadcasting Services Act in respect of markets, and the application of the definition of a market that is applied by the ACCC—I hope I do not misrepresent what they are saying—the ACCC view radio, television and newspaper markets as separate markets for the purposes of competition. They indicated to the committee—I think Senator Eggleston chairs that committee—that, if you remove the cross-media ownership rules, that may not stop greater concentration of media assets. The fact that the public regulator is raising concern in that way is something that needs to be noted.

What is the public interest if we allow News, Murdoch or Packer to consolidate significant assets in Australia? Where is the public interest in that? It is difficult for me to see it. But I think there is a public interest in the changing nature of media delivery, in the technology associated with media, in the laws that govern it and in the new laws that will enable the delivery of better services, more services and more diverse services. That is important from the point of view of the public and I think this is a very important piece of public policy legislation. I will continue to try and work through the issues. I believe that it may be possible to get to a point where agreement can be reached in regard to legislation that will work towards the objectives of the Broadcasting Services Act.

Of fundamental importance are the two points with regard to the Trade Practices Act and what constitutes a media form. I have a very strong view at this point in time that pay TV is a player in the game. I understand the points that have been made to me with regard to the influence of pay TV but, if you look at what has happened in other countries, you will see that they do have an influence. I understand that with regard to news, which I suppose is the opinion-forming aspect of a media service provider, they often purchase their news programming from elsewhere. That is fine but, at the end of the day, they
can still have an influence and they do not have to buy their news from anyone they do not particularly like. Insofar as this bill is concerned, we are a long way from reaching agreement but that is not to say that agreement cannot be reached. I hope that, if we do have a bill to debate in this parliament, it is one that will deliver the sorts of outcomes that I believe are in the public interest and in the interest of media consumers in this country.

Senator CROSSIN (Northern Territory) (5.51 p.m.)—I rise to make some brief comments on the Broadcasting Services Amendment (Media Ownership) Bill 2002 and, in particular, to finish some of the comments that Senator Conroy sought to make last night. I want to consider in greater detail the Senate inquiry into the bill. There has been a lot said about the background to this bill and the implications of it, but I want to focus particularly on the Senate inquiry and what happened there. I think it is worth recalling that inquiry because it was particularly damaging for the government. What emerged from the inquiry was that the only people who support this bill are the media proprietors themselves. The consumer groups, journalists, unions and independent observers who appeared before the inquiry all canned the bill. Derek Wilding from the Communications Law Centre submitted that the editorial separation provisions represented a de facto repeal of the cross-media ownership provisions. The general consensus was that the bill would lead to a reduction in media diversity to the detriment of the Australian community.

Despite the absolute canning the bill received in the Senate inquiry, the government majority on the committee breathtakingly decided to persist with the bill. But there was one important recommendation—a recommendation which ultimately blew out of the water the whole rationale for the bill we are debating this evening. Government senators recommended that a version of cross-media ownership be retained in regional areas. They recommended that cross-media ownership in regional areas be limited to no more than two of the three versions of television, radio and newspapers.

This was a major embarrassment for the government. This was effectively a tacit admission by government senators of the enduring importance of cross-media ownership laws. It was also an admission that the editorial separation provisions of the bill provide no real protection from the effects of a more heavily concentrated media ownership. The fact that the government incorporated this recommendation into the bill as amended shows what a farcical exercise the passage of the Broadcasting Services Amendment (Media Ownership) Bill 2002 has become. Labor says that, if regional Australia warrants a degree of special protection from the deleterious effects of this bill, so does urban Australia. The Senate can now protect all Australians from the effects of this bill, not just regional Australians.

Last month, there was a letter to all independent senators from the Australian Centre for Independent Journalism, the Australian Consumers Association, the Friends of Fairfax, the Media Entertainment and Arts Alliance, the Communications Law Centre and leading academics in media and law throughout Australia. The letter urged independent senators to block this bill. These people of serious repute have grave reservations about the effects of this bill on media diversity. Their considered view is that the bill encourages concentration rather than diversity and is at odds with the diversity objectives of the Broadcasting Services Act.

Labor is opposed to this bill. This bill is bad for media diversity and ultimately bad for our democracy. If enacted it will lead to a massive concentration of media ownership in Australia. It will see the emergence of three dominant media players based around our three commercial television licences. This bill is bad public policy. It undermines one of the key objectives of the act it seeks to amend—media diversity. The editorial separation regime effectively repeals the cross-media ownership provisions, has sinister connotations with regard to the freedom of the press and is quite possibly unconstitutional.

The vote on this bill is of the utmost importance to the future of the media in Australia. This vote cannot, and should not, be
taken lightly. Passing this bill will see momentous changes in media ownership in this country. It will see fewer owners and less diversity. Senators must ask themselves: is this a good thing for Australian democracy? Any reasonably minded senator would have to answer no to that question. Labor implores the Senate to act in the interests of all Australians and defeat this bill. Our democracy deserves a diverse media.

Senator HARRIS (Queensland) (5.57 p.m.)—I rise to comment on the Broadcasting Services Amendment (Media Ownership) Bill 2002. The issues relating to cross-media ownership and the laws that govern it have in the past led to heated public and political debate. If we look at the current structure of the industry within Australia, we see that PBL owns the top ranking television network, Channel 9, as well as a large stable of news, women's and other magazines. The Murdoch companies own our country's only daily national newspaper—the Australian—plus dailies in nearly every capital city which are, in some cases, the only daily newspaper. Companies run by the two media barons and their sons, James Packer and Lachlan Murdoch, are also equal shareholders in the pay TV group Foxtel.

To have a balanced overview of the position of the Australian media enterprise, we need to take a few things into account. If we start by looking at PBL and its associations, we see that PBL through a 100 per cent owned company White Whale Pty Ltd owns 50 per cent of ninemsn. If we look the other way, PBL owns 50 per cent of Sky Cable. Sky Cable itself is also 50 per cent owned by News Limited. If we look at the relationship between Sky Cable and Foxtel, we find that Publishing and Broadcasting Ltd and News Limited, through owning Sky Cable, also own 50 per cent of Foxtel. If we look at Telstra's influence in our media industry—and this is one entity that, to a large degree, tends to be overlooked in respect of the importance of their place in the market—Telstra owns 50 per cent of Foxtel. Telstra also owns 100 per cent of BigPond, and there is an alliance between BigPond and ninemsn. So there is this interactivity between the players in the marketplace.

Apart from those entities, we have the two government run TV and radio outlets—that is, the Australian Broadcasting Corporation and the Special Broadcasting Service, SBS. The only significant media company not in the grip of PBL or Murdoch is Fairfax Holdings. That company are the publishers of the Sydney Morning Herald, the Melbourne Age, the Australian Financial Review and a few remaining regional newspapers.

So why did we need to maintain restrictions on media ownership in the past? They were necessary to ensure that Australians had access to a choice of voices and opinions. It was critical that there was diversity in what was available for us to read, hear or see in the media. Many Australians share the view that the present concentration of media ownership is already too high and some propose that it should be further restricted. I believe that there is another aspect that is more important than the diversity of ownership, and that is the diversity of content. Because what we interested in? Are we really interested in the ownership of these entities, or are we to focus on what I believe is the real issue, and that is the content in our newspapers and on our radios and pay TV? The concern is for plurality: we need to focus on the diversity of the content that comes out of these media entities.

Australia introduced cross-media rules in 1987. Rules restricting cross-media ownership also exist in other countries. However, in 1986 both the UK and the United States made substantive changes to their cross-media laws which resulted in less diversity and a greater concentration of ownership. It would appear that the government is also looking at similar proposals. Rapid advances in communications technology in recent years have seen technical conversion of separate forms of the media. This conversion also makes it desirable for major players in the media industry to implement a strategy that ensures they have relative interests across the various forms of the media. There is an increasing trend for players in the media industry to develop and invest in multimedia integration. In addition, the globalisation of telecommunications has seen a move towards the establishment of global media
Globalisation of communications is therefore the main rationale for changes to cross-media ownership laws.

Australia's foreign ownership restrictions are found in the Foreign Acquisitions and Takeovers Act 1975 and in government policy announcements on permitted levels of foreign ownership. Foreign ownership in television broadcasting is regulated separately under the Broadcasting Services Act 1992. While there are no media specific regulations of foreign investment in radio and newspapers, television ownership is far more restricted. At present a foreign person must not have control of an Australian television broadcasting licence nor hold company interests exceeding 15 per cent. Two or more foreign persons must not have company interests exceeding 20 per cent. These limits of 15 and 20 per cent relate to control in the conventional corporate sense of voting shares or directorship. A foreign person is a foreign citizen who is not ordinarily resident in Australia unless that person has been in Australia for 200 days in the previous 12 months, but there is no legal requirement for that person to remain in Australia. The cross-media rules and specific issues of foreign investment in television are also matters for the Australian Broadcasting Authority.

The Foreign Investment Review Board advises the Treasurer and, apart from the publication of broad statistics and guidelines, the deliberations of the board are confidential. This system has been highly criticised and called to public account on many occasions. The Senate Select Committee on Certain Aspects of Foreign Ownership Decisions in Relation to the Print Media said of the Foreign Investment Review Board in 1994:

It may not surprise that the committee did not discover an accountable, open body which consults widely on foreign investment matters. Instead, it found an informally constituted group with an excessive preoccupation with secrecy in its dealings with applicants and parliamentary committees.

If we look at what the government is proposing, it is unlikely that the government wishes to retain the status quo with foreign ownership, given the changes that have happened in the US and the UK.

Three areas of concern that I have in relation to the legislation emanate from an issue that Senator Murphy raised recently, that is that a finite amount of money is spent in the media industry within Australia. I believe acquisitions would create the greatest problems in relation to this issue, because if you have an acquisition it has to be funded from within the existing industry budgetary constraints. Therefore, one of the only ways that could be achieved would be through the centralisation of services.

I believe centralisation of services would ultimately lead to loss of employment—and we are not talking just about rural or regional areas; this would happen in the major city areas as well. The other danger is the loss of local content that would come as a result of that centralisation of services. There is an interesting way in which the United States radio broadcasting industry has addressed this issue and that is as a licence condition. The licensee is required to provide to the broadcasting commission evidence of how it has raised funds for local entities within the footprint of its broadcasting area. Requiring that as a licence condition means that that radio station needs to maintain direct contact within the area that it broadcasts through. I believe that if the industry does require centralising of services for economic benefit then that would be one way within Australia that we could guarantee that we would retain local content and local contact with those entities.

One Nation believes that pay TV should be an assessable sector when the ACCC is required to look at either a purchase or merger situation. It would be preferable that that be contained within the legislation; however, I am mindful that that may not be achievable and we may need to rely on some form of regulation or departmental instruction. If an acquisition or merger triggered a national interest test then One Nation believes that the ACCC should be required to look at the impact of that merger or acquisition on all aspects of the industry, including that of pay TV. Because of the interests I mentioned earlier of Telstra—I did not mention Microsoft but they are involved in that as well—with BigPond, I also think that it
would be ideal for the ACCC to take into consideration the influence of the Internet in relation to that assessment.

Regarding the rationale for the inclusion of pay TV in the cross-media rules, the regulation of media in the Broadcasting Services Act is based on power to influence, so the more influential the medium the greater the degree of regulation required to protect the public interest. The more pervasive, the more prominent, the entity is, then—according to the Broadcast Services Act—the greater the degree of regulation required to protect public interest. Looking back to 1992, pay TV did not exist when the Broadcasting Services Act was legislated. Eleven years later it is as pervasive and persuasive as most radio stations and newspapers in Australia. We need to focus on that aspect.

The way to control market dominance in pay TV is through the carriage of the platform, that is, the ownership of the satellites, the cable or the set-top box, and through the control of the content, that is, the programming. Pay TV has in excess of 1.5 million subscribers. It generates $1.2 billion annually. That is more revenue than a single TV station. Pay TV is viewed by one in four Australian households, and it is interesting to note that that is 10 times the penetration factor of the *Australian* or the *Australian Financial Review* newspapers. Pay TV has a greater ability to influence and be pervasive in the market than the *Australian* or the *Australian Financial Review*. Foxtel is the dominant pay TV operator in Australia. Optus is gradually exiting the industry following its recent programming deal with Foxtel, and Austar has been acquired by CHAMP, a venture capital company that recent media reports speculate is linked to Foxtel or News Corp. So, again, we have this concentration back into these entities.

Other issues have been raised by other players in the media industry. The Australian Association of Independent Regional Radio Broadcasters in a letter to me and, I would assume, all other senators state:

The members of this association, comprising 53 regional commercial radio services spread over States, the ACT and the Northern Territory, are strongly opposed to any relaxation of the cross-media ownership restrictions which currently apply in regional areas.

They go on to say:

While it might be argued that the government’s new proposals for cross-media ownership in regional areas are an improvement on its earlier proposals, they still fail to offer any improvement over the existing regime. Instead, they pose a threat to the public interest and to private interests of small, independent media such as are represented by our members.

The procedures set out in the Bill with a view to preserving editorial separation and independence are a tacit admission of the risks which are inherent in any relaxation of the cross-media ownership restrictions, and the complexity of those procedures raises serious questions about their efficacy.

So there has been a diverse number of entities throughout the industry who have raised issues in relation to the legislation. When looking at the controls and regulations, particularly if they are to remain with the ACCC, they need to look at the actual impacts of mergers not just in one sector but in relation to the ability to influence or compound decentralisation in other sectors of the media.

I would like to briefly speak about the communication bill that is now before the United Kingdom’s upper house. The bill itself has 399 sections plus 19 schedules. It comprises 559 pages of legislation that will bring together the legislation that at present is contained in about eight different acts. If it is passed in this form, the legislation will bring into existence a new government department called the office of communications. I believe that is where the improvement lies in the proposed English model—not the model that is there now but what they are proposing. They are proposing to bring the entire media, telecommunications and their gambling industry under one entity, one piece of legislation, administered and overseen by that department. I believe that would be an improvement. (Time expired)

**Senator ALSTON** (Victoria—Minister for Communications, Information Technology and the Arts) (6.17 p.m.)—I heard Senator Murphy’s contribution on the Broadcasting Services Amendment (Media Owner-
ship) Bill 2002 and I thought he put his finger on the critical issue that confronts the Senate—and indeed anyone interested in debating these issues—and that is to identify the public interest in these proposals. In order to properly do that, you have to have regard for the way in which the media has evolved in Australia in recent years and how it is evolving internationally.

