



COMMONWEALTH OF AUSTRALIA

# Official Committee Hansard

## **SENATE**

ENVIRONMENT, COMMUNICATIONS, INFORMATION  
TECHNOLOGY AND THE ARTS LEGISLATION COMMITTEE

ESTIMATES

**(Budget Estimates)**

THURSDAY, 26 MAY 2005

CANBERRA

BY AUTHORITY OF THE SENATE



## **INTERNET**

The Proof and Official Hansard transcripts of Senate committee hearings, some House of Representatives committee hearings and some joint committee hearings are available on the Internet. Some House of Representatives committees and some joint committees make available only Official Hansard transcripts.

The Internet address is: **<http://www.aph.gov.au/hansard>**

To search the parliamentary database, go to:  
**<http://parlinfoweb.aph.gov.au>**



---

**SENATE**

**ENVIRONMENT, COMMUNICATIONS, INFORMATION TECHNOLOGY  
AND THE ARTS LEGISLATION COMMITTEE**

**Thursday, 26 May 2005**

**Members:** Senator Eggleston (*Chair*), Senator Lundy (*Deputy Chair*), Senators Bartlett, Conroy, Santoro and Tchen

**Senators in attendance:** Senators Allison, Bartlett, Mark Bishop, Brown, Crossin, Eggleston, Fierravanti-Wells, Greig, Hogg, McLucas, Tchen, Webber and Wong

**Committee met at 9.06 am**

**ENVIRONMENT AND HERITAGE PORTFOLIO**

Consideration resumed from 25 May 2005.

**In Attendance**

Senator the Honourable Ian Campbell, Minister for the Environment and Heritage

**Department of the Environment and Heritage**

**Executive**

Mr David Borthwick, Secretary

Ms Anthea Tinney, Deputy Secretary

Dr Conall O'Connell, Deputy Secretary

Mr Howard Bamsey, Deputy Secretary

**Approvals and Wildlife Division**

Mr Gerard Early, First Assistant Secretary

Mr Malcolm Forbes, Assistant Secretary, Environment Assessment and Approvals Branch

Mr Mark Flanigan, Assistant Secretary, Policy and Compliance Branch

Ms Anne-Marie Delahunt, Assistant Secretary, Wildlife Conservation Branch

Mr Mick Trimmer, Acting Assistant Secretary, Wildlife Trade and Sustainable Fisheries Branch

**Australian Antarctic Division**

Dr Tony Press, Director

Mr Rod Allen, General Manager, Corporate

**Corporate Strategies Division**

Mr David Anderson, First Assistant Secretary, Corporate Strategies Division

Mr Darren Schaeffer, Acting Assistant Secretary, Financial Management Branch and Chief Finance Officer

**Heritage Division**

Mr David Young, First Assistant Secretary

**Industry, Communities and Energy Division**

Dr Diana Wright, First Assistant Secretary

Mr Gerry Morvell, Branch Head, Energy Futures Branch

**International Land and Analysis Division**

Mr Ian Carruthers, First Assistant Secretary

Ms Jo Mummery, Assistant Secretary, Land Management and Science Branch

Mr James Shevlin, Assistant Secretary, International Strategies Branch

**Land, Water and Coasts Division, Coasts and Water**

Mr Tony Slatyer, First Assistant Secretary, Land, Water and Coasts Division

**Marine Division**

Ms Donna Petrochenko, Acting First Assistant Secretary

Mr Ian Cresswell, Assistant Secretary, National Oceans Office

Mr Stephen Oxley, Assistant Secretary, Marine Conservation Branch

**Natural Resource Management Programmes Division**

Ms Kelly Pearce, Acting First Assistant Secretary, Natural Resource Management Programmes Division

Ms Alison Russell-French, Assistant Secretary, Australian Government Natural Resource Management Team

Mr Bruce Male, Acting Assistant Secretary, Natural Resource Management Programmes

Mr Geoff Rohan, Acting Director, Policy and Governance Section

**Parks Australia Division**

Mr Peter Cochrane, Director

Mr Chris Foley, Acting Director, Business Management Section

Ms Michelle Callaway, Assistant Director, Business Management Section

Mr Darren Schaeffer, Former Director, Business Management Section

**Policy Coordination and Environment Protection Division**

Mr Mark Tucker, First Assistant Secretary, Policy Coordination and Environment Protection Division

Mr Kevin Keeffe, Assistant Secretary, Communications and International Branch

Mr Peter Burnett, Assistant Secretary, Environment Standards Branch

Ms Kathleen Mackie, Assistant Secretary, Policy Development Branch

Mr Sean Sullivan, Assistant Secretary, Environment Research

Mr Luka Grey, Director, Budget Coordination Unit

Mr James Tregurtha, Policy and Governance Section

Ms Michelle Slater, Budget Coordination Unit

Mr Sean Lane, Assistant Director, Ministerial Liaison Section

**Supervising Scientist Division**

Dr Arthur Johnston, PSM, Supervising Scientist

Mr Alan Hughes, Assistant Secretary, Office of the Supervising Scientist

**Great Barrier Reef Marine Park Authority**

The Hon. Virginia Chadwick, Chair

Mr John Tanzer, Executive Director

Mr Andrew Skeat, Executive Director

Mr John Barrett, Director, Corporate Services

Mr Michael O'Keefe, Manager, Parliamentary and Ministerial Liaison

**Office of the Renewable Energy Regulator**

Mr David Rossiter, Assistant Secretary

**Sydney Harbour Federation Trust**

Mr Geoff Bailey, Executive Director

**Bureau of Meteorology**

Dr Geoff Love, Director of Meteorology

Dr Louise Minty, Superintendent, Coordination and Information

**CHAIR**—I declare open this public hearing of the Senate Environment, Communications, Information Technology and the Arts Legislation Committee, considering the budget estimates for 2005-06. We have examined the communications, information technology and the arts portfolios over the past three days, and we will examine the environment and heritage portfolio today.

The committee is required to report to the Senate on 20 June 2005. It has set the deadline of Friday, 5 August 2005 for the return of answers to questions placed on notice. It also reminds senators that the deadline for written questions to be placed on notice is by the close of business this Friday. We note there are no outstanding answers to questions on notice from previous estimate rounds.

I welcome Senator Ian Campbell, Minister for the Environment and Heritage, and officers from the portfolio. Before we move to questions, I remind officers that the Senate has resolved that there are no areas in connection with the expenditure of public funds where any person has a discretion to withhold details or explanations from the parliament or its committees, unless the parliament has expressly provided otherwise. I also remind officers that they will not be asked to express an opinion on matters of policy and that they shall be given reasonable opportunity to refer questions asked of them to superior officers or to a minister. Witnesses are reminded that the evidence given to the committee is protected by parliamentary privilege. I also remind you that the giving of false or misleading evidence to the committee may constitute a contempt of the Senate. Minister, would you like to make any opening remarks?

**Senator Ian Campbell**—Very quickly, just for one minute.

**CHAIR**—Please proceed.

**Senator Ian Campbell**—This is a very, very exciting budget for the Commonwealth and for all of Australia in terms of the environment. It is in very real terms the most significant investment in environment and heritage in the history of the Australian government and continent. In this budget there is a firm reinforcement of and testament to the fact that the Prime Minister has made the environment and the commitment to building a sustainable continent—making Australia the first sustainable continent—one of his four foundation pledges for this, the fourth term.

Not only have we got massive increases in expenditure in the environment portfolio, it is also a year of some important milestones. The first agency we will hear from this morning—under Dr Press's leadership, of course—is the Antarctic Division. This budget sees the opening for the first time in Australian history of a permanent Antarctic air link. That really is an enormous milestone and a credit to the Antarctic Science Advisory Council, Antarctic scientists and leaders of the division going back for a couple of generations, it is fair to say. People like Tony and I are here to accept the pleasure of putting it in place, but it really does go right back to two or three predecessors who have done that work. That is one of the big

milestones in the budget. The establishment of a new facility entirely dedicated to pure environmental research, under the Commonwealth Environmental Research Facilities Program, again is a new investment in this budget.

This budget shows the work that goes on to lock away the biggest protection of the Great Barrier Reef, one of the world's incredible environmental icons, increasing that protection from about four per cent up to in excess of a third of the reef with green zones. It has taken an incredible process to get there, and sorting through the structural adjustment package continues to be a big exercise.

We are nearing the completion of the first Australia wide, landscape wide, catchment by catchment implementation of natural resource management plans across the whole of the continent, working with state governments, local government, catchment authorities and local stakeholders to put in place management and investment plans across the whole landscape. There is, of course, ongoing work with the restoration and improvement of the Murray, the \$2 billion investment in the water initiative. It really is an incredibly important time.

I cite the greenhouse strategies, investing hundreds of millions of new money in real measures to reduce greenhouse gas emissions, the expansion of renewable energy programs, the extension of the PVRP program, the setting up of the Solar Cities program. These are massive investments in renewables and massive investments in reducing emissions. This really is an incredibly important and very successful time in the Commonwealth government's environmental and heritage initiatives. I look forward to having the programs discussed with the fine people from the Department of the Environment and Heritage and associated agencies.

**CHAIR**—Thank you, Minister. We will call the agencies as per the agenda. We will begin with the Australian Antarctic Division. We have here today Senator Brown from the Greens, whom we welcome to the environmental estimates. Senator Brown has asked whether he might ask some general questions. Senator Brown?

**Senator BROWN**—Thank you, Mr Chairman, for that welcome.

**Senator McLUCAS**—What about me?

**CHAIR**—There is special significance in Senator Brown being here today. We do not often see him at these estimates.

**Senator BROWN**—Thank you, Mr Chairman. Minister, I wanted to ask—

**Senator Ian Campbell**—It is interesting that someone who pops in once every few years should be given precedence over all of the other senators who are actually here year in, year out doing all of the hard work.

**CHAIR**—We are just recording the importance of the presence of Senator Brown here today.

**Senator Ian Campbell**—I think it is marvellous to see Bob here. I actually thought I had walked into the wrong committee room when I saw him here. Welcome, Senator Brown.

**Senator BROWN**—Are you right?

**Senator Ian Campbell**—Absolutely. I just thought my Labor colleagues would be a bit miffed if someone did not stick up for them.

**CHAIR**—We welcome the other senators as well.

**Senator Ian Campbell**—Good.

**Senator BROWN**—Minister, just on your opening statement, what does the Prime Minister mean by a ‘sustainable continent’?

**Senator Ian Campbell**—A continent that ensures that environmental values and biodiversity values can be protected and improved while we also have an expanding and successful economy. That will, of course, mean different things in different locations. I spent the day along the Murray River yesterday, and what that means even along different stretches of the Murray will be different from place to place. Clearly, you cannot have a growing, expanding economy if that expansion is at the detriment of the environment, and that is very much the soul of the Commonwealth’s commitment.

**Senator BROWN**—Looking at the Koorong or at the forests of Tasmania, how can environmental values be sustained there when you have either a river that is for most of the time not flowing at its mouth or forests that are being cut down under fiat of the government that you represent?

**Senator Ian Campbell**—It is possible. I think around the world hundreds of years of history have shown—and a hundred plus years of history in Australia—that it is possible to conduct forestry operations in a sustainable way. I think you and I would agree that there are many examples in Australia where forestry has not been conducted in a sustainable way in the past. I think, for example, the forests package announced by the Prime Minister and the Premier of Tasmania only a couple of weeks ago shows that both the Tasmanian government and the Australian government recognise that we need to make changes if we are to move to sustainability. That is why we have spent most of the time since the last election working with the Tasmanian government to put in place a package that is far better than what has existed in the past. It includes a massive increase in the protection levels of those forests—not just the iconic forests that some of the more radical Greens like to go to and get their pictures taken in, but also those in areas in the north-east of Tasmania that are not as photogenic but that have significant biodiversity values.

The government has sought to move towards protecting far more bioregional based areas in Tasmania, as well as protecting some of the great iconic forests that have been made famous around the world by the activities of people like Alec Marr and others who have worked assiduously to bring those forests to the attention of the world and people on the mainland. I credit the work of those sorts of people and people like the Tarkine National Coalition and a range of other people who have done that. We have achieved, as you know, significant improvements in the level of protection. I know from your public comments you would have liked us to have gone further. We have also achieved significant improvements in relation to a number of other areas. We will be working with the Tasmanian government and their officials to implement that.

In relation to the Murray, many parts of the Murray are in a state of crisis. The investments that the federal and state governments through the Murray-Darling Basin Commission and

through the Living Murray initiative are putting into it are, I think, an incredibly useful way of trying to address particularly the six icon sites and the longer term management needs of a river that has been massively changed by human interference. The only way to save it is to use the best available science, the best available technology and the massive levels of investment now available through the Living Murray initiative to see areas like the Koorong brought back to environmental health—and also places like the Chowilla flood plain, which has not flooded naturally for many years now, and all of the challenges along that river.

The one disappointing thing is that both the New South Wales and Victorian Labor governments refuse to match the budget for the commission and their works program on the river. I am sure I would have your support, Senator Brown, in calling on those governments to ensure there are levels of investment—at a time when that investment is needed more than ever before—to meet the budget we need in order to do a lot of these important and urgent works.

**Senator BROWN**—Seventy-five per cent of the red gums are dead or dying. The government is standing aside with a program that is not going to return the water that is going to save them. If I am wrong in that, please tell me how I am?

**Senator Ian Campbell**—In relation to estimates of red gums in stress and/or dying, yesterday on my visit I saw many dead red gums. In terms of the percentages, I will not argue with you; they will be different depending on which particular forests and which parts of which forest you are talking about. There are certainly massive levels of stress there. But the reality is that the Commonwealth is investing in this budget more than it has ever invested before in the repair of the Murray. We have got a historic agreement with the states to leverage investment from them. We have also seen massive interest from the private sector regarding these investments. You would want more money to be spent there. You would want more money to be put into the river. This program is seeking to reverse many, many years of environmental decline with massive and historic levels of investment.

**Senator BROWN**—But that is generally waffle. What is going to be the percentage—

**Senator Ian Campbell**—A \$650 million investment, Mr Chairman, is not waffle.

**Senator BROWN**—of the seventy-five per cent of red gums, and I am using a figure here that is not in dollars, I am talking about iconic trees—and you used the word ‘iconic’.

**Senator Ian Campbell**—They are wonderful trees.

**Senator BROWN**—You raised the issue of the Murray. What percentage reversal is your government’s policy going to show in the death and dying rate of red gums in this term of government?

**Senator Ian Campbell**—I am happy to address that, because we have quite specific targets in each one of those forests and we have quite specific targets for the amount of red gum health we help to achieve. The relevant officers will be here under their program, and I am happy to address those specific issues then.

