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JOINT STANDING COMMITTEE ON TREATIES

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JOINT STANDING COMMITTEE ON

TREATIES

Monday, 5 September 2005

Members: Dr Southcott *(Chair)*, Mr Wilkie *(Deputy Chair)*, Senators Bartlett, Mason, Santoro, Sterle, Trood and Wortley, and Mr Adams, Mr Johnson, Mr Keenan, Mrs May, Ms Panopoulos, Mr Ripoll and Mr Bruce Scott

Members in attendance: Senators Mason, Santoro, Sterle, Trood and Wortley and Mr Adams, Mr Johnson, Mr Keenan, Mrs May, Ms Panopoulos, Mr Ripoll, Dr Southcott and Mr Wilkie

Terms of reference for the inquiry:

To inquire into and report on:

Treaties tabled on 9 August 2005: Supplementary Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Commonwealth of Australia concerning the Anglo-Australian Optical Telescope, at Siding Spring, New South Wales, Australia

WITNESSES

Committee met at 10.06 am

CHAIR (Dr Southcott)—I declare open this meeting of the Joint Standing Committee on Treaties. As part of the committee's ongoing review of Australia's international treaty obligations, the committee will today review one of the treaties tabled in parliament on 9 August 2005.

ARTHUR, Dr Evan, Group Manager, Innovation and Research Systems Group, Department of Education, Science and Training

DOWNING, Ms Susan Elizabeth, Acting Principal Legal Officer, Office of International Law, Attorney-General's Department

THWAITES, Mr Michael Jonathan, Executive Director, Treaties Secretariat, Legal Branch/ILD, Department of Foreign Affairs and Trade

CHAIR—I welcome witnesses from various departments who are joining us for discussion on the treaty relating to the Anglo-Australian optical telescope situated at Siding Spring in New South Wales. I thank witnesses for making themselves available for this hearing. I should also remind witnesses that these proceedings are being televised and broadcasted by the Department of Parliamentary Services. Should this present any problems for witnesses, it would be helpful if any issues could be raised at this time. We will now take evidence on the supplementary agreement between the government of the Commonwealth of Australia and the government of the United Kingdom of Great Britain and Northern Ireland on the Anglo-Australian optical telescope at Siding Spring, New South Wales, Australia.

Although the committee does not require you to give evidence under oath, I should advise you that this hearing is a legal proceeding of the parliament and warrants the same respect as proceedings of the House and the Senate. The giving of false or misleading evidence is a serious matter and may be regarded as a contempt of parliament. Do you wish to make some introductory remarks before we proceed to questions?

Dr Arthur—I have an opening statement that I am happy to read or, for the sake of time, place on the record, whichever is more convenient for the committee.

CHAIR—Would you like to make your statement, then?

Dr Arthur—In the late 1960s the United Kingdom and Australian governments agreed to undertake a significant collaboration in astronomy by jointly funding the construction and operation of the 3.9-metre Anglo-Australian telescope at Siding Spring in New South Wales. The Anglo-Australian telescope was at that time one of the largest and most sophisticated optical telescopes in existence.

Over the ensuing 30 years, the AAT has made a significant contribution to astronomy, both in Australia and internationally, and has been a major factor in Australia's high international standing in the field of astronomy. Even today, the AAT remains one of the most productive telescopes in the world, particularly amongst the four-metre class of telescope. Among other

things, the AAT has been noted for its survey work to map the very large-scale structures in the universe.

In 2001, after some 30 years of involvement, the UK government advised that it intended to end its involvement with the AAT in order to divert funding to other facilities such as the European Southern Observatory and Gemini observatories, which operate next-generation eight-metre optical telescopes. Under the current Anglo-Australian telescope agreement, either party has the right to terminate the agreement with five years notice. Instead of the UK issuing a five-year termination notice, the governments agreed instead to amend the agreement to set the end date for the collaboration in 2010, at which time the AAT and associated facilities would pass to sole Australian ownership and control, where they are likely to provide a valuable scientific and educational tool for many years to come.

During the transition period, new financing and access arrangements will apply. Each country will be able to determine the level of its contribution above a minimum level independently of the other. The primary reason for this change is to allow for the gradual withdrawal of UK funding; however, it also gives Australia greater flexibility in determining its contribution. Observing time will now be allocated between the parties in proportion to the contribution of each party.

The supplementary agreement benefits Australia in several ways. Foremost, it extends the scientific and technological collaboration with the UK in this facility. It maintains UK funding input into the facility, albeit at a lower level, for an additional five years. It provides early clarity regarding what will happen with the UK's share of the equipment and facilities built up over 35 years. Essentially, this will be gifted to Australia when the agreement ends. It provides extra time and a clear framework for Australia to determine its long-term policy in relation to the AAT. With this in mind, the Department of Education, Science and Training is currently preparing to undertake a policy review of the AAO. That concludes my opening statement.