At the moment the media in Australia operates within a legislative straitjacket. It was introduced in 1987 and, if anyone has followed the history of that cross-media debate, they will know that it was conceived in malice by the Prime Minister of the day, who had very specific political objectives and it had very little, if anything, to do with seeking to promote diversity. I thought Senator McLucas actually gave a very good example of how the current straitjacket is operating. She told us how Southern Cross had withdrawn its television news services shortly after the last election. Those who are following the game would know that some six months earlier Prime Television had done the same in a number of regional markets.

You ask yourself: how is that happening? The first thing to be said is that it is happening under the current regime. Why is it happening? It is happening because the opportunities to expand are very constricted by the current regime. What we really want in this country is a system that is sufficiently flexible to encourage new investment, to attract new players and to provide greater opportunities for the existing players. It might be fashionable to think of two or three major players, but in fact in this country you have quite a significant number of different operators, whether it is APN, Austereo, Village Roadshow, who have significant interest in that company, or whether it is Rural Press, Cumberland Press, News, PBL, Channel 7, Channel 9, Channel 10, DMG, RG Capital—the list goes on. There are a very significant number of media players in this country already.

If you compare it to a place like the UK, we have a much healthier media regime. In fact what they are looking at in the UK at the moment, given that the BBC has a bit under 50 per cent of the audience reach in terms of terrestrial free-to-air, is a commercial player, a single commercial operator, that is pretty much on its knees and yet has the commercial sector pretty much to itself. That is a very unhealthy outcome of their approach.

Whereas in this country we have laws that of course would remain in place that say you cannot own more than one television station in a market, you cannot own more than two radio stations in a market and you cannot exceed the 75 per cent audience reach limitation. That means by definition that you will continue to have multiple players in all markets. It will vary from place to place. Obviously in some regional areas you will have maybe only one commercial radio station. Whereas in the larger capital cities you will have maybe six or eight commercial players. So it is hard to have a one-size-fits-all approach. But you can have minimum guarantees put in place, and that is what Senator Murphy was referring to when he talked about the minimum number of voices, which is the model the UK is in a process of adopting.

They are adopting that because they have decided to discard their former—what we might call—media specific public interest test, which they found was overwhelmingly subjective. It had any number of criteria, which left it up to the regulator of the day to come to whatever decision it chose and then to rely on any one of those criteria to justify the outcome. I think they quite rightly said that that is not a transparent regime; you have no certainty in advance; it is largely a matter of whim. You are much better to look at what you are trying to achieve to ensure that you have a minimum number of voices in a market. That is a country that has three times our population, but it regards three plus the BBC as being a sufficient number of voices in the market.

I think we can do a lot better in this country. For a start, we have two national broadcasters. We should also remember that you cannot force commercial players to invest or expand. It is always said: ‘We haven’t got enough media proprietors. We haven’t got enough newspapers. We should have more; we’ve got less.’ None of that is within the control or gift of government. If newspapers
are not prospering, they go to the wall. There is no way you can force someone to set up a media company. But if you relax the foreign ownership rules on print, for example, there is every prospect that you might get a significant degree of interest from a number of players.

One media proprietor from Spain has been looking at this market for some years but will not come in under a rule that says you cannot own more than 25 per cent. That is perfectly understandable. If you are making, in some instances, multibillion dollar investments, the last thing you want is not to have full control over your asset. There is every prospect that you will get companies like Pearson, which owns the Financial Times and the Economist. You may well get a number of companies from the US that would have a much renewed interest in media activities in this country. That in itself provides competition and the prospect of new players.

So it is important to remember that what we might want on the one hand and what is commercially achievable on the other are determined very much by the regime you put in place. That is why I thought Senator McLucas’s example was a classic—because these people have been withdrawing services because they have nowhere else to go. They cannot expand their businesses because of the constraints of cross-media ownership rules, so what do they do? They focus on cost cutting. Cost cutting is not a sign of an industry that is prospering; it is a sign of an industry in decline. That is why public interest is critically important in introducing flexibility into the system, in enabling new players to enter and in enabling existing players to expand their operations. That is all within the context of the objects of the Broadcasting Services Act. That remains the governing charter at all times.

I think it is also fair to say that some people have talked about pay television having an increasing influence on the shape of the media landscape. But the first point to make is that pay television is overwhelmingly an entertainment medium. However, in this country, where Foxtel is effectively providing services as an operator to telecoms and other carriers, there are some six news channels. That in itself is a sign of great diversity. We did not have any of that in 1987 when these rules were introduced. So ask yourself: do we want to constrict that? Do we want to somehow say that if you own a television station and a stake in a pay TV channel you cannot go any further? That would take out most of the major players in this country. Take Channel 7, for example. It has a one-third interest in Sky News, which is one of those six I referred to. That is not a healthy outcome, because you are treating pay TV as something that ought to restrict expansion.

Cross media in its original form identified three areas and said, ‘You can’t have cross holdings.’ The idea of expanding it to include telecoms or magazines or other things is clearly a retrograde step. However, I think it is very important, as Senator Murphy put it, to ensure that when public interest is addressed by the regulators—and that includes the ACCC, because I think there is a way of ensuring that the ACCC has the jurisdiction to scrutinise any cross-media takeovers—in the course of doing that they ought to have regard for other media interests, be they magazines, pay TV or, as Senator Harris said, the Internet. The Internet in all its manifestations is a moving game, as we know. There are content providers, content carriers and ISPs. All of those elements can and should be taken into account by a competition regulator concerned to ensure that there is not a significant reduction in competition or a substantial lessening of competition. That is why I think it is certainly feasible to ensure that the ACCC has that jurisdiction—which at the moment it does not really have. If someone approaches it and asks it to make a judgment on a particular activity then it gets involved, but it is pretty ad hoc at the present time. I think there is certainly a need for more certainty in that regard.

It is also important to remember that, when you are trying to ensure that you have addressed these issues, you focus on what is fundamentally important. It is not the provision of more entertainment services. Senator Harris said it is diversity of content rather than simply more ownership. I would be more specific than that, although I agree with
him as far as he goes. It is all about news and current affairs, because that is where the legitimate interest of the parliament lies. Governments and regulators have a very important role to play in community standards, but apart from censorship, and assuming reasonably wholesome material, whether there are five soaps or 25 soaps, whether there are any number of channels available on pay television—and in a digital environment you could get anything up to 500 channels—or whether you have 60 now or 250 in 12 months time is a matter for the market. It is a matter for consumers. The more they demand, the more, presumably, they will be accommodated.

I think the parliament has a legitimate concern relating to the public interest to ensure that there is diversity of opinion. That means ensuring that all voices and all different points of view can be heard, whatever the issue of the day might be. We certainly have one before us right now. I am sure every citizen in this democratic society wants to know that there is no single stone unturned nor a single view unexplored that might be brought to bear in the debate. In order to ensure that you have that diversity of opinion, you need to remove any obstacles. At the same time, you need to protect those arrangements so that you have minimum standards in place or, in some instances, editorial separation and diversity to ensure that there is no improper interference in that decision making process, whether it is news selection, news prioritising or news collection.

But the fact remains that, if you look at what has happened since 1987, there has been a veritable explosion of new sources of news. Whether I like it or not, there are a lot of kids these days who do not go to the front page of the newspaper for their news. They go straight online. When they go into the office or even before they leave home they will be surfing the Internet. They will get their news from wherever they want to get it. They will decide what news they get and then they will access it. They might update themselves a number of times during the day. For those who were brought up in a good old newspaper world, this is hardly recognisable. You did not have pay television, you did not have the Internet, SBS was hardly rolled out and you did not have anything like the number of services that the ABC now provides to all parts of Australia. The quality and quantity of opinion and, therefore, content has exploded dramatically.

This bill provides a unique opportunity to modernise the media arrangements. Some reference was made to the Productivity Commission, but it is worth remembering that, when the Productivity Commission talked about an approach that involved subjectivity, they were talking about the UK model which the UK is now in the process of discarding. A view of the Productivity Commission in 2000 may well not be the view of the Productivity Commission in 2003; nor is it the view of many others around the world. The reason that the US and the UK are doing what they are doing in terms of overhauling their media laws is precisely the same. It is not because they want to constrict. I heard what Senator Harris said about the US in 1996: they allowed people to own more radio and television stations in a market at a time when they had a huge telecommunications bill—the first one since 1994—but they also recognised that you cannot artificially constrain without paying the consequences. As long as you protect those legitimate public interests, you are able to achieve all that the objectives of the act require.

In terms of local content, again it is critically important that we ensure that matters of local significance are available in regional areas. You do that through the point system that the ABA have already identified. They are ultimately the only ones in a position to make these judgments, because you have to strike a balance between insisting on minimum standards in the provision of news, current affairs and local information in prime time and not making it so onerous that players vacate the market. Clearly, that is not a task for government or for those who might be debating a bill. It is the responsibility, cloaked in law, of a regulator to conform with those requirements. It is also necessary to have the legislation require the ABA to do that, not just as a matter of grace and favour—and hope that they will express a view...
that others will adhere to—but to actually insist upon it.

For the first time, this bill provides minimum requirements for matters of local significance and local news in regional areas that simply have not been there until now. It is building on all those existing arrangements: a market for television, a market for radio and audience reach limits, and now minimum levels of local content. At the same time, with the two out of three provision which you could extend to metropolitan areas as well, you are providing an additional safety net. The real revolution would be to simply discard cross-media and foreign ownership, and leave it to the market. We are light-years away from that. That is not what this is all about. It is quite the opposite. It is about giving exemptions in certain defined situations. By doing it that way, you are able to ensure that you get a very healthy outcome whilst protecting the legitimate concerns that have been expressed by a number of senators this evening. In view of the time, I seek leave to continue my remarks later.

Leave granted; debate adjourned.

BUSINESS

Rearrangement

Senator ALSTON (Victoria—Minister for Communications, Information Technology and the Arts) (6.35 p.m.)—I move:

That intervening business be postponed till after consideration of government business order of the day no. 8 (Transport Safety Investigation Bill 2002 and a related bill).

Question agreed to.

TRANSPORT SAFETY INVESTIGATION BILL 2002

TRANSPORT SAFETY INVESTIGATION (CONSEQUENTIAL AMENDMENTS) BILL 2002

Second Reading

Debate resumed from 15 October 2002, on motion by Senator Abetz:

That these bills be now read a second time.

Senator O’BRIEN (Tasmania) (6.36 p.m.)—Labor support the Transport Safety Investigation Bill 2002 and the Transport Safety Investigation (Consequential Amendments) Bill 2002 and we foreshadow our support for the supplementary government amendments and those to be moved by Senator Lees. The Transport Safety Investigation Bill 2002 creates a single legislative framework for the Commonwealth’s investigation of rail, shipping and aviation accidents and incidents. In doing so, the roles and responsibilities of the ATSB are clarified, along with the actual objectives and administrative arrangements for investigations and reporting arrangements. In clarifying the roles and responsibilities of the ATSB, Labor note that these are based on important principles that have bipartisan support. The principles include, firstly, independence. This is critical. The independence and professionalism of the ATSB has been and will continue to be fiercely defended from this side of the chamber.

Secondly, there is the ‘no blame’ approach to safety investigation. This principle is sometimes one that the community grapples with. When loved ones are lost, there is a natural human reaction to ensure that any individual who is responsible is identified and made to pay for their negligence or oversight. However, there are other justifications and mechanisms to hold those responsible accountable for their actions. This bill reinforces the no blame approach to investigating incidents and accidents, and there is no doubt that this principle is critical in ensuring that the reason for an accident is uncovered. The connection is that this approach encourages the necessary operational reporting required for an objective and critical study of an accident.

Thirdly, there is openness in transport investigations—that is, the widespread dissemination of the findings and the fair treatment of all those directly involved. The opposition contends that these principles combine to ensure that the ATSB and their experts can find out what happened and, most importantly, make recommendations for action that may prevent the same or similar accidents recurring in the future. These are all-important principles for Labor and have long been the principles guiding air safety accident investigations. These were com-
menced under the Bureau of Air Safety Investigation, established by Labor and later renamed the Australian Transport Safety Bureau.

This bill consolidates and sets out a framework for the use of on-board recordings in accident investigations. It is important to state the important principle that these recordings, such as cockpit voice recordings in aircraft, are only used for accident investigations and prevention, and the amendments that will be moved later with Labor’s support will put further measures in place to protect the use of these recordings. All parties and senators have been reminded of this in recent months by the AIPA and the AFAP—the Australian Federation of Air Pilots—organisations that represent pilots. The bill before us also extends the scope of the Commonwealth’s reach on rail safety investigations. I note that some of the details are still being resolved with the states and territories but the opposition was assured in a departmental briefing attended by representatives from the minister’s office that agreement would soon be forthcoming. Perhaps the minister’s representative can, today or subsequently, provide an update on this matter.

I would also like to remind senators that the genesis of the policy being enacted today was during the Labor Party’s years in government. The 1993 standing committee on transport report was entitled A national approach to rail safety regulation. The findings of this report were reflected in the 1996 intergovernmental agreement in relation to national rail safety. The groundwork was all laid out for the Howard government ministers on transport, but they did very little about it. The Howard government has an abysmal record on transport reform. We all know that there has long been a call for a national rail safety investigation body and more uniform national standards, in the same vein as the road transport reform process that also commenced under Labor in the early 1990s. At last we have a framework for that body and the opposition therefore welcomes it, although its gestation has been protracted.

Implementing the rail components of this bill when enacted will require at least three-quarters of a million dollars. As I understand it, the government has not yet appropriated those funds. Labor has previously raised issues about the adequacy of ATSB funding. If the ATSB is to do the job and retain its independence, credibility and professionalism, it must be given the resources to do so. In the past six months Australia has witnessed the horrible and tragic rail accidents at Waterfall and in South Australia. It is critical that the ATSB is resourced to respond to such accidents appropriately.

As I said at the outset, the opposition support the bill and we foreshadow our support for amendments to be moved. This bill has had a rocky passage, largely because not enough care was taken to ensure proper consultation with industry. The department assumed that the changes to aviation were insignificant and therefore did not pay adequate attention to that consultation process. Because of the lack of consultation, the specific provisions of the bill and what it did through testing were achieved through information, ideas and experience sharing. At the end of the day, the bill will get there, but this could have happened more smoothly and quickly, with more attention to process. The opposition trust that this has been a lesson well learnt and that it will not be repeated. It is a classic example of a stitch in time saving nine. Had that approach been taken earlier, this bill would have been through this process and enacted into law.