**Senator BROWN**—Okay. We will wait for that.

**Senator Ian Campbell**—Is there a particular forest that you wanted to ask about?

**Senator BROWN**—The red gum forests?

**Senator Ian Campbell**—Which red gum forests?

**Senator BROWN**—In toto.

**Senator Ian Campbell**—There are red gum forests all the way along the Murray.

**Senator BROWN**—Let us take it in toto.

**Senator Ian Campbell**—Which one?

**Senator BROWN**—In toto.

**Senator Ian Campbell**—In toto?

**Senator BROWN**—Yes.

**Senator Ian Campbell**—Okay.

**Senator BROWN**—You mentioned the north-east of Tasmania, so let me follow up on that. Studies by Forestry Tasmania and the University of Melbourne show that under the program that Premier Lennon and Prime Minister Howard signed a fortnight ago—

**Senator Ian Campbell**—Mr Chairman, these are not actually broad questions. We are going to get to programs with the relevant officers for each one of these programs.

**CHAIR**—I think that is a fair point, Senator.

**Senator Ian Campbell**—It would be useful, if the Senator wants to ask questions about, for example, red gums on the Murray—the Murray is some—

**Senator BROWN**—You raised the issue.

**Senator Ian Campbell**—I visited most of it yesterday. I know each of the forests in more detail than I did the day before yesterday. The red gums are very different in each of the icon areas. There are red gums outside the icon areas. If Senator Brown wants to take more than a waffly approach to the Murray, I think he should say which particular forests he is interested in. If he is asking about red gums within the entire Murray-Darling Basin, that is an area of about 30 per cent of the landmass of Australia. Do you want red gums in the entire basin?

**Senator BROWN**—They do not grow in the entire basin, Minister—let me inform you.

**Senator Ian Campbell**—No, they do not. They grow right along the river, though.

**Senator BROWN**—No, they do not grow right along the Murray-Darling rivers at all. You might get informed, because I will ask you about it later. Also, let me flag this question, because it will save time, Chair. The minister raised the issue of north-east Tasmania. There is a study by the University of Melbourne and Forestry Tasmania which shows in effect that the package signed by the Prime Minister with the Premier in Tasmania two weeks ago will lead to a 97 per cent chance of extinction of the wedge-tailed eagle in north-east Tasmania. Would you look at that and come back to me during the committee stage to say how that can be classed as part of a sustainable Australia.

What I really wanted to ask about at the outset was the conditions put on grants to environment groups.

**Senator Ian Campbell**—These are all specific. This is an abuse of your committee, Mr Chairman. These are specific—

**Senator BROWN**—Not quite—

**Senator Ian Campbell**—Mr Chairman, I will have the grants to voluntary heritage organisation people here under your schedule. You have provided the department with a schedule of how you want to ask these questions and you now have this interloper, who year after year has not bothered to come to estimates, leaving it to the Liberal Party and the Labor Party and the Democrats to take on the environmental issues and cross-examine the department. Today he waltzes in for the first time in a generation to ask a few questions and he has not even bothered to look at the program and ask questions under the right headings. I think this is an abuse and an insult to the three other parties represented at this table.

**Senator BROWN**—Mr Chairman, I am quite happy to let the very worried minister have more time, and I will ask him specifically about the grants when we come down the line. It is not listed on the program. He will not escape it.

**CHAIR**—It will come up under the department. But if you do have some broad general issues, as you said, that you would like to raise, then do so; otherwise we will go through the agenda.

**Senator Ian Campbell**—If Senator Brown wants to be helpful, he can say which particular areas of red gums he would like information on. We have a lot of information all the way along the river—wherever the red gums have lived in the past, wherever they are still living and wherever they are coming back to life because of our programs. We have information on all of that. But let us be specific.

**CHAIR**—That is fine. I must say that my concept of broad general questions was broad general policy areas perhaps, rather than specific issues.

**Senator Ian Campbell**—He has gone to three specific programs now, the Living Murray program, the Murray-Darling Basin Commission, the GVEHO program and the Tasmanian forests. We have experts in all of these fields available. We also have an agenda, Mr Chairman. I am happy to have a free-for-all, because it may actually be the best way to run the estimates.

**CHAIR**—I would rather run with the agenda.

**Senator Ian Campbell**—If you want a free-for-all, we can do that, or we can stick to the agenda. I am happy. I am here all day and all night. I hope Bob is here all day, too.

**CHAIR**—Shall we refine this down? Do you have broad general issues that are not covered by agenda items; otherwise I think we should proceed down the agenda, Senator.

**Senator BROWN**—Yes. Let me say at the outset, Mr Chairman, that the minister is here to answer questions. Long rambles like that are not going to help expedite the matter.

**Senator Ian Campbell**—There is no-one in this place who has rambled longer than you.

**Senator BROWN**—Here we go again. This can go on all day, if you want it to.

**Senator Ian Campbell**—It will. I will be here all day.

**Senator BROWN**—I asked some questions. He has asked that the answers be given later.

**Senator Ian Campbell**—I want you to be here all day, Bob.

**Senator BROWN**—I will come back to get the answers later.

**Senator Ian Campbell**—Other senators do their hard work year in and year out. You stroll in. You should be embarrassed to be here. You have taken up the first half hour with your rambles, and now you are saying that I should respond to your questions.

**Senator BROWN**—The question about a sustainable continent from the Prime Minister is a broad policy question. I just want to eke that out and not let it go by without reply, because it is a typical statement which, when you look at it, means nothing. By ‘sustainable’, is the word ‘environment’ in there? Does it mean an environmentally sustainable continent?

**Senator Ian Campbell**—Absolutely. The trouble is, Senator Brown, that you have a different concept of sustainability. What you want to do to achieve sustainability is to contract the economy, destroy jobs and protect the environment. We want to protect the environment and at the same time expand the economy and expand jobs. We believe that you can use very good management, good science, good technology and targeted investments to get the best environmental protection this country has ever seen, but also to do that in a way that expands jobs. That is what sustainability is about.

**Senator BROWN**—After 10 years of the government, Minister, are you able to say that the environmental indices show sustainability across-the-board for the environment in this nation of ours?

**Senator Ian Campbell**—The very good thing about this government is that we have put enormous resources into state of environment reporting. We have put enormous resources into getting Australia wide, landscape wide natural resource management plans in place, which never existed before. Catchment by catchment, coast by coast, we are within a few weeks of having the whole of Australia covered by those landscape wide, catchment wide plans, with investment plans to match—billions of dollars of investment flowing behind those plans. We are able to point to significant achievements right around Australia—the levels of protection of Tasmanian forests, the levels of investment and activity on the Murray, the unheralded and internationally acclaimed protection of the Great Barrier Reef, investments in rivers right around Australia. All of these things are measurable, and we are accountable—for example, through the world’s leading greenhouse gas inventory. We measure our performance, we report it to the world and we put it up on web sites so people anywhere on the globe can analyse the performance of the Australian government, the Australian people and Australian industry, and we are working cooperatively with the states and local governments in all of these areas. The quality of reporting has significantly improved in those 10 years, so we can be held to account.

**Senator BROWN**—Is the environment being sustained? Is the species diversity in Australia being sustained? Are the range of habitats in Australia upon which those species depend being sustained? You mentioned the environment: is it not true that we are seeing a warming of the continent and a diminution of rainfall, with huge impacts on the environment across this country, due to global warming?

**Senator Ian Campbell**—I think it is absolutely true that the Australian climate is changing. There is no doubt about that at all. There are significant changes occurring. This government is investing more money than ever before—on a per capita basis probably

amongst the highest investments in the world—on investigating what are those causes. We are making an incredible contribution to the international science around climate change. We are making an incredible investment in terms of policy, resources and contribution to international efforts in relation to climate change. We have also invested heavily in improving biodiversity. As I have said, we have created natural resource management plans and investment plans nearly across the whole of the country. We will cover the whole of the country—and we will get to this under the relevant agenda item relating to progress with the Natural Heritage Trust, NRM and the National Action Plan on Salinity.

One of the achievements—and we do not take credit for all of this, because the Queensland government deserves credit for what they have done on this in Queensland—is the issue of land clearing. We sought to assist them, but they decided to do it in their own way. But it is still a good achievement.

**Senator McLUCAS**—We will still take the money.

**Senator Ian Campbell**—You still take the money.

**Senator BROWN**—However, the fact is—

**Senator Ian Campbell**—You asked about biodiversity across the country. I know Bob is not going to like the answer, Mr Chairman. The reality is that, with the signing of an agreement between the Prime Minister and the Premier of Tasmania, we will, by the time of the phasing out of land clearing in Tasmania—2015, I think—have achieved the biggest reversal of land clearing in Australian history, under the stewardship of the Howard government.

As I said, that is something that we can work with the states on. We have helped New South Wales. We have helped through RFA processes in many states of Australia. We have helped with tools to evaluate biodiversity and assist state governments, farmers and other land users. But the reality is that during the past nine years—during the term of the Howard government, but with enormous investments as well by state governments, by individuals and by industry—we have seen a massive reversal of land clearing and conversion of native vegetation. That is measurable. It is there for the whole world to see. In fact, we launched a satellite based and computer driven image model system—which we will get to when we get to the Greenhouse Office—which means that any Australian can go to a computer and look at what has happened to the landscape during the period and actually see the reversal in those issues.

**Senator BROWN**—The reversal in Tasmania, the biggest in Australian history? Bigger than the end of land clearing in Western Australia and South Australia, Minister?

**Senator Ian Campbell**—I would have to look at all of the figures. I do not have them before me.

**Senator BROWN**—You are wrong.

**Senator McLUCAS**—Mr Chairman, can I make a point. These discussions are very general and they are of a political nature. They are a discussion that could be held in terms of assessing the *State of the Environment Report*.

**Senator Ian Campbell**—Yes, exactly.

**Senator McLUCAS**—Or under the various headings in the program that we have ahead of us. I understand Senator Brown's need to have a look at it broadly, but we will get more information out of the department and out of the minister if we go discretely to each item, as we have done in this committee over time. I suggest, Senator Brown, that you are actually giving the minister a bit of a free kick—allowing him to talk about how wonderful he thinks the world is. We might have a different view about that. I think we would actually get more information and more proof of the view that you and I may share if we actually go through the items on the agenda we have before us. We are just allowing the minister to waffle on, to be frank, about all of the things that he thinks might be wonderful, without being able to pin him on the things where we differ.

**Senator BROWN**—I wish you luck, Senator, and I am quite happy to move on to Antarctica. Maybe we will be able to get something factual from him.

[9.32 am]

#### **Australian Antarctic Division**

**CHAIR**—We will do that. We will proceed down the agenda. We begin with Antarctica. I expect to hear very focused, precise questions, with no waffling. So let us proceed.

**Senator WEBBER**—If we have now moved on to the Antarctic, I have only a couple of general questions, but I know Senator Brown also has some, too.

**CHAIR**—Are these general questions?

**Senator WEBBER**—Yes, of the Antarctic Division, yes—general in terms of the PBS and page 72. I note the minister before was championing the funding for the Australia-Antarctic air link. Can I have a bit more detail about what that involves?

**Dr Press**—In terms of what the money is for or how it is distributed?

**Senator WEBBER**—Yes, what the money is for, what this air link is going to involve, how often it is going to fly—all of that stuff.

**Dr Press**—The money that has been allocated in the budget is for the intercontinental component of a fully operational air transport system. Bill 1 and bill 2 money has been allocated. We will be constructing an ice runway with that money. The intention is to fly from Hobart to an ice runway behind Casey Station in Antarctica, using a wheeled jet aircraft to carry scientists to and from Antarctica. They will then be distributed from that runway using the current aircraft that we have for work in Antarctica.

**Senator WEBBER**—How often would you envisage this runway being used?

**Dr Press**—When the air system is fully functional, we would expect up to an average of one flight a week there and back for the period in which the flights will be running. We will start off running from around October/November to around February. It depends on the aircraft that we end up with. With the aircraft we are looking at at the moment, there would be about 20 flights a year initially for a fully operational air transport system.

**Senator WEBBER**—When do we envisage that this is going to start?

**Dr Press**—We will start work preparing the ice runway this coming season, this coming summer, 2005-06. We hope to run trial flights in 2006-07 and have it fully operational in

2007-08. If we can bring that on earlier, we will do so, but the vagaries of working in Antarctica mean that that is a fairly conservative estimate of how long it will take us to get it up and running.

**Senator WEBBER**—Okay. That is all I have on that. Thank you.

**Senator ALLISON**—Is there a list of environmental projects that can be conducted as a result of having the air link?

**Dr Press**—I think they fall into two categories. There are those that—

**Senator ALLISON**—Can I qualify that by adding ‘that would not currently be able to be conducted’?

**Senator Ian Campbell**—I might just answer this briefly. Very, very strong submissions were made to me back in 1996 when I was in the portfolio, and they were made subsequently and reinforced when I came back into the portfolio, by the scientific community right across Australia, both through the Antarctic Science Advisory Council, by scientists outside and also at a recent meeting of the Prime Minister’s Science, Engineering and Innovation Council. One of the constraints under the program, which involves scientists moving down to our Antarctic bases via the *Aurora Australis*, is that scientists have to take an enormously large chunk of time out of their lives to get down there. Therefore, for practical reasons, that limits what sorts of scientists can go there and therefore what sort of science can be done down there. The absolutely overwhelming view from the scientific community of Australia was put to us on a regular basis that the number of scientists that can go there and the breadth of the science that can be conducted there would be significantly enhanced by having this regular air service.

**Senator ALLISON**—So it is not new projects, it is just making it easier for the scientists to get there?

**Senator Ian Campbell**—That makes it a lot easier—

**Senator ALLISON**—I understand how easy it will be to get there by comparison with the current arrangements.

**Senator Ian Campbell**—You have also to understand that the number of scientists who are even able to contemplate going there to do science is severely limited because of the logistics of getting there and back.

**Senator ALLISON**—I do understand that, Minister. But is there a list of projects that will now go ahead that would not otherwise have done so?

**Dr Press**—We will be calling for projects in the future. I cannot say which specific projects will go ahead because we have got the facility to use air transport in the future. But, in the broad, we will be able to do much more on the continent, both in the interior of the continent and on the coast, using the air transport system. The broad range of projects there would be glaciology projects and human impacts projects, at places, particularly in the interior, where we have not been able to go for 50 years. There are parts of Australia in Antarctica that Australians have never been to.

**Senator ALLISON**—How does the airstrip open up the interior?

**Dr Press**—Because it allows us to take people there and to then move them, with the intracontinental component of the air transport system, into the interior.

**Senator ALLISON**—Dr Press, does it mean there can be a further flight from the airstrip that is going in to another airstrip in the Antarctic?

**Dr Press**—Using the ski aircraft that we have.

**Senator ALLISON**—This is a smaller aircraft?

**Dr Press**—Yes.

**Senator ALLISON**—That cannot be used at the present time?

**Dr Press**—It can be, but being able to transport the scientists who wish to do that kind of work is very difficult at the moment because of the incredible amount of time they spend travelling to and from—

**Senator ALLISON**—It comes back to the length of time it takes for scientists to get down there. Do you have a list of projects that are the government's priority in terms of science in the Antarctic?

**Dr Press**—The government has agreed on the major themes for Antarctic science in the science strategy. Those major themes will still be the major themes over the next five to 10 years. What the government does is call for expressions of interest from scientists to conduct science under those major themes. We provide the facility for the high-priority science, as evaluated by the independent assessment committees for those science areas. We prioritise those projects and then we make the facilities available, whether it is transport, whether it is field based facilities, whether it is a laboratory.