CHAIR—What consultations were carried out in regard to this treaty?

Dr Arthur—Consultations were carried out with all state and territory governments and responses were received from all state and territory governments.

CHAIR—In the response from the ACT government, the Chief Minister said:

Officers of my department have examined the amendments and determined that the revised agreement will not impact adversely on the ACT government; however, I assume that you have consulted separately with the Australian National University on this issue.

Dr Arthur—Certainly there have been discussions with the Australian National University and, indeed, with the Australian astronomy community generally. In fact, the Australian astronomy community generally, of which a major component is provided by the ANU, has been engaged in a large-scale review of astronomy in Australia and is about to publish the final version of what they call their decadal review of astronomy in Australia. So the future of the AAT has been carefully considered with the Australian astronomy community in general and particularly, therefore, with the ANU.

CHAIR—Was there any consultation with the Research School of Astronomy and Astrophysics?

Dr Arthur—The research school is part of the process that has been looking at the future of astronomy in Australia and has been a major player in the production of the decadal review of astronomy in Australia.

CHAIR—I understand that the Research School of Astronomy and Astrophysics manages the Siding Spring Observatory site.

Dr Arthur—They certainly have facilities on Siding Spring. The telescope itself is managed, as you would expect under the treaty, by the Anglo-Australian Telescope Board.

CHAIR—The committee has received a letter from the Chief Minister of the ACT government, which said that the Research School of Astronomy and Astrophysics was unaware of the proposed agreement.

Dr Arthur—I am obviously not in a position to comment on the content of that letter. I would find that surprising. The nature of the changes to the arrangements for the management of the AAO, as managed by the Anglo-Australian Telescope Board, are widely known in the Australian astronomical community.

Mr WILKIE—Obviously this is coming into effect in 2006?

Dr Arthur—The agreement will come into effect in 2006, yes.

Mr WILKIE—What will the reduction in funding be? It talks about reducing funding here, but there is no mention of amounts.

Dr Arthur—I do not have in front of me the plans from the UK in detail for the phasing of their funding; it will phase down to zero at the end of the period. The point of the agreement is that it removes the requirement for the funding of both partners to be exactly in step, so it allows the UK to reduce its funding until it comes down to zero. It also allows the Australian government to make its own decision on funding and, therefore, to maintain its funding levels and otherwise adjust funding levels in response to the UK decisions.

Mr WILKIE—Could we find out how much it costs?

Dr Arthur—My officer has now provided me with the detail. The UK government's current budget provides for its direct funding to the AATB to decrease by approximately 50 per cent in 2006-07 to around $A2 million, with a further 50 per cent decrease in 2007-08 to around $A1 million.

Mr WILKIE—Yes, it is in the national interest analysis document.

Mr ADAMS—How far forward are we in the future of the optic telescope in technical terms? Is it getting old? Is it ageing? Does it need renewing? What is the future in that term?

Dr Arthur—The telescope continues to be a very valuable instrument. In fact, in a most recent analysis of four-metre telescopes, it has been shown to have a very high level of publications and a high citation impact of those publications. In the future clearly the physical aspects in terms of the costs of maintaining the facility and maintaining, for example, occupational health and safety issues are part of the ongoing budget. In fact, Dr Nelson recently approved a one-off payment of some $2 million to address occupational health and safety aspects of the instrument.

Clearly, instruments at four metres are not at the leading edge in the future of optical telescopes. However, it is unlikely, given the topography of Australia, that instruments of larger size will ever be built on the Australian continental mainland. So it will be for the astronomical community to provide advice to government, as they are currently doing in the formulation of the decadal plan, for the role of that facility—which does exist, it is within Australia and it represents an asset available for the future. The Australian government will look to the astronomical community to provide us with advice about the degree of utility of the instrument and the cost that will be involved in making access to that utility. On the basis of that, clearly the government will make decisions in a timely fashion for the future after the termination date of the agreement.

Mr ADAMS—What will be its new name?

Dr Arthur—You raise an excellent question. I do not know that we have addressed that particular question.

Mr ADAMS—I guess we are going to drop 'Anglo', are we?

Dr Arthur—You make a very good suggestion.

Mr ADAMS—Will we name it 'multicultural Australia'?

Dr Arthur—We are happy to entertain suggestions for a new name.

Mr ADAMS—What about access on this 40 per cent time which the UK has had? Will that be put out at a price to other people around the world? How are we going to use the 40 per cent of the time?

Dr Arthur—The time that is available to the telescope will be adjusted according to the financial contributions and in percentage terms so that, as the time goes forward, the Australian percentage share will become higher than the UK share; therefore, we will have that increased number of hours. The allocation of those hours will be according to the normal process that is used for time now and is a merits based process.

Mr ADAMS—There is a committee, I think.