Senator LEES (South Australia) (6.43 p.m.)—When I was made aware of the Transport Safety Investigation Bill 2002 and the problems within it, it was in fact on the non-controversial list for the following Thursday. I thank those pilots—one pilot in particular—in rural South Australia who brought to my attention the issues for pilots within this legislation. I duly referred the bill, and I thank the Senate for agreeing to the usual right of any senator to refer any bill to committee. The bill was dealt with very efficiently by the Senate Rural and Regional Affairs and Transport Legislation Committee. Recommendations were also made to this bill by the Senate Standing Committee for the Scrutiny of Bills, and I particularly thank Senator Murray for his work on this
committee and on the issues pertaining just to pilots.

As has already been said, it was not so much of an issue for rail transport, for example; but for pilots there were some very specific issues. Now that we have the government amendments, which I am presuming will be accepted, and my amendments that the government has agreed to—and I thank my staff for the work that they have done on this legislation—the international pilots association believes that it is a satisfactory compromise. It is not exactly what was wanted but, at the end of the day, it is certainly a satisfactory compromise.

Pilots agreed in the early seventies to allow cockpit voice recorders on the basis that they would never be used in criminal or civil proceedings. In other words, they would be used for the purposes of air safety. They would be used, for example, to track the cause of accidents. They would be needed in the case of an emergency to find out what went wrong, perhaps mechanically with the plane, and comments made by the pilot would obviously be essential as they monitor various on-board equipment.

However, given these amendments, the pilots have agreed that we do live in different times from the days when they originally agreed to the voice recorders going in. Therefore, they have accepted the need for some extra surveillance, and that is certainly going to be the case. I particularly note the work that has been done by a number of my Senate colleagues, including Senator Allison and Senator Heffernan and, of course, the staff of the Senate Rural and Regional Affairs and Transport Legislation Committee. It is now at least six months since this bill was originally before us. As was said before by Senator O’Brien, if the pilots had had the opportunity to really see in detail what was happening, I think we probably could have gone through this a lot quicker. But, hopefully, with the government amendments and my amendments we will have a satisfactory compromise, and this legislation can take effect.

Senator Allison (Victoria) (6.46 p.m.)—I wish to indicate the Democrats’ support for this legislation. The Transport Safety Investigation Bill 2002 and the Transport Safety Investigation (Consequential Amendments) Bill 2002 will introduce a national framework for the investigation of transport safety incidents—a move that is welcomed by us. The Senate referred this bill to the Rural and Regional Affairs and Transport Legislation Committee, and a number of concerns were raised in the committee’s report. A number of amendments have since been proposed by the government and by Senator Lees, whom I thank for her efforts in relation to this bill. Some of these amendments result from concerns also raised by us during discussions with the government, and they were raised by pilots: the lack of protection afforded to cockpit voice recorders and cockpit voice recordings from admission as evidence in civil and criminal proceedings before a court.

The concern was that pilots could potentially face criminal prosecution as a result of evidence on cockpit voice recordings, and that was not in line with the original intention of cockpit voice recordings, which was a no-blame safety approach to investigations. Since criminal manslaughter proceedings were instigated against two pilots in New Zealand based on evidence from those recorders, pilots had reportedly begun disabling cockpit voice recorders, thereby compromising future safety investigations. But, under the amendments proposed by the government and negotiated with Senator Lees and us, evidence may only be admitted in very serious cases, punishable by a penalty of imprisonment of greater than two years and only where a court is satisfied that the public interest outweighs any adverse domestic and international impact that the disclosure of the information might have on future investigations. We expect these amendments will allay concerns raised by pilots in evidence presented to the committee, and will protect the integrity and reliability of cockpit voice recorders in providing evidence in no-blame investigations, thereby contributing to the future safety of the travelling public. Therefore, I indicate our support for the amendments moved by Senator Lees and the government.
Debate (on motion by Senator Boswell) adjourned.

CUSTOMS LEGISLATION AMENDMENT BILL (No. 2) 2002
Report of Legal and Constitutional Legislation Committee

Senator McGAURAN (Victoria) (6.48 p.m.)—At the request of the Chair of the Legal and Constitutional Legislation Committee, Senator Payne, I present the interim report of the committee on the Customs Legislation Amendment Bill (No. 2) 2002.

Ordered that the report be adopted.

DOCUMENTS

Department of Immigration and Multicultural and Indigenous Affairs

Senator BARTLETT (Queensland—Leader of the Australian Democrats) (6.50 p.m.)—I move:

That the Senate take note of the document.

The Department of Immigration and Multicultural and Indigenous Affairs report entitled 2002 Access and equity annual report: progress in implementing the charter of Public Service in a culturally diverse society is specifically aimed at ensuring that the culturally diverse aspect of our society and the changing nature of our society are dealt with by the Public Service in a way that maximises the performance of their role. It is the second year that all Commonwealth agencies have been asked to report against the performance management framework of the Public Service charter in a culturally diverse society. All portfolio agencies that were required to report did so.

The report indicates that the quality of responses has improved. In last year’s report a major gap in reporting was identified. The report provides analysis regarding the strategies aimed at meeting the performance indicators. This is an important area. It relates not just to reports from agencies but also to community feedback about the adequacy of access to translating and interpreting services—particularly for small and newly arrived communities—and whether or not the quality and nature of Public Service delivery is adequately meeting the needs of the very diverse and wide-ranging number of ethnic communities that make up our society. It is pleasing to note that, of the agencies that met the performance indicators, there was a large number that met them 100 per cent. At the top of the list is the Aboriginal and Torres Strait Islander Commission, along with the Department of Immigration and Multicultural and Indigenous Affairs itself. I guess it would be a major concern if that department were not adequately meeting needs.

I will not go into the full detail of the report, but the report’s broader context is particularly important to note. Still only 16 of the 32 agencies had data collection systems consistent with the standards for statistics on cultural language diversity or were taking steps to make their systems comply. So there is still only 50 per cent compliance there on something as basic as the data collection systems. A lot of departments are still falling short of the mark in various aspects of the required performance indicators.

The report contains a lot of technical language because it relates to performance indicators under the Public Service charter. In that sense, the report might seem to be a bit dry, but the basic thrust behind it needs to be recognised and the government deserves to be congratulated on producing this report. I note some of the positive actions in the immigration area, about which I have often been very critical of the government. Specific agendas like this are important.

In relation to the broader issue, I take the opportunity to say that it is more crucial than ever that all government agencies, community agencies and business organisations work as hard as they can to ensure that they are operating in a way that maximises the opportunity for connection with, and input from, all people from all sections of our community. I very firmly believe, and the Democrats strongly believe, that our cultural diversity is a massive strength for Australia. If we can maintain and build on that, we will have an enormous advantage over many other nations in the world, particularly as we get more and more globalised. It is something we must protect and foster in all areas, particularly at the basic levels of ensuring support for some of the more vulnerable members of our community. At the moment
the Muslim community in particular needs strong and open support from community leaders. We also need to ensure that we address our ignorance about the different needs of the different parts of our community. This report addresses one aspect of that and I commend it and encourage this parliament and the community to look for other ways that we can further prosper the area of diversity. (Time expired)

Question agreed to.

Australia-Japan Foundation

Senator SANDY MACDONALD (New South Wales) (6.55 p.m.)—I move:

That the Senate take note of the document.

The Australia-Japan Foundation is an Australian government statutory authority which was established in 1976 to encourage a closer relationship between the peoples of Australia and Japan. Within this context, the foundation’s current mission is to advance Japanese perceptions of contemporary Australia as a dynamic, sophisticated and internationally competitive country and an important trading partner. I think I read that about 350,000 Australian jobs depend on our trade relationship with Japan. It is a vital relationship and a very important market for us. It is probably our most important market in terms of the strategic alliances that are built on it. Along with the neighbouring countries in North Asia—Taiwan and South Korea—Japan is an exceptionally important trading partner for us.

The foundation has three outputs: it has an education output, an information output and the building of strategic alliances. In education, it provides, among other things, support for Japanese teacher training through yearly courses at Australian universities and the foundation has developed, and continues to expand, resource material available on Australia in Japanese. In information, it has developed issues forums which support the bilateral relationship through encouraging dialogue on issues of interest to both countries. It supports the Australian resource centre which responds to inquiries. It receives school visits, conducts seminars on a wide range of topical subjects and it supports academic research. It also lends books throughout Japan. In the strategic alliance area, the foundation has a range of activities which expand and reinforce Australia-Japan networks at a professional and community level.

As I mentioned, Australia and Japan enjoy an absolutely excellent relationship. Japan is of fundamental importance to Australia for political, strategic and economic reasons. There has been a dramatic growth over the decades in Australia’s and Japan’s familiarity with each other and, moreover, with particular reference to this foundation, many of Australia’s arrangements with Japan have pioneered similar linkages with other regional countries.

There have been three major phases in the development of the postwar relationship with Japan. The first was the establishment of a major trading relationship with Japan shortly after World War II when we really pioneered the rebuilding of the relationship.


Senator SANDY MACDONALD—As Senator McGauran says, that was pioneered in the 1957 Commerce Agreement by Sir John McEwen, our trade and commerce minister as he was in those days. Since then of course there has been a process of broadening the relationship, particularly at a cultural level which is very important for our two countries to understand each other. That was benchmarked in 1976 by the Nara treaty and, in 2002, by the emergence of a fully rounded and diverse partnership. I do not think anyone can disagree with that.

It is a very equal partnership and a very close relationship on a political and personal basis. There is strong cooperative advancement of various interests, including important political and security elements such as our commitment for regional security and the sharing of intelligence information. That is now very strong with Japan. Our relationship with Japan sets the pace for cooperation and integration in Asia in the Asia-Pacific region. It leads the way really. It is important that this foundation is encouraged. It is interesting to read the report and to see the good work it is doing. I commend the government
and I commend the foundation on the work it does in this relationship.

Question agreed to.

ADJOURNMENT

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

That the Senate do now adjourn.

Iraq

Senator SANTORO (Queensland) (7.00 p.m.)—At this time of trial for our country and our institutions, we are all duty bound to be tolerant of different political views, divergent social precepts and the complex cultural issues in our midst. This is a time when our mettle as Australians is being tested anew by very powerful forces. In recent times there have been a number of instances nationwide in which, in my view, we have fallen from the heights of tolerance to which we should aspire and which we have generally occupied. It would be invidious to cite particular instances in this context. To do so would be to risk reopening wounds and causing more pain. Suffice it to say that such events have been a nationwide experience; that lately, because of the crisis in the Middle East, they have become more prevalent; and that, to my great discomfort, they have been present in Queensland.

Australia is a land of immense cultural diversity. We have made it so. Immigration has been the consistent pattern and practice of Australian settlement since 1788. It is immigration that has made us what we are. Let us pause for a moment to consider exactly what it is that we are. We are a tolerant, democratic society, with our parliamentary system of government derived from Britain—appropriately with an American modification, which we see in our Constitution and in the very fact of this chamber.

I said in this place only last week that a full 23 per cent of the Australian population is overseas born—an outstanding and extraordinary statistic in a country such as this where the rule of law is universal and parliamentary representation is a ubiquitous feature of our political life. Those who assert that the government has taken the wrong track over Iraq are perfectly entitled to hold that view and argue for it strenuously. I believe they are wrong, but, in this context, that is beside the point. The point is that, in a liberal democracy, disputation is moderated by convention. It is moderated, or it should be, by a general willingness on the part of all participants to hear other views and by a willingness on all sides, even when rejecting contrary opinion, to do so with impeccable grace, good manners and a perfect appreciation of the pluralistic nature of views in a free society. I do not think that is a tall order. It is, or it should be, second nature to Australians who go to the ballot box—not to the barricades—to effect the changes they wish to see in government and policy.

We have just celebrated Harmony Day. It would be a shame if the discord we have seen within this parliamentary precinct this week—rank bad manners, quite frankly—brought about disharmony in its wake. We have an argument among ourselves as Australians about the war we are waging in Iraq. The final remedy for that political question, if a remedy turns out to be a public requirement, is at the ballot box. That is the very point the Prime Minister has made consistently and frequently with moral force and great candour: the remedy is at the ballot box. It will not be found in raised voices in the public gallery of the House of Representatives; it will not be found in the heated salvos of emailed letters, such as those I am sure all senators in this place have received; it will not be found in the heated salvos of telephone calls all of us get at our electorate offices; and it certainly will not be found in descent into ill-judged or intemperate commentary, such as that in which Senator Bartlett has recently indulged, on the vexed issue of how to treat prisoners of war.

Senator Bartlett claimed that the United States was hypocritical for complaining that the Iraqis had paraded American POWs before the television cameras when the Americans had done exactly the same thing. That is the sort of doublespeak that gets individuals who will never have the responsibility of government—because they lead parties that will never be in government—into trouble.
Perhaps Senator Bartlett believes on reflection that he said something that he should never have said. I sincerely hope that that is the case. But he said it and, if it is left unchallenged—

Senator Bartlett—I didn’t say that.

Senator SANTORO—I take the interjection from Senator Bartlett. He says that he didn’t say it. I have a transcript from ABC Radio two days ago that very strongly suggests that that is in fact what he said. If he did not say it, undoubtedly during this debate he will have the opportunity to correct the record. But, if what he said is left unchallenged, it will risk inflaming Australia’s domestic political environment purely so that the man who uttered the words in question could score a cheap political point. I am sure that Senator Bartlett does not genuinely think that there is any parallel between the sort of treatment we know the Iraqis routinely hand out to prisoners of war, or any other variety, and that which is mandated by the American armed forces. That is not to say that there will never be abuses of the rules by Americans or, for that matter, Australians. It is to say that an American or an Australian abuser is far more likely to be punished for his offences than he is to be given a medal or a promotion.

Torture or mistreatment is not state policy in a liberal democracy. That is one of the reasons it is disturbing to find in 2003 that crude stereotyping of ethnic and cultural groups is still part of the picture here in Australia among a very small minority of people. There are many Australian Muslims, people either directly from the Muslim world or descendants—in many cases, by several generations—of long ago immigrants. There are many Muslims who are new Australians. In the land of the fair go, they deserve just that: a fair go.