**Senator ALLISON**—Where in the budget is the extra money for what the scientists will now be able to do that they could not do before or will be able to do by 2007-08? Is there a line item that says, 'Here is extra money for scientists down on the Antarctic'?

**Dr Press**—No, there is not a line item that says that.

**Senator ALLISON**—Why is that, Minister?

**Senator Ian Campbell**—We have one of the most impressive science programs anywhere on the planet working within the AAD, both with scientists employed by the AAD and other scientists. We can now say that, with an extra \$46.5 million, for those science programs we will get far better value for the money we are investing in Antarctic science, because we will be able to get the scientists down there more quickly, return them more quickly and get their samples back. The quality of the science and the breadth of the science community that will be able to go down there will massively expand.

**Senator ALLISON**—So we expect more scientists to be there?

**Senator Ian Campbell**—I would expect so.

**Dr Press**—Yes.

**Senator ALLISON**—Where is the line item in the budget for a greater number of scientists to be there or for more programs to be done?

**Senator Ian Campbell**—We are going to get more scientists there.

**Senator ALLISON**—Minister, you are painting this as a great opportunity for getting more scientists there, but there is not a lot of evidence, certainly in the budget, that there is anything more than an airstrip being planned.

**Senator Ian Campbell**—I think Dr Press can go through the scientific programs that are conducted and the budgets that are allocated to science in Antarctica, both within the AAD and through the other programs.

**Senator ALLISON**—There is hardly any point, Minister, if they are no different from the current arrangements.

**Dr Press**—Was that a question? Sorry, I did not hear.

**Senator ALLISON**—I am just responding to the minister. If it is the same in 2006-07 or 2007-08 as the current expenditure on science in the Antarctic, it would appear that the airstrip will make hardly any difference.

**Dr Press**—In a general sense, there are two limitations to the ability to conduct science in Antarctica. One is the logistics of getting there, and the other is the amount of resources that you have available. I think it is fair to say that introducing intercontinental air transport will change the way that we use our facilities. What will happen is that we will have people staying in Antarctica for shorter periods of time, which means you can actually do more science by moving people in and out and changing them over. You can have a larger number of individual projects occurring with the same amount of resources available. I think that will happen in the near term. Long term, it also allows us to change the mix of logistics that we have and probably improve the amount of shipping that we have for marine science, and also make it more efficient to conduct science on the continent itself.

**Senator ALLISON**—In terms of the size of these aircraft that will be going down, how many seats will be on them?

**Dr Press**—The particular aircraft that we are looking at at the moment is a Bombardier Global Express, which in passenger configuration carries around 19 people.

**Senator ALLISON**—So 19—one a week from October to February? Are they all going to be scientists who are in the seats?

**Dr Press**—There will be a mixture of scientists and support staff. We of course need support staff in Antarctica to ensure safe operations and the running of the stations.

**Senator ALLISON**—Are there any rules about who cannot go on these flights?

**Dr Press**—In a general sense, only people involved in the Australian Antarctic program are allowed to use Australian Antarctic program facilities. But occasionally we have scientists from other countries travelling with us who are conducting science under their own national programs. Occasionally, we have carried by ship politicians and other people.

**Senator ALLISON**—So politicians will be entitled to go on these flights, too?

**Dr Press**—I have not actually made a consideration for that. I would presume that they would have the same access to air transport as they do at the moment to shipping.

**Senator ALLISON**—Minister, is this really just a jaunt for parliamentarians to go to the Antarctic?

**Senator Ian Campbell**—When I went down to Hobart and to Kingston to the Antarctic Division, I made particular reference to the fact that the division has had a program of ensuring that members of the federal parliament who have an interest in the Antarctic program have been able, on a number of occasions, to have a voyage on the *Aurora Australis* and to look at our bases. I have never had the opportunity to do that, but I commended the division for its foresight in creating strong links with parliamentarians who are interested in Antarctica. They have an annual photo exhibition up here. The Antarctic Division, through the parliamentarians group for Antarctica, also have had dinners in the past. I have not been to one for many years, sadly.

I commended the division for their effective corporate relations on Capital Hill in explaining to members of the parliament the success of the program and its importance. It certainly made it easier for me as minister, when I came to ask for this enormous new investment, to have the necessary political support for it. I think it is entirely appropriate that members of parliament, either from the Senate estimates committees or from other committees of the parliament that have an interest in the environment and science, are able to go and see the way that our program is conducted down there. The only way they have been able to get to this Australian territory in the past has been through the ship. I would certainly be encouraging the division to make seats available, as long as they are not excluding scientists or other crucial logistical capabilities that we need, for parliamentarians to go down and see that. You can describe that as a junket if you want, but I would say that it really is quite important for members of the parliament to take a serious interest in what we are doing down there and to see how the over \$194.56 million investment of taxpayers' money is being expended. That is entirely appropriate.

**Senator ALLISON**—Minister, I am not criticising the program for parliamentarians going down. I think that is a very good thing, as you do. But just as the scientists' passage down there will be made easier, so it will for parliamentarians. It could be the case that all MPs would be keen to go down to the Antarctic. Do you rule that out? If so, how do we determine how many are going? Is this airstrip essentially for parliamentarians going to the Antarctic? That is what I am asking you.

**Senator Ian Campbell**—I think I just put a parameter on it on the run, Senator Allison. We certainly would not want parliamentarians to be taking up seats that could be otherwise used productively by scientists or other logistical requirements. We will develop a program that is sensible and legitimate and does not see space taken up, as we have done in the past. I will make it very clear that, as the minister responsible, I will be trying to get on one of the earlier flights, because I want to get down there and see what we are doing. I am certainly putting up my hand to get down there as quickly as I can.

**Senator ALLISON**—But there are no rules at present time about how many—

**Senator Ian Campbell**—We will put in place appropriate protocols, but I think I have given you some broad guidance. We would not want polities to be knocking scientists out of seats.

**Senator ALLISON**—And do you rule out entirely this airstrip being used for tourism?

**Senator Ian Campbell**—No, I certainly would not do that, but it is certainly not our intention to do it. I think it is silly to rule things out. We have got a two- or three-year job ahead of us to get the airstrip up and running. But I make the point that the federal government's program is based on science. The federal government's program and Antarctic territory is subject to the EPBC Act, the federal environmental law. Any tourism operation within the Australian territory is subject to approval under that law. We have significant tourism approval processes within the division now. A range of tourism operators interact with the division. They need to go through rigorous approval processes. If at any stage in the future that strip were to ever be considered for the use of tourism, then the federal law would have to be complied with. I am reminded by Dr Press that there are currently airstrips being used elsewhere in Antarctica for tourism. But that is not the reason we are putting the strip there. We are putting it there to get our scientists down there and back safely and quickly.

**Senator ALLISON**—Where is the project in terms of the EPBC process?

**Dr Press**—The project has been assessed under the EPBC Act and it was also notified as an environmental assessment under the Antarctic treaty system as well.

**Senator ALLISON**—Has an environmental assessment been done already?

**Dr Press**—Yes.

**Senator ALLISON**—Is that on the web site?

**Dr Press**—Yes.

**Senator ALLISON**—Does it look into the impact of increasing traffic on the Antarctic?

**Dr Press**—The assessment was quite broad. I cannot recall specifically whether there was a particular item on an increase in the traffic. But we certainly looked broadly at all aspects of the environmental impact of—

**Senator ALLISON**—Is there a cap on the number of people who can visit the Antarctic?

**Dr Press**—In the science program?

**Senator ALLISON**—In total.

**Dr Press**—No.

**Senator ALLISON**—If tourism is not being ruled out, is there a cap on the number of people? This opens up the Antarctic to some extent.

**Senator Ian Campbell**—This is not something I am envisaging but if, hypothetically, anyone wants to go to Antarctica with a tourism operator there is a process that is required to be gone through. If you want to take a ship down to an Australian base, you have to apply and have an assessment of the impact. We can make the environmental assessment available to the committee.

**Senator ALLISON**—I have a couple of questions about what will go in and out. Will the aircraft be taking fuel and supplies to the base? Will it be removing waste? Will it be taking its own waste back again? What are the rules that apply to its use?

**Dr Press**—That is also covered in the environmental assessment. No, the aircraft will not be carrying fuel other than for its own purposes. Unlike the US, which transports fuel from

McMurdo to the South Pole via aircraft, we will not be doing that. The fuel requirements for the aircraft itself are self-contained. As for waste, the aircraft will be primarily used to carry passengers. Most of our waste at the moment is returned to and from Australia by ship, and that will continue. We have a program of returning all waste to Australia, under our obligations under the Antarctic treaty. Also, the cargo capacity is such that it is essentially a passenger aircraft with the ability to carry a certain amount of cargo. But it is not a cargo aircraft.

**Senator ALLISON**—But it would have to carry enough fuel to return to Hobart, would it not?

**Dr Press**—Yes. The aircraft that we are looking at has the ability to fly from Hobart to Casey and back without refueling.

**Senator Ian Campbell**—Could I just add that the intention of the government is also to liaise with other relevant departments and agencies to make these aircraft available for other operations—for example, surveillance of Heard Island and McDonald Island territory. There is absolutely no reason why the aeroplanes cannot be used for surveillance of CCAMLR waters, looking potentially at illegal fishing operations and, quite frankly, even Japanese whaling operations in that area. They will have a range of other potential uses, to the benefit of Australia and the environment.

**Senator ALLISON**—Just one other question: is this the first time that the environment budget has been used for a transport project of this sort?

**Senator Ian Campbell**—The budget already has a massive component for transport because of our lease of the *Aurora Australis* from P&O.

**Senator ALLISON**—Has transport in the Antarctic always been under the environment budget?

**Senator Ian Campbell**—Not always. It has under this government. I think it might have been under the department of science back in the previous government.

**Dr Press**—No, that was back in the eighties.

**Senator Ian Campbell**—That was back in the eighties.

**Senator ALLISON**—Thank you, Mr Chairman.

**CHAIR**—Senator Brown, you had some questions on the Antarctic?

**Senator BROWN**—Has the government made any steps towards having Antarctica listed for World Heritage?

**CHAIR**—That is an interesting idea.

**Dr Press**—The answer to that is, no. There is a particular reason to do with the operation of both the World Heritage convention and the Antarctic treaty that would make it impossible for Antarctica to be nominated for World Heritage. Under the Antarctic treaty, no one nation owns all of Antarctica, which means that there is no nation that can nominate a part of its state under the World Heritage convention.

**Senator BROWN**—But what is the problem with having the 40 or so signatories to the treaty approached to conjointly nominate this greatest wilderness on the planet for World Heritage nomination?

**Dr Press**—That is a complex international legal question that I am not able to answer. There is no owner of Antarctica, no state in that sense that owns all of Antarctica. Beyond that, you are going into complex international law, and I am not capable of answering. That would probably be a question to another department.

**Senator BROWN**—But these are not complex legalities really. It is a political question of the Australian government approaching New Zealand, the United States, China, Germany and the other signatories to move forward for listing on the World Heritage List of this prized natural realm on the face of the planet. Is there any impediment to the Australian government starting that process?

**Dr Press**—That is a political question. I will refer that to you, Minister.

**Senator Ian Campbell**—My advice is that it is unlikely to achieve a result.

**Senator BROWN**—Will the government try?

**Senator Ian Campbell**—I think the government has made soundings on this in the past and we have formed the conclusion that it is unlikely to be successful for all of the practical and legal reasons that Dr Press has outlined.

**Senator BROWN**—To whom did it make the soundings?

**Senator Ian Campbell**—I do not have that before me.

**Senator BROWN**—Would you get that to the committee?

**Senator Ian Campbell**—If it exists, yes.

**Senator BROWN**—You said that soundings had been made, Minister. You cannot now say, ‘If it exists.’

**Mr Borthwick**—This is an issue that has arisen in the past. When the question has been asked, we have replied along the lines that Dr Press has replied—that is, the operations of the treaty, the arrangements which work very successfully at the moment, mean that, in our judgment, it would not be successful in pursuing a World Heritage listing whilst the treaty is in operation.

**Senator BROWN**—What is the impediment?

**Senator Ian Campbell**—It is different for each country.

**Mr Borthwick**—Exactly.

**Senator Ian Campbell**—You would have to change the World Heritage convention to allow it. That is one of the legal and practical difficulties. A nation-state must make the nomination. That is the rule, I am told.

**Senator BROWN**—So why not approach the several nation-states that have signed the treaty asking that they come to an agreement where a nation-state, or all of them together, put forward the nomination?

**Senator Ian Campbell**—I am not a lawyer, and certainly not an international lawyer, but what about all of the nations that challenge the sovereignty of the nation-states who claim territory in Antarctica?

**Senator BROWN**—That is no problem.

**Senator Ian Campbell**—Do we just ignore those?

**Senator BROWN**—They are not going to stand in the way of World Heritage listing being accorded and a world park being established for Antarctica. I am not going to pursue this, Minister, but I think it is something the government should initiate.

I want to ask about global warming. Can we have an assessment of the impact that global warming is having on Antarctica? What is the state of play there?

**Dr Press**—There is evidence that some parts of Antarctica and the ocean surrounding Antarctica are warming. This is particularly evident around the Antarctic peninsula south of South America. We saw a couple of years ago, for instance, the disintegration of the Larson B ice shelf, which was a 10,000-year-old ice shelf around about 3,500 square kilometres that collapsed very rapidly over a matter of weeks. That is a direct result of the fact that the waters around that part of Antarctica are warming, or are warmer than they were in previous decades. The Larson B ice shelf has collapsed in the past—there is evidence of that ice shelf having collapsed previously, about 10,000 years ago.

We also know that there has been, in some parts of Antarctica, an increase in the flow of glaciers. This is apparently a direct result of glaciers melting on the coast, which makes the glacier flow faster into the water. Counterbalancing that, there has been an increase in snowfall in other parts of Antarctica.

At the moment, the amount of ice that is accumulating and the amount of ice that is melting are approximately in balance. That is what the evidence is at the moment. It is not even around the continent, but there is evidence that some parts of Antarctica are seeing the effects of regional warming.

**Senator BROWN**—Is that balance favourable or unfavourable to penguins, seals, whales and other fauna of the continent?

**Dr Press**—Without being too precise here, it actually depends on which species. There are some species that will benefit from the fact that some parts of the Antarctic are getting warmer. However, there is also evidence from the British Antarctic Survey, coupled with some evidence that Australian scientists have gathered, that, for instance, the sea ice has retreated over the last 50 years by about 25 per cent. That will have, and has had, an impact on the micro-organisms that grow underneath the sea ice, and it appears to be affecting the abundance of krill in some areas of Antarctica, particularly around the peninsula.

**Senator BROWN**—Which affects the whales, for example, and penguins—

**Dr Press**—Yes, which affects penguins and whales, for example. But there are some penguin numbers that are increasing and some penguin numbers that are decreasing.