Dr Arthur—Correct. As with all instruments, there is a merits based process for time that is made available. It is just that now persons who are coming to the instruments from Australian sources will have a larger share commensurate with the larger proportional share of the funding coming from the Australian government.

CHAIR—Has the supplementary agreement been signed?

Dr Arthur—Not yet. We are awaiting a diary schedule in the high commissioner's diary, which I am advised should be some time in October.

CHAIR—So you expect it to be signed in October?

Dr Arthur—That is my current advice.

CHAIR—Is Australia's financial contribution to the AAT and its board expected to match the current level of joint funding for the AAT in the period 2006-10 and beyond 2010?

Dr Arthur—The Australian government has made forward provision for the telescope, and I have the detail of that which is currently projected. The forward estimates for Australia's contribution are for this current year, 2005-06, $4.594 million; in 2006-07, $4.695 million; in 2007-08, $4.798 million; and in 2008-09, $4.903 million. They are essentially the same amounts of dollars, which are adjusted according to the normal inflation factor.

CHAIR—How much revenue is expected to be raised from instrument development and UK competitive grants?

Dr Arthur—I do not have an estimate of those figures. We could look at investigating what estimates are available, but I do not have those in front of me.

CHAIR—If you could provide them, that would be great. Is there any risk associated with relying on securing competitive grants as revenue?

Dr Arthur—Competitive grants, as their name suggests, are always awarded on a competitive basis and therefore cannot be guaranteed. However, given that the telescope, as I have indicated, has a very high success rate in terms of its publications and the citations of those publications and has a very high reputation amongst the astronomical community, one would assume that its prospects of securing grants are good.

Mr RIPOLL—Does this agreement contain any proposal or future arrangement for use of the telescope by Britain or anyone else?

Dr Arthur—By the time of the termination of the agreement, there will be no provision for guaranteed time access by the United Kingdom. At the end of the period, the instruments at the end of the period will have been gifted to Australia and it will be up to whatever precise governance arrangements are put in place at that time to determine allocations. At that point, the access of UK researchers to that would be subject to those governance arrangements. One could envisage UK researchers wishing to carry out a particular project in the southern skies for which the telescope proved to be the best instrument, and that would be subject to whatever processes were there at the time. But there will be no provision of dedicated hours for UK researchers.

Senator MASON—You mentioned in your opening statement that education is a prime utility of the observatory. Do you have many graduate students going through?

Dr Arthur—I would imagine it would be the case that graduate students at the various Australian universities would have access to the telescope, depending on the access arrangements and the particular applications for time made. I do not have detail of that, but certainly we could seek from the board the extent to which graduate students have been involved in the use of the facilities.

Senator MASON—Those graduate students do not have to be enrolled at the ANU; they can be enrolled at other universities, can they?

Dr Arthur—I imagine it would be the case that any university that succeeded as part of its application for time on the instrument would be able to involve graduate students in those applications. I do not have the detail of that; I am just talking from general principles. It would normally be the case that, if you were at a particular university and wished to carry out an observation and your program of work was approved as part of the competitive process, it would be open to you and would be normal practice to involve your graduate students in those processes.

Senator MASON—And for students there is no other comparable observatory they could use?

Dr Arthur—Not based in Australia. There are no instruments of that size in Australia. However, increasingly it will be the case for all Australian astronomers that, to access world-leading instruments, they will need to have access to overseas instruments whether by physical presence or, as increasingly will be the case, accessing those instruments remotely using high-speed communications and computing facilities. Therefore, one of the major issues going forward for Australian astronomy will be the extent to which Australia makes financial contributions to those overseas instruments and therefore getting observing time for Australian researchers, including graduate students. That is certainly one of the major considerations being put forward in planning for the funding that will be available over the coming five years under the National Collaborative Research Infrastructure Strategy, which provides roughly $100 million a year for access to major infrastructure for research. I anticipate that the astronomical community will put forward submissions to that process.

Senator WORTLEY—Just to go further, are you aware at the moment of any access to the facilities that the UK is redirecting their money towards for Australian research? Has there been any discussion in relation to that at this stage?

Dr Arthur—The UK is redirecting some of the funding towards the Gemini telescopes, which are—as the name would suggest—twin telescopes, one in the Northern Hemisphere and one in the Southern Hemisphere. Australia already has access to the Gemini telescopes through previous funding. The percentage of our share does not immediately spring to mind, but we have certainly made contributions towards percentage share of those telescopes. It is certainly the case that the astronomy community's decadal review contains recommendations going forward for Australian participation in extremely large telescope proposals that are coming forward, from both UK and US sources. So it certainly will be the case that propositions will be made to the government for funding to access those telescopes.

CHAIR—Thank you very much for appearing before the committee today.

Resolved (on motion by **Mr Wilkie**, seconded by **Senator Mason**):

That this committee authorises publication, including publication on the parliamentary database, of the transcript of the evidence given before it at public hearing this day.

Committee adjourned at 10.26 am