Liberal democracy, and specifically parliamentary democracy, is a European tradition. We are the heirs to the British branch of that tradition and our democracy directly derives from it. There is no place for stereotyping ethnicity or culture. There is absolutely no place for race based humiliation, nor can there be sanction for material that suggests, even if only subliminally, superiority on the basis of race. In the same way, there is no place in the ever broadening expanse of Australia’s democracy for people who, invariably claiming to be partisans for freedom, injure or ignore the civic system by which we as a people elect to govern ourselves.

Information Technology: Policy

Senator LUNDY (Australian Capital Territory) (7.07 p.m.)—I rise tonight to address an issue that is of considerable concern not only to many individuals in the information and communications technology industry but also to the industry itself. The ICT industry in Australia is approaching a watershed in the form of the pending report on the Framework for the Future that has been promised to be tabled, or to be made public at least, in the very near future. That will be about a year after Prime Minister Howard appointed Senator Alston to chair the Framework for the Future committee. This committee is charged with the responsibility of coming up with this government’s final opportunity to state its credentials and get the policy settings right for the information and communications technology industry in this country.

I think I am being extremely generous, from the perspective of a member of the opposition, given that during this government’s period in government there have been no fewer than seven very specific reports that have addressed aspects of the ICT industry and the potential contained within that sector. These seven reports include Spectator or player: competitiveness of Australia’s information industries by Allen Consulting in March 1997; Going for growth: business programs for investment, innovation and export, or the Mortimer report, in June 1997; Information Industries Taskforce: the global information economy: the way ahead, or the Goldsworthy report, in July 1997; IPAC: a national policy framework for structural adjustment within the new Commonwealth of information, or the Cutler report, in 1997; The IT engine room: SME’s in Australia’s IT&T Industry by the AIIA and the Department of Communications, Information Technology and the Arts in 1999; Australia’s ICT research base: driving the new economy by
the Prime Minister’s Science, Engineering and Innovation Council in 2000; and finally A chance to change: final report by the Chief Scientist, or the Batterham report, in 2000. That was a comprehensive intellectual endeavour by many individuals and organisations to try to get the message through to the coalition government for seven years—seven reports in seven years and the government still cannot get the settings right. The Framework for the Future report is out there as this spectre, this potential saviour, for the ICT industry, and the industry wants to see it. The government said they would finish that report by 2002. It is now March 2003 and we are still waiting.

Add to this environment the fact that it is the Labor states that have now picked up the mantle of providing leadership on ICT industry development, are driving forward with the policies that will stimulate competition—for example, in the telecommunications and broadband sector—and have put in place strategic initiatives and provided leadership to subsectors of ICT, from computer games to supercomputing and to biotechnology and the related informatics in Queensland. Every state has a far more well developed and articulated vision for ICT than this federal government has ever come up with, despite the seven reports in seven years.

Consider the international experience. Countries around the world put their policy settings in place five, six or seven years ago as they saw the information age bearing down upon them like a train. They knew they had to get their society and economy and policies in order to take advantage of the potential of new technologies, particularly information technology and the Internet. Time after time over the last seven years I have watched from opposition as other countries have stepped forward and come from behind Australia and moved past us so quickly that we have been left for dead. We have not even come close to realising our potential, economically or socially, in relation to the Internet and information and communications technology because of this government.

What about other factors, such as industry advocacy? I have mentioned the seven reports in seven years, but we have an industry going absolutely berserk with frustration. They know what needs to be done. I think they have been telling the government quite clearly for many years now. Perhaps if I did have to level a criticism, it is that they tried too hard to get on with this government: they were too keen to get in the door. When that did not work, they really should have been sitting on the outside, demanding that this government respond with a credible policy to what they knew and know is our potential.

Finally there is the role that we have been able to play in opposition, continually bringing the government to account over the neglect of this policy-free zone. We now have a situation where you can assume that there has been relatively little unsaid. There is very little that has not been articulated in a previous report about the elements that would constitute a very positive framework for the future, a specific plan that identified everything that needs to be identified. I must mention Labor’s role in stimulating the debate with the Knowledge Nation report, which identified the ICT sector, as one of four or five key industries, because of its enabling capacity and because of its untapped and unexplored potential in this country, as being worthy of far greater policy attention and public investment.

So that is the history of the report of the FFF, the Framework for the Future, which I think is the last chance for this government to have a plan that reflects Australia’s public interest and really takes advantage of the opportunities that technological change presents to us. Sadly, I do not know whether or not this report is going to be up to it, so I thought I would take this opportunity in the chamber tonight to go through what the terms of reference are, so we can be clear about what the expectation is. I think it was pretty smart that the industry insisted that Senator Alston be the chair of this committee, because he has to take some ownership and he has to be involved. Because I do have quite a high level of confidence in the participants, the members, of this steering committee for the Framework for the Future, I am actually hoping that they have got results.
Senator Boswell—What about Senator Alston? Do you have confidence in Senator Alston?

Senator Lundy—Senator Boswell, I do not have confidence in Senator Alston but I am being so generous in saying, ‘Here’s your opportunity, Senator Alston. Share with us your credentials to finally get over your reputation as the Luddite of global ICT ministers and politicians.’ I wanted to reflect on that, and you have now given me the opportunity. Accompanying all of this, we have had a minister who has put his head in the sand. Time after time, when an opportunity has been presented to him to support our sector and to take it forward, there has been nothing but a sneering disregard from this minister about the potential of our industry.

The one debate where this is so manifest is the debate about whether we can just get away with being a country of ICT consumers or users or whether we need to make the investment in ICT and produce the goods and look at our high-tech manufacturing sector and understand that the potential for the production of software is completely untapped from a public policy point of view. It is potentially a huge revenue earner. We have done reasonably well in the provision of services but, let’s face it, in a downturn that is the soft area of the ICT economy. That is where the jobs are disappearing now and that is why we have hundreds—thousands—of ICT professionals out of work. The government have emphasised the soft sector so when there is a downturn those jobs are the first to go. There is no ballast or robust underpinning in high-tech manufacturing or in some of the more sophisticated areas developing software to maintain those employment levels. You distracted me, Senator Boswell; I want to get back to the terms of reference.

The development of the framework will be guided by a steering committee chaired by the Minister for Communications, Information Technology and the Arts. The steering committee will assess the current state of the ICT sector in Australia in a global context and forecast the major drivers of global technological change and the underpinning success factors that will impact on the Australian ICT sector for the next decade. It will identify priority subsectors where Australia’s ICT sector can achieve or enhance world leadership and/or which will underpin ongoing innovation, identify the respective contributions that can be made by government, industry and the research community to the framework and make recommendations to both government and industry on strategies/actions to enable Australia’s ICT sector to take maximum advantage of future opportunities. It is pretty plain—industry has spelt it out and the terms of reference spell it out. Unless every single one of those questions is answered in this framework for the future report, Senator Alston will not be able to hold his head up. He will not have the respect of ICT professionals or the ICT industry in Australia ever again—and I have to say I do not think he ever has anyway.

Indigenous Affairs: Banking Services

Senator Ridgeway (New South Wales) (7.17 p.m.)—Tonight I want to discuss the importance of banking services, particularly banking services for Indigenous people in rural and remote Australia. The importance of access to financial services has previously been recognised in a 1999 House of Representatives inquiry and report which ranked access to banking services in line with clean water, health care, education and telecommunications in terms of community advancement and development. I have always taken the view that if there is recognition of the problems that exist in rural and regional Australia, part of the answer has to be investing in the ideas of the people. Most of all, there is an opportunity to recognise that you start at the bottom and work your way up and that you do not start at the middle. It seems to me that in trying to deal with the problems of inequity, effectively what needs to happen is that inequity has to be dealt with by forming partnerships with people. Most of all, you must allow people to provide the bridges to engage in mainstream society and the mainstream economy.

In the context of banking services in rural and remote Australia, particularly for Indigenous people, since 1990 over 2,000 bank branches have been closed across Australia. Of these closures, around two-thirds have
been in towns with populations of fewer than 1,000 people—something that Senator Boswell would know very well. In these towns of fewer than 1,000 people, Indigenous people comprise about 10 per cent of the population. It is predicted that the growth of the Indigenous population will see that figure rise to about one-quarter by 2016. A recent survey showed that around 79,000 Indigenous people are physically distant from banking services and that for another 56,000 Indigenous people the nearest bank is at least 80 kilometres away. Only 0.6 per cent of the non-Indigenous population live within 80 kilometres of banking services, a figure which highlights the disproportionate access to banking services faced by Indigenous people.

Obviously, when deciding to establish or maintain a business in any area we must consider whether it is financially viable, and the banking sector is no different in this respect. Yet the services that are offered by banks have added importance and a compounding effect on the individual members of rural and remote communities and other businesses in the town. Whilst many banks have provided ATM machines and giroPost facilities to compensate for the lack of face-to-face banking facilities, these measures, by and large, do not provide other services such as lending, investment and financial advice and so on. There is also a basic logistical problem associated with the lack of face-to-face banking facilities—for example, accessing small amounts from ATMs. This is a real issue for people on low incomes, which is the majority of Indigenous people in these situations.

In remote communities, most people have no option but to use community stores in order to access money or to cash cheques. The practice of being able to ‘book down’ or ‘book up’ occurs where store owners or managers agree to cash welfare cheques or utilise withdrawal mechanisms in exchange for funds being spent exclusively in the store. On the many occasions when overspending occurs, people have to leave their account details, including their PINs and future welfare payments, with the store owner to settle the debt in the future. If anything, this situation demonstrates that Indigenous people are placed in a potentially exploitative position. Monitoring of those types of activities by trade practices officials is basically non-existent, as are complaints by Indigenous community members who, quite frankly, are not aware of their rights or have no alternative but to agree to such practices.

Despite those things occurring, there are a number of initiatives which attempt to deal with this situation through the collaboration between local communities and the banking industry. In particular, there are two initiatives that I would like to highlight for their efforts to improve the services offered to Indigenous communities and to eradicate the feast and famine financial cycle that emerges from the lack of financial services. The services offered by the Tangentyere Council, in collaboration with Westpac, are a notable example of a long-term initiative which has provided banking and other services to approximately 2,000 Indigenous customers in the Alice Springs area at least for the past 15 years. This bank offers regular banking facilities similar to other banks, including a basic bank account which has no account keeping fee and no minimum balance. It provides rent and bill payment facilities at the agency, and people can also exchange cash for food vouchers for use at the local supermarket.

Another example, again in the Northern Territory, is the Traditional Credit Union. It was established in Arnhem Land in 1994 and now has 11 branches in remote communities and over 6,500 members. As with the Tangentyere project, the Traditional Credit Union offers its customers culturally appropriate face-to-face banking and financial services, financial literacy programs and products specific to Indigenous communities, such as clan accounts—something, I think, that would surprise most people to learn about. TCU also offers a food voucher system and budget accounts for both money management and savings.

Westpac has also created partnerships with Cape York and Northern Territory communities to establish three-year pilot programs to address the educational and employment
disadvantages faced by Indigenous Australians in remote communities. Westpac has been the leader by far among financial institutions with respect to Indigenous banking initiatives, and I certainly want to encourage them to extend their involvement and to encourage other banks to follow their lead in terms of what can be done if the right partnerships are formed.

The services offered by banks are essential to the survival of many rural communities. The existence of banks creates employment, helps people build wealth, enables businesses to grow and operate efficiently and encourages people to spend their money in their town rather than taking their business to another, bigger place. So initiatives like the Tangentyere bank and the Traditional Credit Union benefit all people in the communities in which they operate, not just the Indigenous people. While banking services will only be part of the answer for many communities, they can form the necessary bedrock for the growth of a community and the prosperity of its people, particularly those who are facing severe social disadvantage.

We have seen much goodwill shown towards Indigenous people in this country, yet all of the social indicators show that they continue to be the most disadvantaged people in Australia. My hope now is that banking corporations will act on their goodwill, set the examples and follow the types of practical initiatives like those of Westpac. Initiatives like those I have mentioned are in need of further support from all governments and financial institutions. Expanded partnerships and assistance could help foster the growth of these facilities, promote the use of electronic banking and other technologies and develop the type of regional transaction centres more appropriate to Indigenous communities.

In many respects, it is time for governments at all levels and financial institutions to really put their money where their mouths are and capture these opportunities which have the potential to form the building blocks for wealth creation in Indigenous communities. It goes without saying that the whole notion of looking at rural and regional renewal—and the creation of various foundations, initiatives and partnerships to try to deal with that issue—also has to acknowledge the demographics and the circumstances that exist out there in those communities, particularly the circumstances of Indigenous people. Moree is, perhaps by far, the best example of a community that has acknowledged that and has tried to include Indigenous people in the make-up of the local economy.

While access to banking services is only a part of the solution, I think that these examples demonstrate the things that can be done. When you look at some of the recent figures on social disadvantage and incarceration rates, they are high for a country that is affluent. Health statistics continue to show that Indigenous people are three times as sick as others yet they still receive one-third of the appropriate health funding. These initiatives are examples of partnerships that do work, and I commend them to the Senate.

Gaudron, Justice Mary

Senator KIRK (South Australia) (7.26 p.m.)—I rise this evening to recognise the contribution of a former justice of the High Court of Australia, Mary Gaudron, as an inspirational woman in the legal profession. I seek also to briefly put on the record the issues that have begun to be publicly debated since her resignation. Mary Gaudron’s life and achievements have certainly been an inspiration to many young women, including myself as a young undergraduate law student at the University of Adelaide. Gaudron showed that young women could not only study law but excel at it. She was the winner of the university medal for law at the University of Sydney when she graduated in 1965—the second woman ever to do it and the first person to do it whilst studying part time.

In 1968 she was admitted to the New South Wales bar and went on to become the youngest ever deputy president and judge of the Conciliation and Arbitration Commission in 1974. At the same time, she was the youngest person to ever hold federal judicial office. In 1981 she was appointed as Solicitor-General for New South
Wales, a position she held for six years. In 1987 Mary Gaudron became—the first ever female member of the High Court of Australia. Sadly, she remains the only woman to have presided in the highest court in this land.

Mary Gaudron’s achievements stretched far beyond simply being the first and the youngest to do many things. Gaudron is clearly an exceptional woman who has had an exceptional career. She used her skills to further many progressive causes; amongst them was equality under the law so that not only the exceptional could achieve their full potential. She successfully argued the equal pay case before the Conciliation and Arbitration Commission in 1973 which enshrined in law the principle of equal pay for equal work. This legal win meant that ordinary women could hope to earn the average male wage.