**Senator BROWN**—Which of them is decreasing?

**Dr Press**—I do not know that off the—

**Senator Ian Campbell**—We can provide you with the relevant scientific papers.

**Senator BROWN**—Thank you.

**Dr Press**—There is an assessment that is being done by the SCAR biological working group on that, which has been submitted to this Antarctic treaty meeting. I could probably make that available to the committee.

**Senator BROWN**—Thank you. What are the temperature changes that we are seeing due to global warming in Antarctica?

**Dr Press**—The warming around the peninsula is by approximately one or two degrees over the time that records have been taken—that is, the water temperature. We know from our—

**Senator BROWN**—I am interested in the air temperature, because I have seen figures as high as six degrees.

**Dr Press**—I have not got those figures off the top off my head, but I can provide the air temperature assessments. They are available. But I do know, for instance, that the difference between the Heard Island air temperature of 50 years ago and its air temperature today is approximately one degree. So there is very direct evidence that there are regional warming effects.

**Senator BROWN**—And is it true that generally the further you get towards the South Pole the bigger the temperature rise appears to be?

**Dr Press**—I do not know the answer to that but I can certainly look at it and provide you with an assessment.

**Senator BROWN**—Thank you. I want to ask you about whales. In the news there have been reports of the intention of the Japanese to double the take of minke whales, to begin again the harpooning of humpback and fin whales and to do this in the Australian Antarctic Territory. As far as the Australian government is concerned, what has the surveillance in the territory of the whaling activities of the Japanese shown in the last decade or so? Is it true, for example—I will get straight to the point—that some 400-plus minke whales have been harpooned in Australian territory in Antarctica since 2000?

**Dr O'Connell**—I do not have the exact numbers for the Japanese take in the Australian Antarctic EEZ, but it is true that there have been a considerable number of minke whales taken in those waters.

**Senator BROWN**—What has been the Australian government's reaction to the harpooning of minke whales, which are of course relatives of blue whales, in Australian waters?

**Senator Ian Campbell**—I think our reactions are very well known and very well understood.

**Senator BROWN**—I have seen none.

**Senator Ian Campbell**—Oh.

**Senator BROWN**—So could you please explain what they are?

**Senator Ian Campbell**—Well, you call those waters Australian waters; we claim them as an EEZ. But those claims are disputed by all but four countries in the world.

**Senator BROWN**—Take our claim—

**Senator Ian Campbell**—We have made it clear to the Japanese that we want to see an end to scientific whaling. We have done more, I suspect, than any other country on the globe to seek to bring an end to article 8 of the convention. Our government's policy is well known in Japan and in most other countries in the world that take an interest in whaling.

**Senator BROWN**—Can you point to any occasion or document where the Australian government has objected to the killing of minke whales in Australian waters in Antarctica since 1996?

**Dr O'Connell**—Australia sponsored and in fact took a motion to the IWC in 2003 seeking an end to the Japanese whaling program in Antarctic waters, which was passed as a resolution by the IWC.

**Senator BROWN**—Are you aware of any communication that has gone to the Japanese government on that, Dr O'Connell?

**Dr O'Connell**—I would have to check records on precisely what, but there have certainly been representations made to Japan on the issue relatively regularly.

**Senator BROWN**—Can you provide those representations to the committee?

**Dr O'Connell**—Yes.

**Senator BROWN**—Are you aware of any from the Prime Minister?

**Dr O'Connell**—The Prime Minister has recently written to the Japanese Prime Minister, which you may be aware of from the public statements he has made.

**Senator BROWN**—Yes; that is about the proposal to harpoon humpbacks—

**Senator Ian Campbell**—No, it is not. It is about commercial and scientific whaling.

**Senator BROWN**—Yes.

**Senator Ian Campbell**—Their existing program has been going since 1986, I think.

**Senator BROWN**—Has the Prime Minister made any communications to Tokyo about the killing of the 400—or whatever the number is—minke whales in recent years, before the recent controversy about humpback whaling?

**Senator Ian Campbell**—He certainly did. He made representations before the controversy, yes.

**Senator BROWN**—Can we have a copy of those representations please?

**Senator Ian Campbell**—We have been working for years and years and years on this issue, as you may know; I do not know whether you do. I have been working on this issue—quietly, dedicatedly, diligently—since the first day I got this job, long before it became a matter of public debate, and the Prime Minister did as well.

**Senator BROWN**—The Prime Minister has now written to his opposite number in Tokyo, Mr Koizumi, about the proposal to harpoon humpbacks and fin whales, as well as minke whales, and doubling the number of those to 800. Presumably a big proportion of these are going to be in what Australia claims to be our economic waters in Antarctica and, indeed, a whale refuge. But he has said, in that letter, that 'old friends can agree to disagree'. Shouldn't

we be doing something more than disagreeing and opening an avenue for the Japanese to say, 'We do disagree about this matter'? What other measures is the Australian government going to take about this outrageous behaviour by the Japanese government against whales, and in claimed Australian waters?

**Dr O'Connell**—I am not sure that is an accurate quotation from the letter in the first place. In fact, I am fairly sure it is not an accurate quotation from the letter.

**Senator BROWN**—You are?

**Dr O'Connell**—Yes, but I do not have the letter.

**Senator BROWN**—I think you should get the letter.

**Dr O'Connell**—The distribution of the Prime Minister's letters is normally a matter for the Prime Minister's portfolio, which I am not in control of.

**Senator BROWN**—It was in the *Daily Telegraph* if I remember—

**Dr O'Connell**—Not as you quoted it.

**Senator Ian Campbell**—I would be happy, with the Prime Minister's approval, to have the letter tabled in this committee. I will see if that is possible.

**CHAIR**—When we come down to the wildlife section, we might do that.

**Senator Ian Campbell**—It is entirely appropriate to ask these questions because Dr O'Connell is our whaling commissioner and will be accompanying me to Korea. In fact, he will probably be going a few days in advance of me. But it should be put on the record very clearly that, when we were made aware of the proposed expansion of the so-called scientific proposal, I raised it with the Prime Minister, knowing he was travelling to Tokyo, and suggested that this could be raised—and he raised it. His letter was a follow-up to submissions that he had already made to the Japanese government—and, because you have raised it, that was many weeks before this became a matter of public debate and controversy.

**Senator BROWN**—What exactly did he raise with the Japanese Prime Minister?

**Senator WEBBER**—I am sorry to interrupt, but I want to intervene here. I, too, have a series of questions I want to ask about whales and whaling and the current issues. I was just wondering if you want me to do that now or whether you want me to stick to the agenda—

**Senator BROWN**—The agenda is being stuck to.

**CHAIR**—I will answer that if you do not mind. We are dealing with the Antarctic.

**Senator WEBBER**—Chair, we seem to have digressed to Japan rather than the Antarctic.

**CHAIR**—No, we are dealing with the Antarctic, and whales do come under the wildlife division. If there is a link to the Antarctic that is fine, but otherwise we should come back to this under the wildlife division.

**Senator WEBBER**—And I do have a question about something the minister said before too.

**Dr O'Connell**—Just a point of clarification: the whaling issues are managed primarily by the Antarctic Division.

**CHAIR**—Are they? All right, that makes it totally legitimate.

**Senator WEBBER**—So I can ask my whaling questions now?

**CHAIR**—Senator Webber, you may ask your whaling questions now.

**Dr O’Connell**—There is some split. Some matters are handled by the wildlife division, but the predominant issues I think you are looking at in the current debate are being handled by the Antarctic division.

**Senator McLUCAS**—Historically, we have always covered the issues of whaling with the wildlife division. So I do take your point, but we have in the past covered issues around whaling with the wildlife division.

**CHAIR**—What is the feeling of the meeting? Do we want to deal with whaling now or under the wildlife heading?

**Senator Ian Campbell**—I think we should keep going, and if someone wants to bring it up again under the wildlife heading we are very happy to have a conversation about it. This is obviously one of the most—

**Senator WEBBER**—I am happy to do it whenever you would like.

**Senator McLUCAS**—Just recognise that we have to go home at 11 o’clock tonight.

**CHAIR**—We will do it now, Senator Webber.

**Senator WEBBER**—We will do whales now. Excellent.

**Senator McLUCAS**—The Great Barrier Reef has got to happen.

**Senator BROWN**—Coming back to the representations, can you be precise about the representation the Prime Minister made to Mr Koizumi when he was in Tokyo?

**Senator Ian Campbell**—I cannot, because I was not there. At the same time he was in Tokyo, I was in New York. Together with Mr Borthwick and the Ambassador for the Environment, I held a meeting with the vice minister for the environment from Japan. We were raising the issue simultaneously on the fringes of the UN Commission on Sustainable Development, so we were using all opportunities for contact with Japan to raise our immediate concerns about what was at that stage a proposal which I think had started to leak out of the scientific committee.

**Senator BROWN**—Can you ask the people who were involved for—and provide the committee with—clearer information on what exactly was put to the Japanese and what the response was in Tokyo?

**Senator Ian Campbell**—I would have thought prime ministerial discussions with officials in Tokyo would be entirely a matter for the Prime Minister. He has made public comments about the fact that he raised these issues with him, and I would suggest that if you refer to his letter you will see the sort of language that he used. His letter would be consistent with what he said when he was in Tokyo. But if there is anything I can add to that I will.

**Senator BROWN**—So we have a letter from the Prime Minister to Mr Koizumi. Why didn’t he telephone Mr Koizumi, due to the seriousness of the matter?

**CHAIR**—Senator, that is not strictly relevant.

**Senator BROWN**—It is relevant. Mr Koizumi telephoned the Prime Minister over Iraq and the deployment of Australian troops to Iraq to protect the Japanese there. Why didn't Prime Minister Howard utilise this relationship on a personal basis and telephone Mr Koizumi about the Japanese intention, now stated in public, to increase whaling in Australian waters and to resume humpback whaling after decades of protection of these whales?

**Senator Ian Campbell**—They are questions that the Prime Minister could answer, but the Prime Minister is using his position to assist in what is a very important battle in the fight for whale conservation. I am happy to receive from any person in Australia or anywhere else assistance, guidance, encouragement and ideas for new things we should do to try to win this battle.

**Senator BROWN**—What things are you going to do?

**Senator Ian Campbell**—Chair, I am very pleased that the Prime Minister chose to do this—for the first time in Australian history, I understand. I sought advice on this from Dr O'Connell during the week, and I think it is the first time in history that an Australian Prime Minister has written to a Japanese Prime Minister on this. It was not done under previous governments or previous prime ministers. I would say that the answer to your question, quite frankly, is that the Prime Minister's letter goes into some detail about the reasons we are opposed to this, and it would probably have been the Prime Minister's judgment that setting out in some detail his arguments, which reflect the Australian government's arguments, was an important and appropriate way to get the arguments to his Japanese counterpart.

**Senator BROWN**—Will he do anything more, if the Japanese persist, as they say they are going to, with the resumption of humpback whaling? If so, what is it that he is going to do?

**Senator Ian Campbell**—The Prime Minister has signalled that he will keep other potential actions in reserve, one of which is the option to go to the International Court of Justice. He has made it clear that we will not rule that out. We do not think it is the best way to get a result at the moment, but he has not ruled that out. The government has, as I have said, been building on the efforts of previous governments. I have been building on the efforts of my two predecessors in this portfolio, Senator the Hon. Robert Hill, and the Hon. Dr David Kemp, from literally the first day I got into this job. It was the very weekend that Dr O'Connell was at Sorrento representing the government at the International Whaling Commission meeting last July that we became aware of movement within the IWC towards agreeing to a revised management scheme, or RMS. That encouraged me to take a very close and personal interest in the issue. We have been working up a range of measures since that very day—my first day in this job, I think—to seek to defeat the adoption of an RMS at the meeting in Ulsan in about three weeks time. That was my main effort and we are working on the strategies, virtually on a daily basis, to achieve that.

That has included working with a range of other like-minded nations to encourage nations that share our views on whale conservation to join the IWC and to argue the position through diplomacy. We have been successful in signing up three potential members—the Czech Republic, the Slovak Republic and Panama—and there may be others. That is one of a number of things we have done.

More recently, just prior to the Prime Minister's visit to Tokyo, the proposal to set up a new program called JARPA 2, to replace JARPA 1, was made. I am sure Dr O'Connell will inform the committee what JARPA stands for, but it is basically the new Japanese so-called scientific program that replaced the old program that issued permits to kill 440 minke whales. It proposes to roughly double that take and to expand into new takes of humpbacks and fin whales. When that became known to us, we had to ramp up our operations and focused on that as well. We have been doing that since that time, including the Prime Minister discussing it in Japan and recently raising it in writing with the Japanese Prime Minister.

**Senator BROWN**—What happens if the International Whaling Commission does not change the rules? What is to stop Japan from going ahead and whaling anyway?

**Senator Ian Campbell**—Nothing.

**Senator BROWN**—So we have an intention by the Japanese government to resume humpback whaling and fin whaling and to double minke whaling, and there is nothing to stop them. While Australia may be making diplomatic efforts to counter a much earlier start at a Japanese diplomatic tour de force on the IWC meeting at Ulsan, in Korea, coming up in a week or less, the Japanese can proceed anyway. What is the Australian government's reaction going to be when humpback whaling is resumed by the Japanese?

**Senator Ian Campbell**—Firstly let me say that as I understand it—and I am happy for our commissioner to correct me if I am wrong or to expand on my answer, because this will be my first meeting of the IWC and it will be Dr O'Connell's umpteenth meeting—the only relevance of Ulsan to the JARPA 2 proposal, the proposal to double the minke take and expand into humpbacks and fins, is that the proposal that was laid before the scientific committee some weeks ago and that is being assessed by the scientific committee will be, for the first time, formally laid on the table. I am not sure whether that is the right language, but I think that is the result of it. In the next few days or couple of weeks there will also be a report by the scientific committee which I presume would be made public around that time. Dr O'Connell could expand on that.

I can only say that at Ulsan there is no opportunity to have a vote to stop that. The Japanese can basically say, 'This is our program,' effectively table it and then issue the permits. There is no prospect at Ulsan, sadly, that any activity by any country or group of countries is likely to stop that. What can stop it in the future is reform of the IWC, reform of the convention and reform of article VIII. That is what we have to work towards, but that is not going to be achieved in Korea. What can be achieved in Korea is stopping the RMS. That is what I have been focused on since last July, and that is what I will stay focused on until we get to Ulsan and while we are in Ulsan. One of the things I have said publicly that I will do in Ulsan is ensure that there is a vote and that all countries are required to put up their hands so all the citizens of those countries will know how their commissioners have voted on that RMS.

**Senator BROWN**—If the RMS vote goes the right way, does that stop the Japanese from resuming humpback whaling?

**Senator Ian Campbell**—No, it does not. I have made that quite clear. It is the scientific program—

**Senator BROWN**—That is my understanding too.

**Senator Ian Campbell**—Exactly. You are right. The JARPA 2 apparently says that humpback whaling would commence in a couple of years time. Let us hope that it does not. What happens when that commences or when the minke take increases? I am very welcoming of all constructive suggestions from any quarter, but one of the things we have to be careful not to do is to telegraph our shots in relation to just what we are doing. I think you would respect that.

**Senator BROWN**—What about this outrageous lie by the Japanese that this is scientific whaling?

**Senator Ian Campbell**—I have said publicly that I think it is outrageous. I said on television the other night that I think it is sick. I think Conall is about to say that the scientific committee does not regard it as science either. I do not think many scientists would regard it as being scientific. The spokesman from the Japanese fisheries authority has said on the *Lateline* program and in other places that they do this to find out how old the whales are. There is no surer way of ensuring that there are not many old whales around than killing them to find out how old they are.

**CHAIR**—Exactly.

**Senator BROWN**—The Japanese fishing fleet on occasion uses Australian ports. Is that a good thing? Is that true?

**Dr O’Connell**—The Japanese whaling fleet does not use Australian ports.

**Senator BROWN**—No, I said fishing fleet.

**Dr O’Connell**—When you say ‘Japanese fishing fleet’, do you mean Japanese flagged fishing vessels?

**Senator BROWN**—Yes.

**Senator Ian Campbell**—I have seen them in Fremantle, so I can absolutely assure you—

**Dr O’Connell**—But not the whaling fleet.

**Senator BROWN**—No.

**Senator Ian Campbell**—I have witnessed that; I can answer in the affirmative. I have seen Japanese fishing vessels in Fremantle on the very odd occasions I get to go through there these days.

**Senator BROWN**—How do you think Australians are going to feel about Japanese fishing vessels which in some cases are owned conjointly by people who own whaling vessels coming into our ports when, as a corporate entity, they are involved in killing humpback whales and increasing the kill on minke whales and fin whales in Australia’s Antarctic refuge?

**Senator Ian Campbell**—When I was in New York at the meeting with my secretary and my Ambassador for the Environment at that meeting, I made it clear to the Japanese ambassador and the Japanese vice-minister that—I have said it to them—I expect that Australians will generally be alarmed and that my prediction—and I am not a Rod Cameron or a Mark Textor—is that the way Australians think about Japan will be negatively impacted by this proposal. That is something that I think would be incredibly unfortunate. We have built up a good relationship with Japan at a whole range of levels. My perception—as I said, I

am not a pollster—is that a genuine affection between Australia and Japan has built up over many decades, for a whole range of reasons. I think that would be bad for Japan and Australia. You are quite right: Australians who visit ports and see Japanese fishing vessels there will feel angered.

**Senator BROWN**—Is the government going to respond to that anger?

**Senator Ian Campbell**—I have been working very hard to try to ensure that what the Japanese are proposing under JARPA II does not occur.

**Senator BROWN**—But we have just heard that they can go ahead and do it anyway.

**Senator Ian Campbell**—We are trying to stop JARPA 2 coming into existence. That is what we are trying to do. I am not building up expectations that we can achieve that. I am sure that you will join me in trying to see an end come to that result. You and I may approach it in different ways, because we come to things in different ways in some respects, but I am working very hard. As I said, I am very happy to receive your suggestions on how I seek to achieve this and how the government does it—through you talking to me privately, through you writing to me, as you do on some occasions, or even through the media. If you have good suggestions, I am genuinely happy to hear them. I am happy to work in a non-partisan, non-political way to seek to achieve this result—the way that it has happened in the past. It was one of the great achievements in Australian environmental reforms and conservation achievements that people like Gough Whitlam and Malcolm Fraser could work together on issues like the protection of the Great Barrier Reef, the proclamation of the park and the listing of it on the World Heritage register, and bring an end to commercial whaling in Australia and lead the world against Japanese whaling and other commercial and so-called scientific whaling. I think there should be only one exception for whaling, just for the record, and that should be very limited, very tightly controlled, very sensitively controlled take for genuine indigenous races who have an unbroken history of exploitation of whale for those genuinely indigenous uses.

**Senator BROWN**—Has the Australian government licensed Japanese fishing companies to fish in Australian waters anywhere?

**Senator Ian Campbell**—I think that is the case, but I am not sure if it is a question for this department. That is done by the Australian Fisheries Management Authority. I am sure there are environmental and Antarctic Division interests.

**Dr Press**—My understanding is that there are no Japanese fishing vessels licensed to fish in waters that are covered by the Fisheries Act.

**Senator BROWN**—Including Heard Island and McDonald Islands?

**Dr Press**—Correct.

**Senator BROWN**—So there are no licences given by the Australian government to any Japanese fishing enterprise?

**Dr Press**—Only Australian registered companies are licensed to fish in the Heard Island and McDonald Islands exclusive economic zone.

**Senator BROWN**—So there are no Japanese interests licensed to fish under any Australian set-up?

**Dr Press**—We are moving into a different portfolio's responsibility here, but there is a press release that was put out by AFMA on that issue. There is a Japanese company that has been sold a transferable quota, but that does not permit them to fish; it only permits the trade of fish. That is about as far as I can go on that one, because I am stepping into somebody else's portfolio.

**CHAIR**—Senator Brown, Senator Webber also has some questions on whaling.

**Senator BROWN**—So the question here is—

**CHAIR**—After this, we might go to Senator Webber.

**Senator BROWN**—I have just a couple more questions on this very important matter.

**CHAIR**—Can you conclude quickly, because Senator Webber also has questions and you have had a good run.

**Senator BROWN**—So there is an arrangement for a Japanese company to have a quota for fishing licensed by the Australian government. Is that Japanese company involved in whaling?

**Dr Press**—I honestly cannot answer that. It has been alleged that it has, but I do not have that information in front of me.

**Senator BROWN**—Surely it is important for us to find that out. Minister, would you find that out for us.

**Senator Ian Campbell**—I have been investigating this for a couple of days, but, as I said, I was on the Murray yesterday; I have not received any further information.

**Senator BROWN**—Because we are in a situation—

**Senator Ian Campbell**—I have been making investigations.

**Senator BROWN**—where it appears that we—

**Senator Ian Campbell**—I can give you the information as I understand it, from what I have been told to date. I am sure it will be updated, and I am happy to provide it as it is updated. It may be a separate question, and I may be answering the wrong question, so forgive me if I am, but, from what I have been told to date, there is an Australian company that sells fish—I presume Patagonian toothfish, but I am not sure—

**Dr Press**—And mackerel icefish.

**Senator Ian Campbell**—And mackerel and ice fish. And that they sell it in Japan and that the company they sell it at in Japan has some crossover of interests with the agency that is involved with whaling. That is what I have been told to date. If I get more information, I am happy to pass it on.

**Senator BROWN**—It is a very serious—

**CHAIR**—Senator Brown, we will have to go to Senator Webber.

**Senator BROWN**—It is a very serious matter, isn't it, that we appear to have licensed a Japanese company that is involved in whaling to be involved in—

**Senator Ian Campbell**—We have not done that. The officers have all said we have not done that.

**Dr O'Connell**—I think you need to distinguish between a quota, which is tradable on the market, and licences, which are not.

**Senator BROWN**—Given the quota, it appears that the Australian government has given a fishing quota to a company that is involved in killing minke whales in the Australian Antarctic Territory and intends to be involved in humpback whaling.

**Dr O'Connell**—I do not think the quota was given by the Australian government. This is an issue which you would really need to take up with the fisheries portfolio, which manages this process.

**Senator BROWN**—I will be.

**CHAIR**—Senator Macdonald is the relevant minister.

**Senator BROWN**—I have just one other question about this.

**Senator Ian Campbell**—Can I just put on the record that I share the concern about that issue. That is why I am investigating it. We just need to make sure that it is quite clear as to what we are talking about. It is not an Australian licence that we are talking about.

**Senator BROWN**—Will the Prime Minister end negotiations on a free trade agreement if the whaling of humpbacks goes ahead, authorised by the Japanese government?

**Senator Ian Campbell**—Firstly, as I have said, our efforts are to try to ensure that the maximum weight of world opinion and the maximum available scientific evidence and all possible diplomatic actions occur to ensure that JARPA 2 does not become a reality. I think we should seek to achieve that and seek not to telegraph any responses. As to trying to link free trade negotiations, troops in Iraq, boarding of Japanese vessels on the high seas—all of these things—contemplating those and hypothesising about what might occur if something occurs is unlikely to assist me or the Australian government and other governments who are seeking to improve whale conservation.

**Senator BROWN**—We are here—

**CHAIR**—Senator Brown, we must go on to Senator Webber.

**Senator BROWN**—This is the last one.

**CHAIR**—No, the last one was the last one, you said. We must be fair to other senators.

**Senator BROWN**—Will the Prime Minister review the deployment of Australian troops to Iraq to defend the Japanese if this intention to harpoon humpbacks in Antarctic waters goes ahead?

**Senator TCHEN**—Senator Brown, you have got your press releases—

**Senator Ian Campbell**—These are suggestions that Senator Brown has made on other occasions. They make good copy and press releases. They do not help me to try to stop whaling.

**CHAIR**—With that, Senator Brown, we are going to Senator Webber.

**Senator Ian Campbell**—They help Senator Brown's coverage, his number of hits in the media and his personal electoral chances, but they do not help me to try to stop whaling. I am very happy to receive constructive and helpful advice on how to do that.

**CHAIR**—We must now go to Senator Webber.

**Senator WEBBER**—Initially I want to return to some of the comments that the minister made earlier when discussing this matter with Senator Brown. I also have a lot of questions about whaling. Minister, I was doing my best to follow, but could we go back to what you call the EEZ but what we refer to as Australian waters. Why do you see the distinction? Do you see it as not being Australian waters?

**Senator Ian Campbell**—We claim roughly 42 per cent of the Antarctic territory. I understand that since 1994 we have claimed the exclusive economic zone roughly in a 200 mile arc off that Antarctic territory which we claim—as you know, because I think you have been to Antarctica.

**Senator WEBBER**—No, I have not. I would like to go but I have not been there yet.

**Senator Ian Campbell**—You can ring Synergy.

**Senator TCHEN**—Maybe you can fly there.

**Senator Ian Campbell**—We do make a claim to Antarctic territory. There is a general misunderstanding that we say this is Australian territory. The reason that there is an Antarctic treaty is that most of the countries in the rest of the world do not respect that sovereignty; it is not recognised. The whole of Antarctica is like that, so there is an Antarctic treaty in place which effectively manages that issue. That treaty has been in place since 1961 and that is how the sovereignty issues are kept under control and we get on with looking after Antarctica. A whole range of nations in the world do work down there. Those sovereignty issues are generally managed and kept at bay through the treaty system.

Therefore, the waters that we call Australian waters, take a lot of responsibility for and claim as an EEZ are only, as I understand it, respected as Australian waters by four other nations in the world. So ipso facto a hundred and something other nations do not respect that. It is very hard to enforce an Australian law in that area against another nation because you immediately have an international legal issue to be resolved around sovereignty. That is a very hard position to put in a 38-second grab on a TV slot. That is my best guess at it, but Dr Press, Dr O'Connell and a number of other people in the room understand it a lot better than I do.

**Dr O'Connell**—I think the most useful way would be if we could provide you with something on what we have just set out, the nature of what are Australian waters and what is the EEZ. It is quite a complex legal issue. Australian territorial waters are broadly speaking defined out to 12 nautical miles. The EEZ is an area where you have rights under UNCLOS, under the treaty, but these are not necessarily the same. The most useful thing we can probably do, with our colleagues in Attorney-General's and DFAT, is to provide you with a breakdown of what the nature of these differences is.

**Senator WEBBER**—That would be fine. There are other very clever people in this building who have emailed me some interesting legal advice that says the EEZ is actually part

of our territory. I appreciate therefore that it is contentious, because they have outlined for me why Australia has sovereignty, but I will not get bogged down in that.

**CHAIR**—We will have a short tea break.

**Proceedings suspended from 10.44 am to 11.04 am**

**CHAIR**—The committee will resume.

**Senator WEBBER**—I want to follow up with Dr O’Connell. Thank you for your offer of a briefing. I hate to do this to you—it is not normally my practice—but can I have a rough idea about when I can get that?

**Dr O’Connell**—In a couple of days.

**Senator WEBBER**—I am being inundated with other material now about definitions of sovereignty and legal opinion, so I want to get my head around it.

**Dr Press**—We should be able to give you a briefing by the middle of next week, if that is okay. Or would you like it earlier?

**Senator WEBBER**—By the middle of next week would be fine. Thank you very much for that. That will slow everyone down. Otherwise, I might have to explore a couple of other issues today. Minister, earlier when Senator Brown was with us you mentioned that Australia had signed up, or been part of signing up, three nations to the international whaling convention. Is that right?

**Senator Ian Campbell**—I think ‘signing them up’ is probably the language you and I would use back in our lay organisations in the West, but it would probably be more appropriate to say that as part of an international effort we have encouraged some nations to sign up.

**Dr O’Connell**—Two.

**Senator WEBBER**—Two?

**Senator Ian Campbell**—We were involved in encouraging the Czech Republic and the Slovak Republic to join, and we welcomed Panama on board. I do not think we particularly encouraged Panama, but from my recollection I wrote a letter to the Panamanian minister recently and congratulated them on joining the IWC.

**Dr O’Connell**—There is, I think—and I would have to clarify it—an issue with Panama and its joining. It might not be finalised yet. But there are the two, definitely.

**Senator Ian Campbell**—That is part of what we are doing. To expand the answer slightly, we have also welcomed the membership of the Pacific nations. I think Tuvalu and Kiribati have joined this year. I have written to their ministers and welcomed them to the IWC and addressed issues that they have raised. I think those two countries have shown an inclination to support whaling. I do not want to misrepresent them here—

**Dr O’Connell**—Kiribati has not yet given any indication of its position. Tuvalu joined last year and is certainly open-minded about some of the conservation issues that we would want to pursue.

**Senator IAN CAMPBELL**—I have engaged in correspondence with those countries and discussed issues relating to whale science and whale conservation.

**Senator WEBBER**—While we have been doing that on a proactive front, can anyone give me an idea of how many nations Japan has encouraged at the same time so I can get a feel for the way the Japanese government are playing their politics?

**Senator Ian Campbell**—We would be cautious about seeing this as a race. It may be characterised as that in the press, but we are not really trying to outdo Japan so that if they sign one up we sign one up. It does not quite work that way, and I would not like it to be characterised like that. We could usefully provide to the committee something that I have given to the media recently, and that is a list of the nations with our assessment of their voting patterns. That list could also show recent new members. We could table that. If you look at that list and interpolate my comments in relation to some of the nations, it would be easy for you to make a simple assessment. Once you have that, if you have any further questions you can come back to that, either at the committee or one to one, if that is helpful.

**Senator WEBBER**—That would be useful; thank you. Are Tuvalu seen as being supportive of the Japanese position or the Australian position?

**Dr O'Connell**—As I mentioned, Tuvalu only joined last year. At that stage they were not fully receptive of our conservation agenda. I would not want to put people in the Japanese camp or otherwise, but they certainly indicated that they were looking more at the potential for whaling to commence.

**Senator WEBBER**—In expressing that view did they raise any concerns about Australia's position on climate change and what we are doing there?