As a justice of the High Court, Justice Mary Gaudron’s legal legacy can be found in the court’s recognition of rights and freedoms in the Constitution, the separation of powers, equality and antidiscrimination provisions and the rights of Indigenous people. Perhaps her most controversial judicial remarks were those in her judgment in the Mabo case, where she recognised Australia’s past treatment of Aboriginal Australians as ‘shameful’.

Justice Mary Gaudron’s resignation has provided some space in the public debate to consider the process we use in Australia to appoint judges. In Australia, the Governor-General makes appointments to the High Court on the recommendation of the Attorney-General after informal consultation with senior members of the judiciary and the approval of cabinet. Members of the public have no opportunity to make recommendations to the Attorney-General as to appropriate candidates and have little knowledge of the background and experience of the judges who are appointed. The selection process demands no specific qualifications and requires no formal consideration of matters such as gender, race, class or geography. As such, the resignation of Justice Mary Gaudron sees the return of an all-male, all-white, all-east coast bench to the highest court in Australia. There has never been a judicial appointment to the High Court from my state of South Australia.

When Justice Roma Mitchell—former Governor of South Australia and the first woman appointed to the Supreme Court of any Australian state or territory—retired in 1983 there were no other women on any Supreme Court in Australia. Similarly, Justice Mary Gaudron left the High Court as the only woman ever to have served on it. Both of these exceptional women saw their successors appointed on the basis of legal merit. Merit, however, is a blurry, blanketing term. There is a lack of objective criteria as to what constitutes merit. Unqualified, it is a term that covers over the reasons someone is deemed to be meritorious and the factors that are taken into account in the determination of merit.

For too long in this country former senior barristers have been seen to be the pinnacle of legal merit in the judicial appointment process. Former members of the bar now make up the entire High Court bench. There is no reason that senior members of the bar should have a monopoly over the merit pool. Included in that pool should be senior solicitors, legal academics and government lawyers. The role a judge performs is based on an extensive knowledge of the legal system and an ability to fairly evaluate opposing arguments. A judge should possess the qualities of wisdom, compassion, creativity and integrity. Judicial office is a tall order but it is not one that is capable of being filled only by senior barristers.

The Canadian Supreme Court is often cited as a good example of a meritorious yet representative bench. It currently has three female justices, one of whom is the Chief Justice, and one academic amongst its membership. In Canada, judges are selected after consultation with a committee of seven members comprised of one representative each from the Law Society, the Bar Association, the judiciary and the Attorney-General’s office and three representatives of the Federal Minister of Justice. This system in Canada has produced a high calibre of judges, representative of gender and legal
backgrounds, and is one that allows a greater input from the community at large.

Not only has merit been used to restrict judicial appointments to senior barristers in Australia, but also it is often used to provide an explanation for appointments of people who, suspiciously, resemble their appointers. ‘Merit’ is a term that has been used very effectively to keep women out of public life and, in particular, from the ranks of the judiciary. As of May last year, when Justice Gaudron was still on the bench, only 22 per cent of federal judges were women. In my home state of South Australia, that figure is only 14 per cent.

Occasionally, exceptional women such as Mary Gaudron have been deemed to be meritorious enough to enter the highest echelons of Australian public life. Since Justice Gaudron was appointed in 1987, there have been seven opportunities to appoint another woman to the High Court. None of these opportunities have been taken, one token woman having been deemed to be sufficient. On the occasion of Justice Gaudron’s retirement, this government saw fit to appoint yet another man. Let us not pretend that legal merit is the only principle taken into account when a choice for appointment to the federal judiciary is made. Governments also take into account a person’s life experience, their likely judicial philosophy and, indeed, their political leanings. The appointee is seen as a de facto expression of a government’s preferred direction for the judiciary. This government has chosen to use the most recent appointment to the High Court of Australia as a political statement by choosing to appoint a man from the pool of the many highly talented and well-qualified senior barristers; a pool which also contained many highly talented and well-qualified women. The government has thus chosen to return the High Court to a male-only domain.

Hiding behind the idea of legal merit in order to exclude women from power is very similar to the kinds of arguments that were pitted against Mary Gaudron when she argued for and won the equal pay case of 1973. Almost 30 years later, women’s wages are, on average, still only 67 per cent of men’s, in part because ‘women are not thought to be performing work of the same or like nature’. This government has shown its adherence to this belief, effectively sending out the message that today, in 2003, there is no woman in Australia meritorious enough to be appointed to the High Court. Justice Gaudron’s record of achievement will doubtless inspire other young female lawyers to follow in her footsteps. I simply hope that the government’s judicial appointment process does not stand in their way.

Iraq

Senator BARTLETT (Queensland—Leader of the Australian Democrats) (7.36 p.m.)—I rise tonight to speak about the issue that is dominating most Australians’ thoughts at the moment, and that is the current war in Iraq, particularly in the context of the public debate within this country. It is an issue that was touched on by Senator Santoro in his remarks at the start of the adjournment debate. I will come back to some of the things he said a bit later on. Some of the points he raised are important in that we do need to ensure that as we engage in what is obviously a vital debate in the Australian community—it is an issue which people quite rightly, justifiably and appropriately feel very passionately about—we do our best to ensure that that debate is not conducted in a way that creates deep and permanent divisions and antagonisms within our community.

Last Friday was Harmony Day. Whilst some people thought it was inappropriate to talk about a harmony day the day after we had started an aggressive war, in many ways it was more important than ever. It is crucial that we do everything we can to maintain harmony within our community. It is a difficult, sometimes almost impossible, balance. The Democrats amongst many others have been consistently urging people to maintain their strong opposition to the government’s stance and to maintain their efforts to voice that opposition as strongly and as firmly as possible. But people on all sides of this debate have been continually taking the opportunity to reinforce the fact that the debate and the disagreements are about the government’s decision; they are not attacks on our troops. Similarly, it is important that we give
strong, open and vocal support and reassurance to the Muslim members of our community who have been much more clearly and openly vilified and targeted in recent years and there is the potential for that to escalate in the current climate. So it is important that we conduct that debate appropriately. That is important from all sides. It is hard not to get into strong and very vociferous attacks on people who hold the opposite view on what is in many ways a black and white issue. That is something that all of us need to try to keep in mind.

In that context, given that there have been some comments in the last day or two and some criticisms of the actions of some protesters, I would like to reaffirm the Democrats’ strong support and praise for many of the peaceful actions—in many ways positive uplifting actions—protests and events that the peace movement has organised around the country in recent times, and I encourage them to continue. Indeed, I urge the peace movement and all of us who are part of it to continue to do so. The peace movement is now more critical than ever before. That may sound strange in the sense that one could say that the proponents of peace lost the argument when the war on Iraq went ahead despite the fact that, in our view, there was still the opportunity to pursue disarmament by peaceful means. But it is more critical than ever, in the Democrats’ view, because if the debate does not continue, if the position of non-aggressive approaches to resolving international disputes and ensuring humanitarian outcomes does not prevail, then this war will simply be the first of many over the course of this century. That is something that none of us want to see, but it is a real danger and a real risk.

The protests that happened in Canberra on Sunday were very positive. Many people who participated in the massive marches a few weeks ago commented that there were not only people expressing strong opposition but that there was a real atmosphere, almost a joyous atmosphere. That might sound strange when people are protesting against something, but the people coming together in a spirit of peace and in support of peace generated a very positive atmosphere. I hope the people who were part of that went away feeling that they would continue to work and promote those issues.

In that sense I am particularly critical of the very small number of protesters who yesterday chose to aggressively and in a very non-peaceful way storm the doors of Parliament House. It was a very stupid and a very counterproductive action, and I praise the decision of the local Democrat branch not to participate in that particular part of the demonstration or action. Millions of families participated in the marches a few weeks ago and took many children along. If they see that sort of action on TV they are going to think, ‘I’m not going to any of those demonstrations again if that is what they are like.’ I would like to reassure people that it was a very small and silly action by a small number of people.

There are other things and other positive ongoing protests that people are making and they need to be encouraged, supported and praised. In addition to the very positive rally that was held outside Parliament House on Sunday there was a large simple action demonstrating support for peace with the lighting of a very large peace symbol made from thousands of candles. It was lit in the evening here on Sunday night. A lot of effort went into producing what was a very beautiful visual representation.

Another action that needs to be noted is the putting together of a petition on a website called www.notinourname.org.au. That was started on Monday last week simply by someone who felt they needed to do something. Brad Pollard, a young web designer from Sydney, established the site arising out of concern that he and a group of friends had for the situation at the time. In the space of that week nearly 50,000 Australians have registered their name on the website, simply saying that the war on Iraq without UN approval is occurring not in their name. It is a very simple statement. It is not in the form of a petition to the parliament, nonetheless I seek leave of the parliament to table simply a list of 30,000 names out of those 50,000 names and put that on the parliamentary record.

Leave granted.
Senator BARTLETT—Thank you, Mr Acting Deputy President, for your close attention to my speech. That is just another positive example. People can focus on one action and be negative about it. In my view it is appropriate to be critical of the action here yesterday, but that should not take away from the many different positive enriching actions that people are taking or positive contributions people are making to the important debate that is going on.

I would like to touch briefly on what Senator Santoro said about comments I allegedly made. I was critical of the United States administration’s complaints about the Iraqi treatment of POWs, not because I did not agree with their complaints—I think the Iraqis’ action is contemptible and clearly in breach of the Geneva convention. But I did not say that the treatment of POWs by Iraqis was exactly the same as the US treatment of POWs. What I said—and I stand by it—was that the US administration is showing double standards if it criticises Iraq for breaking the Geneva convention when it is blatantly breaching international law not just by launching this war but by its treatment of the prisoners on Guantanamo Bay. Those people were also photographed and had photographs distributed around the world at the time by the US military, though not in such a degrading way, I do hasten to add—there is a big difference in degree. The US administration is using a legal fiction to say they are not prisoners of war. These people are clearly being kept outside any legal rights, without any contact and without charge, and have been for over a year. In a whole lot of international conventions that is a breach of international law.

It is a point of principle that the Democrats make many times: you need to stick to the rule of law. Once you breach it, then it makes it far more difficult to credibly try to enforce it with everybody else. Some nations do try to uphold higher standards—and I would put, not always but historically, the US and Australia, broadly speaking, very much on the level of nations that have a better record of trying to uphold higher standards than some others—and they have that particular responsibility to live up to those higher standards rather than go down to the level of others. There is no doubt that the Iraqi regime is monstrous. But as a wise man said not too long ago, ‘You must be careful when you are dealing with monsters not to become a monster yourself.’

Indigenous Affairs: Cultural and Intellectual Property Rights

Senator CROSSIN (Northern Territory) (7.46 p.m.)—I rise to present one of three speeches outlining the situation concerning Indigenous cultural and intellectual property rights and the situation in Australia, firstly outlining tonight the issues and then moving on in future speeches to existing legislation anomalies and proposed changes, and a way forward. Tonight I will outline a path and provide a background to the issues in this complex area.

Our Indigenous culture is a much documented topic, and Indigenous culture is one of the major drawcards for people visiting Australia. Indigenous art is now well known and respected worldwide. Their music has been internationally promoted by groups such as Yothu Yindi, under the direction of Mandawuy Yunupingu. Indigenous ceremony remains an important part of Aboriginal life in the remote areas of Australia, especially in my electorate of the Northern Territory.

Aboriginal communities have for many years been visited by anthropologists, artists and others all keen to learn about, and usually publish or use information gained about, the Indigenous culture. But herein lies the root of the problem. These visitors are occasionally going away and using art or information gleaned from the people, usually without their knowledge or authorisation. This has perhaps occurred mostly in the area of Indigenous art, which has been copied or used in other ways for commercial gain. With everchanging modern technology, this could potentially happen more and more.

Most Australians would probably say that there are existing laws which cover any such unauthorised use of material, such as the Copyright Act or the Patents Act. However, Aboriginal people claim that the Western or non-Indigenous system of intellectual prop-
Property rights does not provide adequate protection of their cultural knowledge. While Aboriginal culture may be very well documented and well known, the fact is that some degree of abuse is happening—usually for commercial reasons from which the Aboriginal people get no benefit—and it would seem that there are no easy solutions as to how to offer better protection for Indigenous cultural and intellectual property.

I would like to look at some of the alternative possibilities that have also been documented—though little seems to have been implemented. Firstly, we need to examine more closely the problems that are perceived at present by Aboriginal people. ATSIC conducted a review of Aboriginal cultural and intellectual property rights some years ago and produced a terrific report under the guidance of Terry Janke, now known as Our culture, our future. Cultural and intellectual property rights were referred to in this report as Indigenous Australians’ rights to their heritage. This report consists of the intangible and tangible aspects of their cultural practices; the resources and knowledge developed and passed on by them through the generations as part of their cultural identity. While this includes many areas such as literary and performing works, I want to emphasise and specifically concentrate on their artistic works, for it has been in this area that the best known unauthorised uses of Indigenous art have occurred—for example, copying artwork onto carpets or T-shirts. These works portray parts of their cultural beliefs and knowledge which are ongoing and have special meaning for them but will also change over time.

Aboriginal art contributes substantially to the Australian economy both directly and indirectly through the sale of artwork and the attraction it has in bringing tourism into often remote parts of Australia. Precise figures are impossible to give, but a 1998 ATSIC review of their Arts Industry Program believed Aboriginal art at that time was worth about $200 million per annum in direct sales alone.

While Indigenous people clearly recognised that their artwork could be commercially valuable, they were concerned at the appropriation of their works and the unauthorised use of material without their informed consent or knowledge. Where authorisation is given, clearly compensation or royalties should be received, but at the same time Indigenous people should be able to control any such use. Indeed, even within the Aboriginal group, much of the cultural production lies not with individuals but with the group, and even the artists may have had to seek their clan’s approval before using certain concepts or designs. However, various barriers make this difficult for them. Language barriers may mean that they find it hard to understand our laws or our contracts. Remoteness is an issue. Indigenous people are often not in a position to know about unauthorised uses when they occur. A further barrier, as mentioned already, is the very fact that ownership is often by the group rather than the individual.

Indigenous people want the right to own and control their cultural and intellectual property, to ensure that protection is based on the principle of self-determination, to be recognised as the primary guardians and interpreters of their culture and to be able to apply for protection rights, including where ownership is collective and can be granted in the community name. They want the right to authorise or refuse authorisation according to customary law. They want the right to require prior informed consent for access to, or use of, Indigenous cultural and intellectual property. They want to benefit commercially from authorised use, including the right to negotiate such use.