**Dr O'Connell**—No.

**Senator WEBBER**—So they see this as purely about whaling rather than an overall environmental position?

**Dr O'Connell**—In terms of the Whaling Commission, of course, they were dealing with only whaling issues, and that was all the conversations were about. There were no other conversations raised in the Whaling Commission meeting other than those related to whaling. Climate change did not enter into any discussions that Tuvalu was involved in.

**Senator WEBBER**—I will turn now to the EPBC Act. Can someone advise me how action under the EPBC is triggered?

**Mr Early**—Basically, to give you a quick summary, the EPBC Act establishes matters of national environmental significance. If there is a project or a proposal to do something which would have a significant impact on any of those matters of national environment significance then that should be referred to the minister. Then, if a significant impact is likely, it would become what is called a 'controlled action', which means that it needs assessment and the minister's approval under the legislation.

**Senator WEBBER**—What would be seen to be a matter of national environmental significance?

**Mr Early**—They are set out in the legislation. There are world heritage properties, national heritage places, threatened species and ecological communities, nationally listed migratory

species, nuclear actions, the marine environment—the Commonwealth marine area—and Ramsar listed wetlands of international importance.

**Senator WEBBER**—So when actions are triggered, advice goes to the minister and then he determines what happens next? Or is it all—

**Mr Early**—If it needs the minister's approval then the minister determines whether or not the proposal can go ahead and, if so, under what conditions. So, he can either say, 'Yes' with no conditions, 'Yes' with conditions or he can say, 'No.'

**Senator WEBBER**—Is it true that in the EPBC Act the Australian Whale Sanctuary is described as formal recognition of the high level of protection and management afforded to whales—basically to whales and dolphins—in Commonwealth marine areas and prescribed waters?

**Mr Early**—I have not got the act in front of me, but that sounds about right.

**Senator WEBBER**—The Australian Whale Sanctuary comprises waters in the EEZ—we have already been through that. Would it therefore be an offence under the EPBC Act to kill or injure a whale in the Australian Whale Sanctuary or in waters beyond the outer limits of the Australian Whale Sanctuary?

**Mr Early**—Yes.

**Senator WEBBER**—How many prosecutions have there been under the EPBC Act in relation to the killing or injuring of whales in the Australian Whale Sanctuary

**Mr Early**—None, to my knowledge.

**Senator WEBBER**—None?

**Senator Ian Campbell**—I might just add a bit of history here, because it will illuminate the issue for the committee. The EPBC was obviously a new law of the Howard government. It replaced a number of existing environmental laws. One of the laws it replaced was the Australian Whale Protection Act 1980, and the provisions in the EPBC pretty well mirrored that. There were some changes, but the same legal requirements applied to the EEZ under the proclamation of the EEZ in 1994. The Whale Protection Act made it illegal under Australian law, as at that time, to take whales from that exact area.

In 1993-94 the Japanese permitted their agency to take 440 minke whales. In 1994-95 they permitted the agency to take 440 whales. In 1995-96 they gave the same permit—and in 1996-97. They were all years that that whaling program was undertaken. The exact same legal parameters applied at that time as apply now. I can confidently say that there were no actions taken by the government that was in power at that time and no prosecutions at that time—for, I suspect, exactly the same reason why there are none at the moment.

**Senator WEBBER**—Were the various catches of 440 whales that you referred to in Australian waters?

**Senator Ian Campbell**—Dr O'Connell has told us that the territorial waters go to 12 nautical miles off the coast and EEZ goes to 200 miles.

**Dr O'Connell**—I do not have any precise figures on the take at that time—and I am not sure how precise they are—but certainly they would have covered the waters that were in our

claimed EEZ off the Australian Antarctic Territory. The short answer is, yes, you would have expected some of those whales to have been taken in our Australian Antarctic EEZ.

**Senator WEBBER**—‘Some’; okay.

**Dr Press**—I cannot give you the precise date, but during the first half of the 1990s one of our research vessels came across a Japanese whaling vessel and there were photographs taken of whales being flensed. We have got that on file somewhere and I can make that date available to the committee.

**Senator Ian Campbell**—Do you know what date that is, Dr Press?

**Dr Press**—I cannot off the top of my head, but it was the first half of the 1990s.

**Senator Ian Campbell**—Would the minister at the time have been made aware of that?

**Dr Press**—Yes.

**Senator Ian Campbell**—We will check on that—it could have been Senator Faulkner.

**Senator WEBBER**—Indeed, my good friend Senator Faulkner. Leaving aside what the Japanese are proposing to do now, for a while there 440 whales were killed each year.

**Senator Ian Campbell**—Up to 440 we expect.

**Senator WEBBER**—Up to 440, some of which had to have been taken in EEZ or Australian waters or whatever we want to refer to them as—and I am sure I am going to be an expert at this by mid next week—yet no action was taken to prosecute the Japanese?

**Dr O’Connell**—No action has been taken by the Australian government, no.

**Senator Ian Campbell**—No action in 1993-94, no action in the 1994-95, no action in 1996-97 and no action ever since.

**Senator WEBBER**—No action subsequently either?

**Senator Ian Campbell**—No, not prosecutions—and you understand why.

**Senator WEBBER**—You can expand on that if you would like, Minister.

**Senator Ian Campbell**—I think we have explained it to you. Australia has the right to enforce its laws against Australians within that area under the treaty and under the International Whaling Convention, but it does not have the right to enforce it—it is challengeable; it would be challenged; it would be contested—the only clear right we have is to enforce it against Australians and, to the best of our knowledge, no Australian has gone down and taken a whale in those waters. To the best of our knowledge probably only the Japanese have taken whales in those waters. I am not sure whether the Norwegians go down there, do they?

**Dr O’Connell**—No.

**Senator Ian Campbell**—They stay away from there, which is good.

**Senator WEBBER**—Yes.

**Senator Ian Campbell**—The reason that the Keating government did not take action was the same reason that the Howard government has not taken action, I presume—the action would be highly unlikely to succeed.

**Senator WEBBER**—Is the decision to not take action purely a ministerial decision or does it involve decisions by the government overall? Has the Prime Minister and the Minister for Foreign Affairs been advised or has that purely rested with you and your predecessors?

**Mr Early**—The department would advise not to proceed with such a prosecution. One of the things that we have to determine in taking forward a prosecution is whether there is any real likelihood of success. For all the reasons that have been gone through at length this morning, there is very little likelihood of a successful prosecution.

**Senator Ian Campbell**—Can I add to the record that the photographing and the filming by the Australian Antarctic Division was in February 1992. The Australian government was made aware of the destruction of the whales in those waters in February 1992.

**Mr Early**—That sort of policy is encapsulated in the department's prosecution policy, which is on its website and which is consistent with the Australian government's policy in relation to taking prosecutions. There are a number of things to be considered, one of which is the likelihood of success.

**Senator WEBBER**—But that is purely a department and a ministerial position. Are other departments involved in making this decision or does that purely rest with your department and the minister under the act? Have you been briefing others as well?

**Mr Early**—Under the act, it is our minister and our department; but I think we have made it clear what our opinion is on the matter.

**Senator WEBBER**—I understand your opinion; I am just trying to work out whether—

**Mr Early**—Because we have taken that position, I have certainly not consulted anybody else in the Commonwealth. I don't know about other parts of the department.

**Senator WEBBER**—Has the department taken action against those illegally fishing patagonian toothfish?

**Dr Press**—The department itself has not, but other parts of the government—AFMA and Customs—have enforced Australian laws on illegal fishing for patagonian toothfish in the Heard Island and McDonald Island exclusive economic zone.

**Senator WEBBER**—So what is the difference between a toothfish and a whale?

**Dr Press**—There is a scientific difference—

**Senator WEBBER**—Apart from the very obvious! I mean in terms of the decision to prosecute.

**Senator Ian Campbell**—I think it is fair to say on the legal question that this is not the Attorney-General's Department. I did four law units at WA Institute of Technology in a previous millennium.

**Senator WEBBER**—That is four more than I did, Minister.

**Senator Ian Campbell**—I said that four nations respect our sovereignty in that EEZ. I suspect that all nations respect our sovereignty around the HMI, as it is known in the AAD—the Heard and McDonald islands territory is internationally recognised as Australian waters and we have had a number of successful prosecutions that would not have been successful if that sovereignty were challenged. We have had at least one unsuccessful one to date, because

of the very high levels of proof required as to where the fishing vessel was at the time, as I understand it. If it is in contested waters, you will not get the conviction; if it is in uncontested waters, you will. You probably could not get a better example of that. There is a case that I think is before the courts at the moment, or under appeal. As I understand it, one of the crucial pieces of evidence that is contested is whether or not that ship was in contested or uncontested waters. You could not give a better legal answer to someone who you were trying to explain it to than to say that, if it is on the high seas, you will not win a prosecution; if it is within Australian sovereign waters, your likelihood is higher.

**Senator WEBBER**—If a whale were very smart and chose to be in the uncontested zone, would we look at prosecuting the Japanese if they killed that whale?

**Senator Ian Campbell**—It is a hypothetical question, but they would be in breach of Australian law. I am sure my department would give me relevant advice at the time. But I think it is a bit like Senator Brown's questions. They do not go whaling there.

**Senator WEBBER**—They do not go whaling there?

**Senator Ian Campbell**—No.

**Senator WEBBER**—No whales go there?

**Senator Ian Campbell**—I do not know whether whales travel within 200 miles of Heard Island—they probably do—but the Japanese do not chase them, slaughter them and put them through an agonising death in those waters.

**Senator WEBBER**—It is horrendous, and that is one of the things you and I would agree on.

**Senator Ian Campbell**—I think you and I would agree on most things on this, but you are trying to find things that we do not agree on.

**Senator WEBBER**—I am trying to work whether the EEZ protects fish but not whales.

**Senator Ian Campbell**—The EEZ, where it is recognised by all nations, protects fish and whales.

**Dr Press**—The Japanese do not dispute our sovereignty over Heard and McDonald islands.

**Senator WEBBER**—Which would explain why they do not go whaling there, so it is not because there are no whales there.

**Senator Ian Campbell**—They do not nor do 100-plus other countries respect our sovereignty in the EEZ that we claim off Antarctica.

**Senator WEBBER**—But hardly any of the 100-plus other countries do not do whaling, fortunately for the whales.

**Senator Ian Campbell**—But they might side with Japan in a case on sovereignty on Australia's waters. Japan would have a lot of friends, in that case.

**Senator WEBBER**—Has the department sought legal advice on the Humane Society International's case before the Federal Court?

**Dr O'Connell**—The government's position is set out in the Attorney-General's submission to the court.

**Senator WEBBER**—So the department is guided by the Attorney-General's Department?

**Dr O'Connell**—The position is a whole of government position, and it is expressed through the Attorney-General's submission to the court. So we are at one, obviously, with the Attorney-General.

**Senator WEBBER**—So they are providing the legal advice, and the department does not have independent legal advice on the case?

**Mr Early**—Not on this case.

**Senator FIERRAVANTI-WELLS**—That is in the area of advice that Attorney-General's normally do give, because that comes within the ambit—or under the guidelines, in any case—so it is appropriate that it comes from there.

**Senator WEBBER**—I am informed that is about the definition of sovereignty and the EEZ. Minister, is my understanding correct that you will attend the IWC meeting in June?

**Senator Ian Campbell**—Yes.

**Senator WEBBER**—So you are leading Australia's delegation?

**Senator Ian Campbell**—Yes. It is probably worth noting, because we are both relatively new to this, that we are one of only four or five countries that have senior ministers leading our delegations. My good friend and comrade Ben Bradshaw, from the UK, will be there as will Chris Carter, another good comrade from New Zealand. Otherwise it is commissioners such as Dr O'Connell.

**Senator WEBBER**—It is good to hear that you have things you can agree on with the UK and New Zealand governments.

**Senator Ian Campbell**—They are both very good fellows and we have forged a very good relationship with them on this.

**Senator WEBBER**—Excellent.

**Senator Ian Campbell**—I was very pleased to see Ben win his seat in the UK election, and I sent him a personal note to congratulate him.

**Senator WEBBER**—Very good. Which departments are involved in the preparatory work for that meeting?

**Dr O'Connell**—The normal suspects.

**Dr Press**—The normal suspects: the Department of the Environment and Heritage, the Department of Foreign Affairs and Trade and the Attorney-General's Department on particular bits of legal advice that may be required from time to time.

**Senator Ian Campbell**—And more likely the Prime Minister's department.

**Senator WEBBER**—How does that work? Is there an interdepartmental committee that works this out?

**Senator Ian Campbell**—There is a network of dedicated Australian civil servants working at all levels through efficient mechanisms.

**Dr O'Connell**—We clear a brief. In the normal process for going on an overseas representational meeting we would clear a brief across the relevant departments to ensure it is a whole-of-government position. That is an established process which we have undertaken for many years.

**Senator WEBBER**—I presume the department is playing a significant role in the lead-up to this and will play a role during the meeting. Can you outline what that will be?

**Dr O'Connell**—Yes. This department takes the lead in the area. I am the commissioner, and the Antarctic Division and Dr Press's people do the supporting work for the whole process. Of course, the minister takes the lead in terms of the policy and high-level representation in the delegation.

**Senator WEBBER**—It would consume a fair bit of work and resources getting ready for this.

**Dr O'Connell**—Indeed. Considerable effort also goes in to supporting the science through the Antarctic Division. We have just sent a delegation to the IWC scientific committee, which starts considerably earlier than the IWC itself. The whole process is one which is reasonably resource intensive.

**Senator WEBBER**—Dr Press, would you like to expand on what your division is doing in preparation for this?

**Dr Press**—We work in two areas. We have a scientific program that integrates our studies in the Southern Ocean and on whales. Our scientists provide advice, and they also participate in the scientific committee.

**Senator WEBBER**—Your division is involved in the scientific committee of the IWC?

**Dr Press**—Very much so—as are scientists from other institutions and universities. But we provide the lead in the scientific committee for Australian scientists. We deal with the policy briefing and development side annually. Since responsibility for that has been given to the Australian Antarctic Division, my staff in the policy coordination branch have taken the lead in preparing for the IWC, in supporting the commissioner and in interdepartmental coordination and liaison on the construction of the brief.

**Senator WEBBER**—I am informed we have something called an Ambassador for the Environment. What role do they play? Are they involved in this?

**Dr O'Connell**—In the whaling commission?

**Senator WEBBER**—The IWC, yes.

**Dr O'Connell**—The Ambassador for the Environment, Jan Adams, has a broad brief. It would be true to say that brief tends to focus on a certain set of issues which can do with additional effort. Because we work within the commission and I am the commissioner, we do not require the Ambassador for the Environment to play a very significant role in the IWC process. She certainly has assisted us in representational work internationally as we have worked through this process, as have our other colleagues in DFAT. But the commission process is one which really revolves around a commissioner structure which—

**Senator WEBBER**—So it is purely at a departmental and administrative level?

**Dr O’Connell**—She certainly does help us with representations internationally as well, as she is travelling the world.

**Senator Ian Campbell**—Jan Adams is her name, for the *Hansard* record. She is newly appointed; she took over just after the UN Framework Convention on Climate Change meeting in Argentina. What Dr O’Connell has said is that, because the IWC is very much a body unto itself and Dr O’Connell has been the key person who has built the relationships with the other countries and commissioners, Jan’s very effective contribution has not been as broad as it has been on other issues. But she has been deeply involved in a range of issues. If I, Dr O’Connell, the secretary or anyone else thought that Jan’s skills and networks and services could help, we would call on her to help—as we have done in the last few months.

It is worth making the point as well that, for example, Howard Bamsey, the former Ambassador for the Environment, now the head of the Australian Greenhouse Office, because of his experience in foreign affairs and as the environment ambassador, is also a continuing source of advice and support from within the department on this issue.

**Dr Press**—And a former commissioner.

**Senator Ian Campbell**—And a former commissioner, I am told. As you would understand, a lot of the work of the environment portfolio involves almost continual interaction with other governments. In my short time in the department, I have found that the quality of the relationships and the representation, including from Ambassador Adams, is absolutely extraordinary and, I have to say, something that all Australians should be very proud of. We are held in incredibly high regard in all of these international forums. It is very much a reflection of the quality of the people that we send from this department to the meetings, including the ambassador. We are held in incredibly high regard, and that is credit to these people.

**Senator WEBBER**—Dr O’Connell, you referred to the fact that the ambassador has actually assisted in the lead-up to this. Can you give me some idea of what we have asked her to do to assist in dealing with this issue?

**Senator Ian Campbell**—We have been organising what is called a demarche to the Japanese government, and Ambassador Adams, for example, has been helping us to liaise with Foreign Affairs and all the other nations we are asking to provide support for that demarche. That is a very good example of the work that Jan has been doing.

**Senator WEBBER**—I have just a couple more questions. Then I think Senator Allison has some on this issue before we move on. Has the department sought any legal advice on taking Japan to the International Court of Justice over the whaling issue?

**Dr O’Connell**—No, the department has not sought legal advice, to my knowledge.

**Senator WEBBER**—Why not?

**Dr O’Connell**—The issue of taking another country to the International Court of Justice would be one which would be led by the Attorney-General’s Department, in concert with the Department of Foreign Affairs and Trade. It would be a significant policy decision to take forward, obviously.

**Senator WEBBER**—I can understand that they would take the decision about whether or not to take action, but is it not an avenue that we have been curious about exploring? I would have thought that, for them to make the final decision about taking action, it would involve your department advising them: they would not do it all on their own.

**Dr O'Connell**—But it is a legal policy issue, and one which would rightly be within Attorney-General's. It has not been a direct proposition from our department to pursue taking Japan to the ICJ, so we have no particular—

**Senator WEBBER**—So it is not something the department has considered?

**Dr O'Connell**—It is for the government to consider taking Japan there.

**Senator WEBBER**—In terms of whether or not it is an option, seeking advice on whether we can pursue that is not something the department is considering?

**Dr O'Connell**—It has not been seen as a preferred approach that we want to take, and it is certainly not an approach that we have examined from independent legal advice within our own portfolio, no.

**Senator ALLISON**—While we are waiting, perhaps the minister could be invited to make a response to that question on the part of the government.

**Senator Ian Campbell**—Sorry?

**Senator ALLISON**—In relation to the possibility of taking Japan to the International Court of Justice, can you explain why your department and you are not prepared to recommend that to Attorney-General's?

**Senator Ian Campbell**—We have not said that at the moment. We are just saying that we are leaving that as an option available to us down the track. We have not ruled it out.

**Senator ALLISON**—What does 'down the track' mean? What would trigger that action?

**Senator Ian Campbell**—I have also said today that I do not want to telegraph our shots in this; it is counterproductive to the conservation of whales, which is our core policy objective. We want to stop commercial whaling reopening. The number one priority in Ulsan, and number one priority between now and then, is to make sure the RMS does not get up. We are also focused on trying to see JARPA II withdrawn and not made formal. And the longer term focus is to see reform of the IWC, in particular article 8.

**Senator ALLISON**—So you do not rule out taking that action?

**Senator Ian Campbell**—We do not. Anything that we think is likely to succeed for that policy mission we will leave on the table.

**Senator ALLISON**—Have you had legal advice since 2000—the Adelaide conference—about the prospects of that action being successful?

**Dr O'Connell**—Referring back to what I said earlier, we have not sought legal advice within the department on that issue.

**Senator Ian Campbell**—I think that there has been some confusion over advice in terms of the HSI case and the International Court of Justice action. It is obviously very high-level

advice in relation to the HSI action, because it has ended up in a submission to the Federal Court, which I think is available to anyone.

**Senator WEBBER**—I just have one more issue that I want to pursue. Then I am happy to hand over to Senator Allison on this section. I want to ask about the proposed South Pacific whale sanctuary. Did the department provide any advice on the decision not to push for that at the IWC meeting?

**Senator Ian Campbell**—We are pushing it. We have decided, on the department's advice, that the best way of succeeding in putting in place that new sanctuary is to progress it through the conservation committee. The reason that we have chosen to do that is that, within the IWC, there is not a mechanism to allow all of the views to be debated on that proposal, whereas in the new conservation committee we believe that all of the views—if there are any reservations expressed by any nation we can flesh them out and basically progress it within that committee. We do not believe the IWC plenary—is that what they call it?

**Dr O'Connell**—We have had it go to the vote over the last few years, and we have had a simple majority on it. It requires a three-quarter majority to pass. After you put a proposition up in the IWC for one year, the habit of the commission is not to have debate on it. It just goes up for a vote and gets knocked off, if you like. What we have been wanting to do is to ensure that we have a proper debate on the issue so we can display the conservation benefits. We were successful with other countries in getting the conservation committee created; we then want to make sure that the conservation committee agenda is substantial. We also wanted to make sure that the South Pacific whale sanctuary motion was able to get the kind of debate that it needs. That is our focus for this year. We would expect to both explain the benefits and deal with any objections to it and then come back and bring it forward another time to the commission itself.

**Senator WEBBER**—When do we envisage we will be able to bring it back to the commission?

**Dr O'Connell**—I would expect that, if we make good progress at this meeting, we would take it to the next commission.

**Senator WEBBER**—That is all I have on whaling.

**Senator ALLISON**—Has the government considered closing Australian ports to Japanese fishing vessels? Is that another measure that is on the table?

**Senator Ian Campbell**—We actually had a good discussion on that, with some questioning from Senator Brown. The answer—even though it is a question for AFMA—is that there are no Japanese fishing vessels licensed to fish in Australian waters. Some Japanese fishing vessels come into Australian ports, and I am sure they are welcomed by both the port authorities and the communities around those ports, but we are also aware that no vessels with any relationship to whaling come into our ports.

**Senator ALLISON**—You would not need to confine it to whaling. Surely there are Japanese vessels that come to—

**Senator Ian Campbell**—I do not know whether you are putting the proposition that any Japanese vessel should be excluded from Australian ports. I think that would be a rather bizarre suggestion.

**Senator BROWN**—So is whaling.

**Senator Ian Campbell**—Should we stop Mitsubishi from bringing cars into Australia? Bob, you would probably say, ‘Stop Toyota Landcruisers.’ Would you stop Japanese ships coming into Fremantle or into the port of Melbourne? You would probably say yes to all of the above but I would have thought it was a very silly suggestion.

**Senator ALLISON**—There was a ban on fishing vessels coming into ports, which was lifted in 2001. Presumably at that stage there were some around; otherwise we would not have bothered to lift the ban on them. Why not revisit that as an option?

**Senator Ian Campbell**—I am happy to get advice on the frequency of Japanese fishing vessels coming into Australian ports. I have certainly witnessed them in Fremantle year after year. I certainly saw them in Fremantle before 2001.

**Senator ALLISON**—I am not sure which year the ban was imposed. All I know is that it was lifted in 2001.

**Senator Ian Campbell**—I would have to look into it. I am not familiar with it. I am happy to see why there may have been a ban in 2001 but it is news to me.

**Senator ALLISON**—What about encouraging the United States to impose trade sanctions on Japan?

**Senator Ian Campbell**—I do not know why we would encourage another sovereign nation, whether it be the United States or someone else, to impose sanctions when we are not considered—

**Senator ALLISON**—They have done it before, as I understand it.

**Senator Ian Campbell**—We are working very closely with the United States government on these issues.

**Senator ALLISON**—For your information, Minister, there was a Pelly amendment to the US Fisherman’s Protective Act in 1967. That enabled the US Administration to certify and then sanction a country that is undermining fisheries or environment treaties. President Clinton did that certification against Japan in 2001. I am suggesting to you that the precedent is there. Is that on the table?

**Dr O’Connell**—I do not think that any sanctions followed through on that. My memory could be wrong, but I do not think any sanctions followed through. I think there was a negotiated outcome between the US and Japan. However, that is obviously a matter between Japan and the US and not us.

**Senator ALLISON**—It might have been a clever tactic at the time.

**ACTING CHAIR (Senator Tchen)**—Senator Webber, do you have any other questions?

**Senator WEBBER**—I am finished with that section.

**ACTING CHAIR**—We thank the Antarctic Division.

[11.50 am]

**Great Barrier Reef Marine Park Authority**

**ACTING CHAIR**—Welcome.

**Senator McLUCAS**—Mr Tanzer, I ask a fairly standard series of questions around funding at the beginning of each round of estimates. Going to page 209 of the 2005-06 portfolio budget statement, can you run through how appropriations for this year vary from previous appropriations.

**Mr Tanzer**—The appropriation for next year?

**Senator McLUCAS**—That is right.

**Mr Tanzer**—The appropriation from the Commonwealth is decreased by \$950,000. I can explain the difference from the previous budget. The management of aquaculture accreditation—management of aquaculture regs—is now taking place in Queensland. So that task has now ceased and there is some funding that ceases with it. For the refurbishment of Reef HQ, funding will come from within our own budget, so we are not getting supplementary funding.

**Senator McLUCAS**—Over the page, on page 211, it says \$1.7 million.

**Mr Tanzer**—That is total resourcing, is it?

**Senator McLUCAS**—Yes, total resourcing to Reef HQ. There was money allocated, I understood, for the final tranche of the government's commitment to Reef HQ for the 2005-06 year.

**Mr Tanzer**—That is correct. That has been approved by the government but our overall appropriation has been reduced by a similar amount, so we are funding it from within. The government has approved us spending that money on refurbishment and on the continuation of the operation of Reef HQ, but we will find it from within our existing budget.

**Senator McLUCAS**—And how much is that?

**Mr Tanzer**—It is \$550,000.

**Senator McLUCAS**—That was the projected allocation from the Commonwealth to GBRMPA for Reef HQ for 2005-06?

**Mr Tanzer**—For the refurbishment part of it we sought ongoing funding, which was approved. However, we have to find it from within our existing resources.

**Senator McLUCAS**—It goes back to a discussion we had four years ago about my concerns about GBRMPA having to carry Reef HQ by itself, but we will come to that at another point.

**Mr Tanzer**—The third part of the reduction is the offset of the environmental management charge concessions. The concession funding that we receive comes to an end this year. I think that amount is \$311,000.

**Senator McLUCAS**—Could you explain that again, Mr Tanzer.

**Mr Tanzer**—When the EMC was put in place there were a number of concessions put in place for operators of different activities. We received supplementary funding for that loss in

revenue, if you like. But that was only for so many years, and that comes to an end at the end of this financial year.

**Senator McLucas**—That being?

**Mr Tanzer**—\$311,000.

**Senator McLUCAS**—What was the amount of the funds that previously applied to the aquaculture licensing?

**Mr Tanzer**—\$360,000.

**Senator McLUCAS**—Thank you. Going to page 213, table 2.5 shows estimates of expenses from special appropriations. I notice that there is still \$1.24 million notionally allocated to the reef CRC. Could you explain that please?

**Mr Tanzer**—That is the contribution that we make directly to the reef CRC. We have done that for a number of years. That then goes into the program that is run by the CRC—the cooperative research centre for the Great Barrier Reef World Heritage Area in Townsville.

**Senator McLUCAS**—But I understand that the reef CRC in its current form will finish at the end of June.

**Mr Tanzer**—That is correct.

**Senator McLUCAS**—So can you explain an allocation for 2005-06 into an entity that does not exist—what is happening?

**Mr Tanzer**—At this stage our intention is that we would continue to contribute to the new body, and I think there is a bridging year for next year, so the intention is that the authority will continue to contribute moneys to that while it is in that bridging year and then as the new entity comes into place decisions will be made on what level and how the authority contributes to that.

**Senator McLUCAS**—So the reef CRC will continue to operate in its current form in the year 2005-06?

**Mr Tanzer**—I will ask Mr Skeat to answer this, but my understanding is that that is being called a bridging year and there is funding being made available and the Great Barrier Reef Marine Park Authority's contribution will be made available. There are obviously programs that are continuing on.

**Mr Skeat**—That is correct. The CRC is continuing through this forthcoming financial year. In the following year it will be wound up.

**Senator McLUCAS**—Just on that, Mr Tanzer, have there been discussions with GBRMPA, given that it is a major contributor to the CRC and I imagine would be involved with the replacement entity, about the structure of that entity?

**Mr Tanzer**—I have not been part of discussions about the structure so much. There have certainly been discussions between the department, which has carriage of the funding, and ourselves on issues like working together and establishing priorities and so forth.

**Mr Tucker**—Perhaps I can add to that. The new program is being organised through my division and we have had a number of discussions with relevant parties, including the

authority and, obviously, James Cook University and many others, about what the structure might look like, and we are taking advice and having consultations on that, and we will be providing some advice to the minister in due course.

**Senator McLUCAS**—What are the nature of the discussions that you have had to this point in time?

**Mr Tucker**—Clearly we have the policy parameters that are set for the new arrangements and we have been talking to the CRCs, James Cook University and many of them to ask, ‘What are some of the best ways we might be able to deliver this and what sorts of people and expertise need to be involved?’ They have been quite detailed. Even today one of my staff members is up there, continuing those discussions about what it might look like in its future design.

**Senator McLUCAS**—I understand there will be a board established for the new entity.

**Mr Tucker**—That is the current proposal.

**Senator McLUCAS**—Who will select the board members?

**Mr Tucker**—We will provide some advice to the minister for his consideration.

**Senator McLUCAS**—The board members will be selected by the minister?

**Mr Tucker**—That is our proposal to the minister.

**Senator McLUCAS**—What consultations will you undertake in order to provide advice to the minister about the appropriate structure of the board?

**Mr Tucker**—As I said, we have already had some of those discussions with some of the people up there, to seek their views. We will have broad-ranging discussions with relevant people up there to seek their views and we will take—

**Senator McLUCAS**—Who are the relevant people? I do not need to know their names but—

**Mr Tucker**—I will not name the individuals but certainly, as I said, the existing CRCs, James Cook University, the authority itself, AIMS and all the major players up there. As you can probably imagine, they do not necessarily all have the same view on how arrangements should work, and it is a matter of us condensing what they tell us down and providing to the minister what we think is a sensible way forward for his consideration.