Maintenance of the integrity of their culture is vital to Indigenous people’s identity and self-determination, and they need to be able to control any use of their culture. McMahon, in a report in the Indigenous Law Bulletin in 1997 entitled ‘Indigenous cultures, copyright and the digital age’, stated that, while there has been increasing interest in this area over the past 20 years, little has actually been done to assist Indigenous Australians through the intellectual property system, although some have been able to successfully act to protect their rights under the existing system. Bulun Bulun and Mipurrurr, in John Bulun Bulun & Anor v.
R & T Textiles Pty Ltd in 1998, and Bulurru Australia v. Oliver in 2000 are two more recent court case examples.

The World Intellectual Property Organisation has done work worldwide on Indigenous intellectual property rights. In 1998-99 it carried out fact-finding missions in nine areas of the world to explore the needs and expectations of holders of traditional knowledge. There was broad agreement in Australia that protection was needed to prevent the erosion of traditions, to prevent unauthorised exploitation, to stimulate and promote innovation and to protect the dignity and the moral rights of the traditional creators. Some traditional knowledge holders saw a need for more information on, and a greater awareness and understanding of, the nature and role of the intellectual property system both to better protect it and to make more informed decisions with realistic expectations. However, once again community ownership was recognised—often with more than one community claiming ownership. With poor documentation, ownership is hard to prove and even harder to protect.

Australian Indigenous art and artists have become internationally renowned. They create works of quality which reflect their culture and traditions. Those works contribute not only aesthetically to our society but also economically. However, it is usually for commercial reasons that such works get used by others—often without authority—such as artwork copied onto carpets or T-shirts which have not been made by Indigenous people. Indigenous people get no benefit from these copies of their original works. There are those who will argue that laws do exist which offer adequate protection to Aboriginal artists, and that is technically correct. But, as has already been mentioned, they are hard for Aboriginal people to understand, cost money and are not designed to meet the requirements of protection as seen by Aboriginal people. I believe it is time Aboriginal people were given the appropriate framework to enable them to protect their cultural works and their intellectual property.

**Tourism**

Senator WEBBER (Western Australia) (7.56 p.m.)—It is reckoned by some people in this building that the Minister for Small Business and Tourism is a man of many skills and great leadership. But at a time when tourism in this country is under threat from crisis after crisis the minister for tourism spends more time blowing his own trumpet on television than he spends working for improved tourism outcomes. Apparently he is a man who will speak on almost anything. His contribution is measured more in time and verbiage than substance. He is also a man who can see into the internal workings of the trade unions in this country and who believes his own tortured rhetoric above reality.

One of his latest forays into matters outside his portfolio was his recent attack on proposed trade union protests against the war in Iraq. He claimed at the time that, ‘in a desperate bid to shore up Simon Crean’s fragile leadership, the trade union movement has threatened to trigger mass industrial action and street protests’. He made this comment after Unions WA, the peak union body in Western Australia, announced that they had resolved that affiliated unions would take what each of them deemed to be appropriate action after the commencement of the war. So it would seem Minister Hockey pretends to understand the motivations of unions in Western Australia. According to the minister, it has nothing to do with opposition to the war and nothing to do with the union movement’s principled stand on this issue; it is all about leadership within the Australian Labor Party.

I have news for the minister: no-one in this country will accept this rhetoric as having any basis in fact. It is yet another example of the minister’s theory of politics—take any issue, regardless of the facts, and make a link to the Labor leadership. Why would he want to do that? The minister and his colleagues want a Labor leadership issue to make sure that the leadership issue in their own party stays off the front page of our newspapers. What better way to play to the minister’s conservative supporters than to bring in the traditional trade union bogeyman? It has no basis in fact; it is just the latest example of the minister for tourism taking a vacation from reality. The minister
needs to get a much firmer grip on reality than his current paranoid wish list of issues displays. The tourism industry would be better served by a minister working to remove the fanciful Ansett levy from airline tickets. That is the very same levy that has netted this federal government over $195 million, but still they have done nothing to help the tourism industry.

This minister should spend more time working with the industry to increase visitor numbers from overseas than on trips down our garden paths to find conspiracy theories that simply do not exist. Perhaps the minister should accept that some people within the union movement are opposed to any war and should not try to create motivations that do not exist. Perhaps the minister could spend more time focusing on his portfolio than his television appearances. If he did not have to come up with sensational copy all the time perhaps he could work on delivering better outcomes for tourism in this country. He is the jack-of-all-trades for this government, popping up all over the place, sprouting errant nonsense and then working up the next line. He is the supposed master of the throwaway line to a morning television audience on issues that never really matter by lunchtime because the issues of real substance replace the nonsense that he comes up with. He could be seen to be the Jerry Seinfeld of Australian politics because he always talks about nothing but maintains the pretence that what he says is really important.

He should stop wasting all our time and concentrate on the job that he has. His pathetic attempts to link potential and current industrial action over Iraq with the Labor leadership shows the shallowness that only he can plumb when he is looking for his next sound bite. The issues that he raises have the depth of a very small puddle. While he wallows around in the shallow end of the political pool, Australian tourism operators are left wondering about his level of interest in that portfolio. He is always quick with the quip but short on new policies or programs. He is full of ridicule but always seen as ridiculous to the central issues of the day. I believe that tourism deserves less one-liners and more detail. Unfortunately, with the current minister that is not likely to be the result.

Zimbabwe

Senator MOORE (Queensland) (8.02 p.m.)—I rise tonight to bring attention to the current situation in Zimbabwe. For the last two months, the mainstream media has focused more on this country, principally because of the debate over which Australian cricketers could be going there. But now that the World Cup is over—and I do take the opportunity to congratulate our successful Australian team; I happen to really enjoy cricket—the attention of the world has faded away from Zimbabwe as our leaders have chosen to concentrate on another dictator, this one in Iraq. The loss of international attention could not have come at a worse time for the citizens of Zimbabwe. There has been an escalation of political violence in the last two weeks, which have been some of the worst that Zimbabweans have faced, and this country has faced some really bad times.

The principal cause of the current crisis has been the worsening economic situation. The International Crisis Group, an organisation experienced in the worst of circumstances and not prone to hyperbole, has stated:

The economic meltdown, government-created food crisis, and deepening state-sponsored violence that have plagued Zimbabwe in the year since President Robert Mugabe’s ruling party rigged the presidential election continue to point in one ominous direction: potential state collapse.

The IMF estimates that the current inflation rate in Zimbabwe is 500 per cent. In the last four years, GDP has shrunk 25 per cent. These numbers represent a crisis that affects almost every Zimbabwean: farmers who cannot buy seed or fertiliser, workers who cannot survive on their salaries, business people who cannot run their companies without necessary materials and taxi drivers who cannot drive without petrol.

This crisis is occurring without significant action from the international community. The US, Europe and Australia have placed targeted sanctions on the chief beneficiaries, those favoured friends of Mugabe. But without greater action and pressure brought to bear on the regime, their real impact is
minimal. The South African and Nigerian governments make mixed statements, one minute calling for change in Zimbabwe and the next supporting Mugabe and attacking limited action by the West as neocolonialism. The deepening crisis has created desperation on the streets of Zimbabwe. After a year of hearing fine words and limited action, the people of Zimbabwe have realised that if change is going to happen they are going to have to make it happen themselves.

The Movement for Democratic Change, the MDC, has continually called for peace and has sought to prevent the situation descending into civil war. Yet with the special UN envoy on HIV/AIDS estimating that as many as 2,500 people are dying each week from a combination of HIV and starvation, the casualties are already a crisis. As a result, the MDC and the Zimbabwe Congress of Trade Unions called for a national stay-away or strike. This action had unprecedented success, with Harare shut down on Tuesday and Wednesday last week. The MDC has been heartened by the success, and has made the following demands of the Mugabe government: (1) the restoration of the rule of law; (2) the depoliticisation of the police force and the army; (3) the disbanding of the Zanu-PF youth militia; (4) the repeal of the brutal Public Order and Security Act, which would legalise demonstrations and political gatherings presently outlawed by the legislation; and (5) an end to political violence. If these demands are not met, the MDC plans mass marches on Mugabe’s presidential palace some time in the next two weeks.

This action and the clear resolve have not received media attention in Australia, where we rely on individual messages from people surviving in the country and local Zimbabwean coverage through the Internet. The Mugabe regime’s response to these demands has been a regime of increased terror on their own people. In recent speeches, Mugabe has called the opposition a terrorist organisation and stated that it would be crushed. He vowed that there would be greater action by the government and that the opposition would no longer be treated with what he called ‘soft gloves’. The army and government forces have been conducting a campaign of random violence against their own people, particularly in Harare, Mutare and Bulawayo. Over the last weekend, coincidentally when we were playing in the World Cup final in neighbouring South Africa, one hospital in Harare alone treated over 250 people for injuries received in political violence.

At the same time, numerous raids on MDC MPs and their families have occurred over that time, many involving brutal violence and sexual assaults, using rifles and other weapons. There are accounts of abduction of family members, many of whom are still missing. In particular, I am concerned by the increasing accounts of rape as a weapon of torture during these attacks. The Daily News and the Financial Gazette have documented the deliberate brutalisation of youth in the Border Gezi youth militias, including training—actual training!—in the use of rape as a political tool. With the level of HIV infection above an estimated one-third of the population in Zimbabwe, all these attacks are potentially fatal. Committed by youths—many as young as 14 or 15, deliberately brutalised, trained for violence and already HIV-positive, with little hope of life—the attacks are horrifying and incredibly desperate.

Amnesty International estimates that up to 500 people, including media workers and MDC members of parliament, have been arrested and detained without charge since the mass stay-away last week. Increasingly, attacks have not only been focused against MDC activists or white Zimbabweans. Instead, they seem to indicate a general paranoia of a regime trying to beat its own citizens into submission. For example, it was reported that, last Friday, ZNA soldiers in a tank launched a seemingly purposeless attack on patrons of the Portugal Restaurant in Harare. People enjoying their time were attacked by a tank. This attack was not the most violent of the last three days, yet somehow it indicates the sheer desperation of the Mugabe regime.

The Australian government and the governments of the US and Europe must not let the war in Iraq distract them from the explosive situation in Zimbabwe. The MDC has
reached a position that the suffering of their own people, the Zimbabwean people, must not be allowed to continue without action, and they have made a courageous and very dangerous decision to call for a mass march on Mugabe’s presidential palace in Harare. This action must not be underestimated. This action could in many ways be the real test for the Mugabe regime. Is the government prepared to order their own troops, the Zimbabwean National Army, to fire on its own people? Will the army respond to these commands?

Such a critical action must be monitored and the strongest international pressure must be placed on Mugabe. The people of Zimbabwe desperately need the support of their neighbours. Other Commonwealth countries, particularly South Africa and Nigeria, can no longer afford to hide their heads in their hands and pretend that everything is okay in Zimbabwe. The Nigerian president can no longer pretend that the situation has improved, that the rule of law has been restored and that the government is easing up press restrictions, as he claimed in February.

No-one more than the people of South Africa understands what it is to publicly demonstrate in the face of their own government’s attack. In the Sharpeville massacre, commemorated on 21 March, a total of 69 people were shot dead by their own government, and about 200 men, women and children were wounded. The South African President, Thabo Mbeki, should not just remember Sharpeville; he should be able to help the people of Zimbabwe more. The people of Zimbabwe need him to do more, to act to prevent such horrors in Zimbabwe. The claims for freedom and independence are similar. Where is the international support?

Peace is still possible in Zimbabwe, and the recent International Crisis Group report on 10 March 2003 spells out a set of recommendations for Western and African nations to work together to make a real solution to this crisis. Any solution must involve the African union, the European Union, the United States and the Commonwealth all working for a peaceful outcome that will prevent the current suffering and avert the imminent prospects of Zimbabwe becoming a failed state. Yet in these times of war and fear, with the international community of nations damaged by the unilateral action in Iraq, I fear that Zimbabwe is about to descend into bloodshed and state collapse—a human rights catastrophe ignored by us all. If we claim to care so deeply about human rights, surely together we cannot forget the people of Zimbabwe.

New South Wales: Election

Iraq

Senator TCHEN (Victoria) (8.12 p.m.)—I rise tonight to speak in support of Senator Forshaw’s speech last Thursday night in the adjournment debate when he lamented, mightily and feelingly, the level of hypocrisy that he says political advertisements have reached in this country, as evidenced in the recent New South Wales state election. When I said that I wished to speak in support of Senator Forshaw, of course I meant that I am in support of the spirit of his speech and not his rhetoric, because the case Senator Forshaw sought to present was clearly and demonstrably an instance of the spirit being willing but the flesh being not only weak but putrid.

Let me first recap Senator Forshaw’s words for the Senate, particularly where he started and where he ended. Senator Forshaw started with trite and entirely predictable sycophancy about the benevolence of the Carr Labor government that has so skilfully mishandled New South Wales for the last eight years. It was not much of an effort—not a patch on the product of the Carr government’s $12 million election advertising campaign—but it was free, so I do not think we need to quibble. The Carr government did win the election held last Saturday in what Premier Carr humbly—that is his word, not mine—described as a ‘historic victory’ of a third four-year term, thereby, like former Prime Minister Keating before him, proving that even the great Abraham Lincoln could be wrong when he said, ‘You cannot fool all the people all the time.’ I suppose Senator Forshaw should be congratulated for calling the cards correctly this time—but not too correctly since Senator Forshaw’s laudatory target, the seat of Clarence, was one of the
two seats that Labor lost. I shall come back to Clarence later.

For the ending of his speech, having run out of good things to say about the Carr government or the hapless Labor candidate for Clarence in less than six minutes, Senator Forshaw set his sights on Senator Vanstone, the outstandingly capable Minister for Family and Community Services and Minister Assisting the Prime Minister for the Status of Women, to whom Senator Mason addressed a question without notice at question time earlier that day about the plight of women in Saddam Hussein’s Iraq. Ignoring entirely the minister’s account of the hair-raising repression that these poor souls had suffered, Senator Forshaw had the temerity to accuse the minister, of all things, of never before having spoken on these issues in 12 years.

I am sure Senator Forshaw is an honourable man, therefore I would assume that he did not witness his colleagues’ reaction to the minister’s response to Senator Mason’s question, since he had his back to them. I would assume that he did not see them rolling in their seats with laughter. I would even assume that he did not notice from the minister’s comments that she was speaking on information that had recently come to light. But it would not be reasonable for me to assume that Senator Forshaw did not know that ministers do not usually come into this chamber to sound off about some dreadful inequities that exist in another society when it might still be possible to alleviate such excesses by peaceful means. It would not be reasonable for anyone to assume that Senator Forshaw is lacking in such simple intelligence. But Senator Forshaw was indeed correct. Hypocrisy has indeed reached new heights, and Senator Forshaw has played his part in it.

To return to the subject of Clarence, apparently what brought Senator Forshaw to the floor of this chamber last Thursday night was an advertisement that the National Party candidate Steve Cansdell—now happily the new member for Clarence in the New South Wales parliament, from where I have no doubt the electors of Clarence will find him providing them with outstanding service from now on—had placed in the local paper alerting the people of Clarence to the implications of Labor’s alliance with the Greens. The advertisement said:

Drugs: a vote for Labor is a vote for drugs. Don’t destroy your children’s lives. The Greens want to legalise Marijuana, Ecstasy, Heroin, Amphetamines, Crack and Labor has done a deal with the Greens on drugs.

Senator Forshaw described this ad as beneath contempt. I am not sure why. Not being privy to the deal struck between Labor and the Greens, I can only go by media reports, which told me that such a deal had been struck. I assume that Mr Cansdell had no better access to Labor deals than I had, and his ad represented the best of his knowledge—hardly the disgrace that Senator Forshaw characterised it as.

If Senator Forshaw wants to know about political advertisements that represent such hypocrisy and that should cause him apoplexy were he of a mind to maintain his high political morality, I have one for him right here. I have here a copy of a political advertisement that appeared in all the major Chinese language newspapers in New South Wales on Thursday, 20 March 2003, and I am told it also appeared on the following Friday. It carried the ALP logo and at the bottom appeared the words, ‘authorised by Mark Habib, Australian Labor Party New South Wales branch, 377 Sussex Street, Sydney 2000’. The message of the ads was in Chinese. I would table this document but it would cause considerable problems for Hansard, so I refrain. However, if my Labor colleagues so desire, I am happy to table it.

The ad asked for support from the Chinese community and instructed voters to mark their upper house ballot paper ‘1’ in group I. There is nothing wrong with that, except that the Australian Labor Party was group F on the ballot paper. Group I was a political party called the Unity Party, with which the Labor Party had also made a deal. Let me digress a little to acquaint the Senate with the nature of this Unity Party, which is hardly known outside of Sydney. The Unity Party has the dubious distinction of being, together with the One Nation party, the only political party in Australia with an avowed aim of racial division. Both One Nation and the Unity
Party mistakenly regard multiculturalism as the outcome, rather than the process, of building Australia’s future. Whereas One Nation opposes multiculturalism because it fears such an outcome, Unity seeks to promote it because it believes that it is the easy path to political power. I do not think I need to explain to the Senate what this kind of deviousness poses to the harmonious and productively diverse society we all aspire Australia to be. I do not think I need to labour the point.

What was the deal the Labor Party had made with the Unity Party that would lead to an ad like this? What did Labor hope to gain from it? What was the quid pro quo? In the lower half of the ad there is a statement—again in Chinese—asking Chinese voters, presumably those who would have supported Unity on ethnic lines, to vote Labor ‘1’ in 10 marginal seats in metropolitan Sydney. These were: Ryde, Strathfield, Auburn, Kogarah, Rockdale, Drummoyne, Parramatta, Georges River, Hornsby and Port Jackson. These were marginal electorates with substantial ethnic Chinese communities. So what we have here is a conspiracy between the Labor Party and the Unity Party not simply to exchange preferences, but to run tickets under each other’s guises in the New South Wales election. I am not sure what this means under the New South Wales electoral legislation—whether it is legal or not—but I would recommend it to Senator Forshaw as truly an example of high political hypocrisy. In case Senator Forshaw might think I have merely come across a case of misunderstanding during the hurly burly of electioneering, I also have here a copy of a press report—in Chinese—of the same date and in the same paper, giving an account and quoting representatives of the Labor Party and the Unity Party on how this deal came to be made. Again, I am happy to table it if my colleagues so desire.

Let me finish with the another instance of Labor political hypocrisy. Yesterday, Senator Conroy, in his adjournment speech, called for urgent attention to be paid to the implications of the recent High Court decision in the Boral case. (Extension of time granted) This was indeed a worthwhile call into a matter that I am sure the government is already attending to as it is a fundamental issue in fair competitive marketing. But it became nothing more than a blatant exercise in hypocrisy when Senator Conroy had the hide to claim that Labor was looking out for small business. Labor looking out for small business? What about passing the fair dismissal bill that has been in the Senate so many times? Nothing hinders small business more than the threat of the long and laborious inability to get rid of incompetent staff. If Labor really cares for small business, what about giving them an even break? Pass the fair dismissal bill and give Australian small business a chance to compete.

Fuel: Ethanol

Senator O’BRIEN (Tasmania) (8.22 p.m.)—I rise to address this government’s contempt for the Senate, for open government and for good public policy. In saying that, I could highlight a few dozen examples, but I will limit myself to one tonight—ethanol policy. On 16 October last year, 161 days ago, the Senate ordered the production of documents relating to the government’s introduction of an ethanol production subsidy and accompanying excise arrangements. The Senate ordered the production of these documents no later than Monday, 21 October 2002. On 21 October, Senator Ian Campbell told the Senate:

I can indicate that the government intends to comply with the order as soon as possible and fully expects to be in a position to do so shortly.

Interrupting my subsequent attempt to note the government’s failure to comply with the order, Senator Ian Campbell said:

The government is doing the right thing by complying in a timely manner ...

In my view, the Senate ought to be able to rely on undertakings given to it by the Manager of Government Business. I trust that Senator Ian Campbell did not intend to mislead the Senate, but the additional broken assurances and extended delay have given me cause to wonder.

The broken assurances are as follows. On 12 December 2002, Senator Ian Campbell told the Senate:
The government—in fact, it was me—made an interim response to the order on 21 October indicating that, owing to the number of agencies involved in the coordination of the request, it was not possible to comply by the due date. At that time I indicated that we expected to be in a position to respond shortly.

He went on to say:

I have spoken to the minister tonight about it, and I have actually also spoken to Senator Kerry O’Brian and have given him an undertaking on behalf of the Minister for Industries, Tourism and Resources, Mr Macfarlane, who is actually the coordinating minister.

The commitment he gave me was the commitment he then gave the Senate. He said:

The minister is happy for me to commit to tabling those documents out of session by next Tuesday. I am confident, dare I say—the Hansard might be quoted back to me next year!—that we will achieve that, and I have said that to Senator O’Brien privately and now on the record.

I took Senator Ian Campbell at his word and expected I could rely upon it. I am disappointed to say the documents were not provided by the following Tuesday—that is, 17 December 2002.

On 5 February 2003, the second day of sitting this year, Senator Ian Campbell offered a weak excuse to the Senate for the failure to comply with the order. He said:

Over the summer recess, the documents have been thoroughly gone through in regard to the normal protocols that apply to tabled documents responding to a Senate return to order. The government has been unable to stand by the commitment that I made on behalf of it back in mid-December. The government is seeking to conclude its consideration of these documents and its compliance—albeit very late—to the order of the Senate. My latest advice is that the government will respond as soon as possible.

What we got was the third commitment from Senator Ian Campbell in five months, but still no documents. We were told the documents had been ‘thoroughly gone through’, and the government would respond ‘as soon as possible’, but that commitment was as empty as the two that preceded it. On 4 March 2003 the Senate noted the failure of the government to comply with the order. The Senate also noted Senator Ian Campbell’s broken commitments delivered on 21 October 2002, 12 December 2002 and 5 February 2003. The government has not complied with the Senate order and has offered no further explanation for its failure to honour the commitments delivered by Senator Ian Campbell.

I do not wish to be too unkind to Senator Ian Campbell. As Manager of Government Business in the Senate, he must rely on the support of his government colleagues to do his job honourably. Many of the commitments he gives to the Senate are given on behalf of ministers in this and the other place. When they tell him they will do something, he is entitled to expect that they will do it. I cannot believe that Senator Ian Campbell would come into this place three times and give commitments he had no intention of honouring. He has apparently relied on undertakings from the Minister for Industry, Tourism and Resources, Mr Ian Macfarlane, but the minister has hung him out to dry—not once, not twice, but on three separate occasions.

The Senate is entitled to speculate about the reasons for the government’s delay in complying with an order agreed by the Senate 161 days ago. One of the documents sought in the order is one the Minister for Agriculture, Fisheries and Forestry, Mr Warren Truss, relied on in the other place on 25 September last year. The minister used this document to refute the allegation that he told the Australian Petroleum Institute on 21 August 2002 that the government’s policy on ethanol is determined by the interests of the Manildra company, run by the Prime Minister’s mate Mr Dick Honan. He said the notes of the 21 August meeting, recorded by a member of his staff in shorthand and consisting of ‘considerable detail’, support his claim that Manildra’s interests have not captured the government’s policy.

It is remarkable that the minister’s own record cannot be produced, presumably because it is beyond the wit of the government to ask the minister where he put it. This is just one of the documents sought, and it is a document that could and should have been produced on 21 October 2002, as required by the terms of the Senate order. The document would obviously assist the parliament to test
the veracity of Mr Truss’ claims. It is telling that the government has refused to produce it.

There is little doubt about the reason why the government has failed to comply with the Senate order, and it has nothing to do with the number of documents sought or the complexity of coordinating documents across departments. The work of government is complex, the work of the parliament is complex, but I am afraid complexity is not a shield behind which the government is entitled to seek protection. The Howard government is clearly worried about the documents and what they might reveal about the government’s dealings on ethanol.

Memorandum JH02/0315, considered by cabinet on 10 September 2002 and containing coordination comments on the sugar assistance package, reveals the strong interdepartmental opposition to the government’s ethanol policy. In the memorandum, Treasury said it ‘considers the current tax structure of the alternative fuels industry to be unsustainable from both a revenue and efficiency perspective’. This central department said, ‘Ethanol should be subject to full excise based on its energy content,’ and it described the production subsidy as ‘tantamount to industry protection for the ethanol industry’.

Finance and Administration considered assistance to the ethanol industry to be ‘premature’ and said, ‘Issues relating to ethanol should be brought forward following the implementation of the Energy Grants (Credits) Scheme’—still coming, I believe. The Department of Industry, Tourism and Resources said that any financial support should be delivered via a mechanism developed for ‘application across all transport fuels’. The government, of course, ignored this interdepartmental advice. In so doing it failed to develop good public policy and delivered, by design, a massive handout to Australia’s major ethanol producer. The government has also contributed to a collapse in confidence in ethanol as a fuel blend. That is quite an achievement.

The documents sought in the Senate order will reveal much detail about the government’s consideration of ethanol policy. Because the government has sought to hide these documents, I have lodged a request under the Freedom of Information Act but I am presently contending with obstruction from a number of departments. I am sure the Senate will not desist from its demand that the government produce the documents subject to its order. I assure the Senate I will not resile from my commitment to reveal the basis of the government’s flawed decision making on ethanol. The longer the government delays the production of these documents, the more damage it does to its rapidly diminishing credibility.

**Senate adjourned at 8.33 p.m.**

**DOCUMENTS**

**Tabling**

The following government documents were tabled:

- Department of Immigration and Multicultural and Indigenous Affairs—Access and equity report for 2002.

**Tabling**

The following documents were tabled by the Clerk:

- Civil Aviation Act—Civil Aviation Regulations—Civil Aviation Amendment Order (No. 3) 2003.
- Product Ruling PR 2003/1.
- Taxation Determination TD 2003/3.

**Indexed Lists of Files**

The following documents were tabled pursuant to the order of the Senate of 30 May 1996, as amended on 3 December 1998:

Indexed lists of departmental and agency files for the period 1 July to 31 December 2002—Statements of compliance—Commonwealth Ombudsman.
- Employment and Workplace Relations portfolio agencies—Australian Industrial Registry [nil return].
Defence Force Remuneration Tribunal.
Department of Employment and Workplace Relations.
Equal Opportunity for Women in the Workplace Agency [nil return].
Office of the Employment Advocate.
Remuneration Tribunal.
Immigration and Multicultural and Indigenous Affairs portfolio agencies—
Australian Institute of Aboriginal and Torres Strait Islander Studies.
Department of Immigration and Multicultural and Indigenous Affairs.
Indigenous Land Corporation.
Torres Strait Regional Authority.

**Departmental and Agency Contracts**
The following documents were 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—2003 autumn sittings—
Attorney-General’s portfolio agencies—
Administrative Appeals Tribunal.
Attorney-General’s Department.
Australian Crime Commission.
Australian Customs Service.
Australian Federal Police.
Australian Transaction Reports and Analysis Centre.
CrimTrac.
Family Court of Australia.
Federal Court of Australia.
Federal Magistrates Service.
Insolvency and Trustee Service.
National Native Title Tribunal.
Office of Film Literature Classification.
Office of Parliamentary Counsel.
Office of the Director of Public Prosecutions.
Office of the Federal Privacy Commissioner.
Foreign Affairs and Trade portfolio agencies—
Australian Centre for International Agricultural Research.
AusAID.
Australia-Japan Foundation.
Department of Foreign Affairs and Trade.
QUESTIONS ON NOTICE

The following answers to questions were circulated:

**Gippsland Electorate: Programs and Grants**
(Question Nos 1098 and 1118)

Senator O’Brien asked the Minister representing the Minister for Immigration and Multicultural and Indigenous Affairs, and the Minister representing the Minister for Citizenship and Multicultural Affairs, upon notice, on 17 January 2003:

(1) What programs and/or grants administered by the department provide assistance to the people living in the federal electorate of Gippsland.

(2) When did the delivery of these programs and/or grants commence.

(3) What funding was provided through these programs and/or grants for the people of Gippsland in each of the following financial years: (a) 1999-2000; (b) 2000-01; and (c) 2001-02.

(4) What funding has been appropriated for these programs and/or grants in the 2002-03 financial year.

(5) What funding has been appropriated and/or approved under these programs and/or grants to assist organisations and individuals in the electorate of Gippsland in the 2002-03 financial year.

Senator Ellison—The Minister for Citizenship and Multicultural Affairs has provided the following answer to the honourable senator’s question:

(1) The programs and/or grants administered by the Department providing assistance to people living in the federal electorate of Gippsland are:

i. the Adult Migrant English Program (AMEP)

ii. the Community Settlement Services Scheme (CSSS);

iii. the Living in Harmony (LIH) Initiative; and

iv. the Migrant Resource Centre (MRC) and Migrant Service Agency (MSA) core funding.

• The Immigration Advice and Application Assistance Scheme (IAAAS) and the Asylum Seekers Assistance (ASA) scheme, while not targeted specifically to residents of Gippsland, can be accessed by any eligible asylum seekers and others seeking immigration advice who might reside in that electorate.

(2) The details of program and/or grant commencement dates are as follows:

• The AMEP program commenced in 1948.

• The CSSS program replaced the Grant in Aid Scheme and Migrant Access Projects Scheme and commenced in 1997.


• The LIH initiative commenced in 1998.

• The MRC/MSA core funding program began in 1978 and funding has been provided to the Gippsland Migrant Resource Centre since its establishment in 1984.

(3) The level of funding provided through AMEP, CSSS, LIH and MRC/MSA programs and/or grants for each financial year in the electorate of Gippsland is:

<table>
<thead>
<tr>
<th>Financial Year</th>
<th>Funding Amount</th>
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<tbody>
<tr>
<td>1999-2000</td>
<td>$178,457</td>
</tr>
<tr>
<td>2000-2001</td>
<td>$219,255</td>
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<tr>
<td>2001-2002</td>
<td>$212,056</td>
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</tbody>
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• In addition, CSSS funding is provided to three organisations in Victoria to provide, among other things, outreach services to the Gippsland electorate. However, because the grants relate to a range of activities, details of the funding amounts have not been included in the above table.

• As IAAAS community services are delivered by contracted service providers at a State/Territory level, and the ASA scheme is delivered by the Australian Red Cross on a national basis, funding for these programs cannot be broken down by electorate.
The total funding appropriated for the AMEP, CSSS, LIH and MRC/MSA programs in the 2002-2003 financial year is $134.812m. This figure comprises $104.522m for AMEP, $26.79m for CSSS/MRC/MSA, $3.5m for LIH Initiative funding (of which $1.5m is available for community grants). The national allocation for IAAAS is $864,000 and $12.406m for ASA.

The funding approved for the AMEP, CSSS, LIH and MRC/MSA programs in the 2002-2003 financial year to assist organisations and individuals in the electorate of Gippsland is $214,090 (CSSS outreach services not included). The total IAAAS funding allocated for Victoria for 2002-2003 is $231,000.

Iraq

Senator Allison asked the Minister for Defence, upon notice, on 7 February 2003:

(1) Can the Government confirm the following reports: (a) that President Bush has been quoted as saying the United States (US) Administration will use nuclear weapons ‘if necessary’; (b) that on 28 January American Nuclear weapons analyst, William Arkin, Senior Fellow at the Centre for Strategic Education at the Johns Hopkins University, was reported as saying the US Strategic Command is compiling potential target lists with planning focussed on roles for nuclear weapons on underground facilities and to stop chemical or biological attack; and (c) that when asked about the report, White House spokesperson, Ari Fleischer said that all military options are available.

(2) Can details be provided on what advice the Government has been given by the US Administration about such proposals to use nuclear weapons in any attack on Iraq.

(3) Given that the US STRATCOM review says, ‘nuclear weapons could be employed against targets able to withstand non-nuclear attack’: (a) what advice has the Government been given by the US Administration about the proposed use of these so-called ‘bunker busters’; and (b) can details be provided.

(4) Which, if any, of the following circumstances would cause Australia to decline to send or withdraw troops from combat in Iraq: (a) use by the US Administration of depleted uranium in warheads; (b) use of nuclear ‘bunker busters’; (c) use of other nuclear weapons; and (d) use of nuclear weapons in retaliation against Iraqi use of chemical or biological weapons.

(5) If no decision has yet been made on the above, when, and by what process, will a decision be made.

(6) (a) What advice has the Government received from the US Administration about a reported increase in US nuclear capability; if no advice has been received, what analysis has the Government done of this increase in nuclear capability.

(7) Given that the US Administration announced in January 2003 that it intended to shatter Iraq ‘physically, emotionally and psychologically’ using 800 cruise missiles in 2 days – twice the number launched during the 40 days of the Gulf War in 1991: (a) has the US Administration advised the Government if these missiles will carry depleted uranium; if so, what would be the total quantity of depleted uranium so used; (b) has the US Administration advised the Government which cities would be targeted by these 800 cruise missiles; and (c) what civilian casualties could be expected in each city.

(8) With reference to the Prime Minister’s statement on 30 January that ‘Australia doesn’t have chemical or biological or nuclear weapons and we don’t want them. We don’t have them, and we don’t think countries, other than those authorised by international agreement should have them’: what concerns has the Government expressed about the spread of nuclear weapons to Israel.

(9) What steps does the Australian Government propose to take to disarm Israel of nuclear weapons.

(10) What analysis has the Government prepared of the implications for world peace of the preemptive use of nuclear weapons in an attack on Iraq.

(11) What analysis the Government has prepared of the implications for world peace and progress on international treaties such as the Nuclear Non-Proliferation Treaty of the US move to group nuclear weapons with conventional weaponry.

Senator Hill—The answer to the honourable senator’s question is as follows:

(1) (a) (b) and (c) President Bush’s statements are a matter for the United States (US) Government, but it should be noted that it has been the practice for successive US Administrations to reserve
the right to respond with overwhelming force in the event of an attack employing weapons of mass destruction on US interests.

(2) The Government has been participating in US contingency planning for some time and is not aware of any indications that the US is considering the use of nuclear weapons in any military operations in Iraq. US Defense Secretary Rumsfeld told the Senate Armed Services Committee on 13 February that the US had every confidence that in the event that force was to be used in Iraq that the US could do what needed to be done using conventional capabilities. Deputy Defense Secretary Wolfowitz, has also said publicly that, in relation to Iraq, the US has every capability it requires with its conventional forces, and sees no need to consider using nuclear weapons.

(3) Refer to part (2).

(4) Before agreeing to any military deployment the Government carefully considers the range of potential risks and threats in the Area of Operations and ensures that all personnel deploying are properly trained and equipped for this environment.


(6) Following the completion of the last US Nuclear Posture Review in December 2001, US Secretary of State Colin Powell stated that the US Administration was not developing new nuclear weapons or planning to undertake any nuclear testing. Furthermore, the US and Russia have agreed, under the May 2002 Moscow Treaty, to reduce their deployed strategic nuclear warheads by about two-thirds by 2012.

(7) It is not appropriate for the Government to comment on US military planning.

(8) Australia has consistently called on all states still outside the Nuclear Non-Proliferation Treaty (NPT), including Israel, to join the Treaty as non-nuclear weapon states. Australia is active in efforts to strengthen and expand application of nuclear safeguards measures – in the Middle East and elsewhere. Australia joined the 2000 NPT Review Conference’s reaffirmation of the importance of Israel’s accession to the NPT and the placement of all its nuclear facilities under comprehensive IAEA safeguards.

Australia fully supports the establishment of an effectively verifiable Middle East zone free of nuclear and all other weapons of mass destruction and their means of delivery. Australia joined the 2000 NPT Review Conference consensus urging the early establishment of such a zone. Likewise, Australia consistently supports the United Nations General Assembly resolution calling for the establishment of a nuclear weapon-free zone in the Middle East.

(9) Refer to part (8).

(10) Refer to part (8).

(11) According to unclassified testimony released as an accompaniment to the classified December 2001 Nuclear Posture Review, the addition of specific non-nuclear strike forces to the US strategic posture means that the US will be less dependent than it has been in the past on nuclear forces to provide its offensive deterrent capability.

Trade: Export Finance Insurance Corporation

(Question No. 1169)

Senator Brown asked the Minister representing the Minister for Trade, upon notice, on 17 February 2003:

(1) What is the current Export Finance Insurance Corporation (EFIC) exposure in Papua New Guinea (PNG).

(2) To what specific facilities does this correspond, including: status, company name, date of facility, type of facility and name of project.

(3) What has been the total exposure of EFIC in PNG to date.

(4) Given that, although there are details of facilities available in the annual reports, there appear to be contradictions in relation to the reporting of EFIC facilities in PNG: can a listing be provided of all short-, medium- and long-term facilities signed for PNG on both the commercial and national interest account, including, status, company name, date of facility, type of facility and name of project.
(5) (a) Has EFIC ever been involved in the use of sovereign guarantees in PNG; and (b) to what specific facilities does this correspond, including: status, company name, date of facility, type of facility and name of project.

(6) (a) Has any debt been generated through the use of sovereign guarantees in PNG; and (b) to what specific facilities does this correspond, including: status, company name, date of facility, type of facility and name of project.

Senator Hill—The Minister for Trade has provided the following answer to the honourable senator’s question:

(1) Short-term credit insurance:
Under short-term credit insurance policies an exporter asks EFIC to cover a named overseas buyer. If EFIC agrees to provide cover for a buyer, a credit limit is issued setting out the maximum liability EFIC agrees to take on the buyer. When the exporter sells to the overseas buyer under the policy, EFIC insures the exporter against the possibility of non-payment by that buyer.
As at 31 January 2003 EFIC was supporting 100 exporters selling to 180 PNG buyers. The total value of credit limits issued was approximately A$33 million. EFIC’s actual exposure at that time (that is, the value of goods shipped and services supplied, insured, but not yet paid for) would be significantly less than this amount.

Medium-long term facilities:
As at 31 January 2003, A$30.3 million.

(2) Refer comments at (1) above regarding short-term credit insurance facilities. Details of individual contracts of insurance are commercial-in-confidence.

Details of each of the five medium to long term facilities under which EFIC has a current exposure have been published in EFIC’s Annual Reports. The facilities relate to the telecommunications and agricultural sectors.

(3) In relation to short term credit insurance, refer (1) above. In relation to medium to long term facilities, refer to EFIC’s Annual Reports.

(4) Refer comments at (1) and (2) above.

(5) EFIC has taken guarantees from the Independent State of Papua New Guinea in relation to 3 facilities. There is a sovereign guarantee in place in relation to one current facility (details of which are included in the 1995 EFIC Annual Report).

(6) (a) No PNG sovereign guarantee has been called upon by EFIC, therefore no debt has arisen from a PNG sovereign guarantee. (b) Not applicable.

Dairy Structural Adjustment Program
(Question No. 1199)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 25 February 2003:

Does the department hold an original copy of the Dairy Structural Adjustment Program application pack, including an application book and guide incorporating an application form; if so, can a copy be provided; if not, why not.

Senator Ian Macdonald—The Minister for Transport and Regional Services has provided the following answer to the honourable senator’s question:

(1) No
(2) N/A
(3) The Dairy Structural Adjustment Programme is not administered by the Department of Transport and Regional Services.

Indian Ocean Territories Health Service
(Question No. 1248)

Senator Crossin asked the Minister for Health and Ageing, upon notice, on 5 March 2003:
The following question which was subsequently transferred to the Minister representing the Minister for Regional Services, Territories and Local Government:
With reference to a review, commissioned by the Commonwealth Government, which late in 2002 recom-
mended that the Indian Ocean Territories Health Service (IOTHS) be privatised:

1. Has this report been analysed or considered by the Commonwealth government; if so, have any 
   recommendations been made.

2. (a) Did the report include a full cost-benefit analysis of the proposed privatisation; and (b) what 
   were these costings.

3. What consultations had been undertaken with the residents of the islands who would be affected.

4. Did the report include any consideration of the cross-cultural needs of the islands health services.

5. Has any analysis been undertaken of the viability of a (private) health service in an area with a 
   population below 2,000 providing a wide range of services, as does the IOTHS.

6. What level of subsidy would the Commonwealth commit to ensure that the same levels of services 
   are maintained as under the IOTHS, or would the Commonwealth allow a reduction of services to 
   some minimal base level.

7. How would private practice fees be determined and would they be capped to the same level as 
   isolated areas on mainland Australia.

Senator Ian Macdonald—The Minister for Regional Services, Territories and Local Gov-
ernment has provided the following answer to the honourable senator’s question:

1. This review is one of a number that have been undertaken in regard to the provision of health 
   services to the Indian Ocean Territories over recent years. In this regard, the information contained 
   in the report provides the perspective of one health service provider and contributes to a broader 
   analysis of the most appropriate future arrangements for the delivery of health services to the In-
   dian Ocean Territories. To take this process forward the Department has recently appointed a new 
   General Manager to the Indian Ocean Territories Health Service. A key objective of this position 
   is to reconfigure current services with a view to moving to an integrated model of delivery suited 
   to the context and needs of Christmas Island and the Cocos (Keeling) Islands.

2. (a) and (b) No, the report did not provide a cost-benefit analysis of the proposed privatisation.

3. The report does not make reference to any community consultation undertaken during its prepara-
tion.

4. The report notes the diversity of cultures that make up the communities of Christmas Island and 
   the Cocos (Keeling) Islands but does not provide any analysis of the implications of cultural di-
   versity for health service delivery.

5. Issues of viability and sustainability of the health service will be integral to the analysis of the 
   most appropriate model of health service delivery.

6. The decision on the most appropriate model of service provision will provide the basis for deter-
   mining the level of Commonwealth financial support for the Indian Ocean Territories Health 
   Service.

7. Any decision on a fee structure for the services provided by the Indian Ocean Territories Health 
   Service will be made in the context of the model of delivery that is adopted.

Defence: Anthrax Vaccination
(Question No. 1249)

Senator Lees asked the Minister for Defence, upon notice, on 5 March 2003:

1. Have all Defence personnel aboard HMAS Kanimbla now been vaccinated against anthrax.

2. From which country has the vaccine been sourced (America or Britain).

3. What is the time period for effectiveness of this vaccine.

Senator Hill—The answer to the honourable senator’s questions are as follows:

1. As stated previously, a final report on the anthrax vaccination program will be provided once the 
   initial six week vaccination regime is complete.

2. The vaccine utilised for personnel in HMAS Kanimbla was sourced from the United Kingdom 
   (UK). No Australian companies produce Anthrax vaccine.
(3) The UK vaccine schedule requires injections at 0, 3 and 6 weeks and a fourth injection at 6 months. To maintain the level of antibodies required to provide an adequate level of protection, an annual booster is administered. Independent medical advice confirms that vaccination provides effective protection against Anthrax used as a biological weapon. The immune response in individuals varies, but good protection against Anthrax is normally provided following the third injection.