**Senator McLUCAS**—We might come back to that at the next estimates, because it is early days. Mr Tanzer, can I ask you about staffing. You provided us with details of your staffing at the last estimates. Is there another document that would supplement the document provided last time?

**Mr Tanzer**—Is this for Reef HQ or for the authority?

**Senator McLUCAS**—No, for the authority.

**Mr Barrett**—Yes, we have figures available for the situation as at the end of April, if they are useful to you.

**Senator McLUCAS**—If you could table them that would be very good, thank you very much. And the final standard question: what about Reef HQ visitation?

**Mr Skeat**—Let me refer to some figures here. There has actually been a decrease in international visitors to Reef HQ, but we have tried to offset that by a quite aggressive marketing campaign in the local market. We have had a total number of visitors to Reef HQ up until April 2005 of some 29,000 people. If we compare the numbers across the years, we had a slight drop in April compared to last year, but we were up in March. We had a slight drop in February and in January it was pretty much the same. The net result for our outcome though is that we have pretty much come in on target. We are some \$18,000 behind where we wanted to be.

**Senator McLUCAS**—On page 212 of the budget papers it says that estimated receipts in 2004-05 were \$2,450,000. Do you expect to achieve that income in the current year?

**Mr Barrett**—The estimate we are forecasting at the end of April will be slightly below that figure, but expenditure has been reduced accordingly. Revenue from the shop and the cafe and some of those flexible costs—the variable costs—will be reduced as well. As Andrew said, the expected operating deficit will probably be \$18,000 over what we expected for the full year.

**Senator McLUCAS**—You have a budget estimate for 2005-06 of \$2,580,000. How did you come to that view given that you are getting decreased visitation this current year?

**Mr Barrett**—As Andrew said, we are expecting visitation to be maintained, if not increased, following some marketing campaigns. There was an increase in ticket prices from 1 April. That is fairly traditional timing for price increases in the tourism market. Those are probably optimistic figures, but that is probably a good way to go.

**Mr Skeat**—There has been a recent change in the precinct of Reef HQ. The Aboriginal and Torres Strait Islander cultural centre has just opened, and that has really changed the marketability of that end of town. That is one of our reasons for optimism.

**Senator McLUCAS**—I can see that would be an advantage, and that is good. What happens when there is a shortfall? Where does the money come from?

**Mr Skeat**—Obviously, it needs to be found within the Great Barrier Reef Marine Park Authority's budget as a whole. As you would be aware, we work very hard in making sure that Reef HQ recovers as much of its costs as it can. I remind you that we are at about 81 per cent of revenue recovery, which is better than any of the institutions that are comparable around Australia.

**Senator McLUCAS**—I accept that, and we have heard that many times. My concern is that the change to government policy four years ago—to say that Reef HQ had to stand on its own two feet—means that there is a net cost to the authority. This will, therefore, change the activities of the authority, which are quite different from the operation of the interpretive centre. We all know they are linked, but one is a museum and one is a research and regulatory authority. If there is a net cost to the operations of the authority because of a change of government policy then that needs to be put on the table. That is a point rather than a question. Mr Tanzer, you provided a staffing table at the February estimates. You are going to provide that again, aren't you?

**Mr Tanzer**—Yes, we are going to provide that.

**Senator McLUCAS**—Just generally, are there any significant changes that we need to talk about at this point in time?

**Mr Tanzer**—In overall numbers?

**Senator McLUCAS**—In terms of their allocation within the structure of the authority? Are there any particular changes you should be advising the committee about, rather than our just receiving it on notice?

**Mr Tanzer**—The minister made an announcement on community engagement and partnerships as a new initiative that the authority will be undertaking—indeed, we have started that process. That will see the opening of a number of small offices outside of the Townsville office, adjacent to the Great Barrier Reef. I think there are eight positions overall involved in those external offices. We are recruiting for those positions at the moment. My expectation is that a number of those will come from within the organisation; in fact, I hope they come from within, because we are looking for people, obviously, who have expertise in the operations and management of the Great Barrier Reef to fill those positions. We will also be establishing internally—and we have people acting in these positions—a community engagement management group in Townsville to coordinate the activities of the regional offices and indeed the activities of all the areas of the authority as it goes about its business, to ensure that we are effectively engaging with the local communities along the coast and that our work is oriented towards their needs.

**Senator McLUCAS**—In February of this year there were 12 people in communication and education. Do you propose that these eight positions will essentially come out of that line in the staffing?

**Mr Tanzer**—No, that is not what is proposed, although some of the people who are presently in that area may be successful in getting some of those positions outside. At this stage we are looking at maintaining the operations in communication and education. They will obviously play a key role in feeding the material to the regional offices, performing general communication tasks and working with Reef HQ to ensure that the education function of Reef HQ is disseminated as well.

**Senator McLUCAS**—There were no extra funds for those eight positions—in fact, you have had an almost \$1 million cut in your operational budget?

**Mr Tanzer**—What community engagement is about is a change in the way we do business; it is not an add-on to our business. It is fairly fundamentally, if you like, a paradigm shift in how we go about our business. It cannot be business as usual, plus community engagement. We have decided—and the minister has approved and authorised this—to get out and work much more closely with communities and really build on all those contacts and that information that we gathered through the rezoning process.

**Senator McLUCAS**—Was the decision to locate those eight people outside of the Townsville office a decision that was recommended by the board of the authority?

**Mr Tanzer**—Certainly the board of the authority had an information paper. I do not know that there was specifically a board decision on it. They were certainly informed. It was a policy response developed in consultation with the minister. There were a number of factors that fed into it. As I say, the rezoning certainly made us aware. We developed a whole suite

and inventory of information and contacts that the authority previously had not had. It would have been, I think, a great loss not to build on that. Certainly the minister was keen for us to do that and to make sure that we strengthened those links that we had made out into local communities, whether in Cairns, the Burdekin, Bundaberg or wherever.

**Senator McLUCAS**—And that essentially came out of the *Future eye* assessment?

**Mr Tanzer**—As the chair said at the last estimates hearing, the *Future eye* report was something that the authority commissioned specifically to assist us in regard to those groups who were feeling disaffected or disenfranchised after the rezoning. It is not the blueprint for community engagement; it was simply a consultant's advisory report. It has been very useful and, like all these things, the process was useful, but, no, it provided advice really.

**Senator McLUCAS**—At the last estimates we talked a lot about reviews of the authority. On re-reading the estimates transcript it would seem that the authority, the minister and I were talking at cross-purposes on a number of occasions. I want to go through what is happening in terms of the review of the authority. There was the future eye of the process, which was an assessment of engagement between the authority and the community of North Queensland and Australia. Let's put that to one side. Can we go to the Uhrig review. Can you give me an understanding of the time frame within which that review process occurred?

**Mr Tanzer**—The department has carriage of the review process, so I think it would be better for Secretary Borthwick to take that question.

**Mr Borthwick**—The Uhrig inquiry was conducted under the auspices of the Department of Finance and Administration. My understanding is that it applied to all authorities, and GBRMPA has been swept up in that context. It set out certain principles, which the government has adopted, in terms of how those authorities should operate in the future and what their governance structures should be. All of our authorities, along with other government departments, have been asked in effect to put a ruler over the authorities' governance arrangements as per what the government has decided vis a vis Uhrig. That is currently being undertaken with respect to GBRMPA. But the review that the government said it would undertake of GBRMPA will embrace the Uhrig review, along with all the other agencies, but it will be broader than that.

**Senator McLUCAS**—That is where I think we got to our confusion last time. There was a review conducted by Mr Uhrig, which completed a report. When was that completed?

**Mr Borthwick**—I do not know when that was tabled. You had best direct that question to the Department of Finance and Administration. My recollection is that that was some time last year. I could not advise you on the exact timing.

**Senator McLUCAS**—My advice is that it was completed during 2003.

**Mr Borthwick**—Was it? In any event, I think decisions by government were taken last year. That is certainly the period in which the Department of the Environment and Heritage, and all other agencies, were basically asked to progress the Uhrig principles and report back through our minister to the Minister for Finance and Administration over the course of this year.

**Senator McLUCAS**—So there is a subsequent review occurring post the Uhrig review.

**Mr Borthwick**—Yes.

**Senator McLUCAS**—Can you tell me about that review. Who is conducting it? What are its terms of reference? How does it operate?

**Mr Borthwick**—The minister has not released the terms of reference or specified the nature of that review. He has asked us to work with GBRMPA in terms of scoping that review. We will provide him with advice on that.

**Senator McLUCAS**—So is the purpose of the review known to the department?

**Mr Borthwick**—We have been asked to provide advice on the scope of the review and what it involves. At this stage we are working with GBRMPA on that. But the obvious effect is to try to improve GBRMPA's performance and the way the department operates with GBRMPA as well. I think you will have to wait for a government announcement on that.

**Senator McLUCAS**—I am trying to understand what you mean by 'scoping a review'. Are you saying that you are negotiating with the authority?

**Mr Borthwick**—No, there are various issues that need to be sorted out. One is the interconnection with the Uhrig review, which set out various government models, how authorities should relate to those models and whether an authority should be under the FMA Act or the CAC Act. GBRMPA's case is complicated because of our arrangement with Queensland, which is a very constructive, cooperative arrangement. That is an additional complication, because the cap does not correctly fit the Uhrig template. There are also other issues concerning the interactions between the GBRMPA Act and the EPBC Act, because we did not have an EPBC Act at the time the GBRMPA went out. The minister has asked us for advice on these and a range of other matters, and we have not yet provided that advice to the minister in terms of the scope of the review.

**Senator McLUCAS**—What other matters have you been asked to seek information about?

**Mr Borthwick**—I think they are matters we need to advise the minister on.

**Senator McLUCAS**—So there are no terms of reference and the department does not understand the purpose of this review, but we know we are having a review.

**Mr Borthwick**—No, it is to improve the performance of GBRMPA and its broad accountability arrangements. I think that has been put on the record by the government. We are working with GBRMPA and we will provide advice to the minister.

**Senator McLUCAS**—What is the time frame of this internal review?

**Mr Borthwick**—I have not said what the nature of the review will be. All we are doing is undertaking a scoping exercise with GBRMPA, with a view to providing advice to the minister on how that review might best proceed.

**Senator McLUCAS**—When do you expect the community of North Queensland to understand what this review is about and what it is intended to achieve?

**Senator Ian Campbell**—When the advice is provided to me. I will read the advice and, if I agree with the advice—

**Senator McLUCAS**—When do you think that might be?

**Senator Ian Campbell**—You are looking for a time frame. I would like to address this in a sound time frame. I do not want it to drift into months and months. But in the meantime I think John has very sensibly described the sorts of measures the authority are taking to address some of the concerns that some of the communities in North Queensland had in relation to the interrelationships of the authority. That is an issue that has clearly been on my mind, because it is on the mind of the community. I think the measures that Virginia has put in place, with the support of the commission, have aggressively and rapidly addressed those sorts of issues that were concerns. As to the broader review, I want to handle it in a way that ensures that the authority understands the process, that it is a stakeholder in designing the process and that the rest of the stakeholders in that greater Barrier Reef marine park area are part of it. But as to whether it will be finished before Christmas or next Easter, I have not got that in my mind.

**Senator McLUCAS**—What do you see the purpose of this review to be, Minister?

**Senator Ian Campbell**—Next month the authority is going to be 30 years old. We want to make sure that it provides to Queensland, to Australia, to the environment, to all of the other characteristics of the Great Barrier Reef Marine Park area and also to the world the very best structures to manage what is one of the most internationally renowned and special parks anywhere on the planet.

**Senator McLUCAS**—Who will conduct the review?

**Senator Ian Campbell**—The way it is working is that the department is working with the Marine Park Authority on how that review will be structured. The secretary said he will bring me advice on that.

**Senator McLUCAS**—Will the terms of reference of this review be made public?

**Senator Ian Campbell**—I have not decided on that. It certainly will not be a secret.

**Mr Borthwick**—With respect to your earlier question about the timing of the Uhrig review, I am advised that Mr Uhrig's appointment to the review was announced in November 2002, his review was completed in June 2003 but the report was released in August 2004. That is why I had in mind that last year was when other departments became aware of what they needed to do to follow-up the Uhrig review.

**Senator McLUCAS**—Minister, I did not hear your answer to the question about who would conduct the review.

**Senator Ian Campbell**—It has not been determined yet. That is why.

**Senator McLUCAS**—Do you imagine that it will be an independent person? Will it be internal?

**Senator Ian Campbell**—Between them, the department and the authority can come up with a review structure that creates a robust outcome.

**Senator McLUCAS**—Will it include consultations with the various stakeholders to do with the Barrier Reef?

**Senator Ian Campbell**—I want it to be a really good process. I want us all to be able to stand proud when we have determined the outcome of the process and say, 'Here is a structure

for the governance of the Great Barrier Reef Marine Park that will continue the excellent outcomes that we have seen in the past 30 years.’ Australians of all political persuasions can be incredibly proud of our achievements for the protection of the Great Barrier Reef. The authority, under the leadership of Virginia and previous leaders, has a lot to be proud of as do the staff at the authority. That is what we are looking to do; there is no hidden agenda. We want to make sure that we have the best possible outcomes, policy-wise and implementation-wise, in the Great Barrier Reef Marine Park area.

**Senator McLUCAS**—How does this review—let us call it the post Uhrig review, for want of a name—fit with the review that Senator-elect Barnaby Joyce is talking about?

**Senator Ian Campbell**—I do not know what he has on his mind. I have never met the man.

**Senator McLUCAS**—He has been in the media quite regularly talking about the review of the authority. Are we talking about the review that you are contemplating or another one?

**Senator Ian Campbell**—The only review a member of the government can have in mind is the review that I am working on. There is no other review. There is a review process that we are working up with the department and the authority. I have had very constructive, very useful discussions with the chairman of the authority. I have had discussions with the relevant people in my department, and we will come up with a process to create the result I have just described. I am sure it will be one that you would sign onto.

**Senator McLUCAS**—I hope we are talking about the same number of reviews because, at the last estimates, Ms Chadwick said it would be a bit of a nonsense to have two separate reviews of the Marine Park Authority. I tend to agree with her.

**Senator Ian Campbell**—I am sure I agree with her too.

**Senator McLUCAS**—But we are now talking about Senator-elect Joyce’s review, whatever that might be, and I am trying to understand whether the review that is in his mind is the review that you are undertaking.

**Senator Ian Campbell**—I do not know, because I cannot look into his mind. I know that the review that was announced by the Prime Minister is the review that I will be responsible for. I think you know as much about the review process as anybody else on the planet.

**Senator McLUCAS**—Senator-elect Joyce quite recently—it might have been last week—said that the task of reef management should be returned to government. I think he is suggesting that the authority’s activities should be subsumed by the Department of the Environment and Heritage. Do you have a view on the appropriateness of that?

**Senator Ian Campbell**—I regard the authority as government; I think most people do. I regard it as an incredibly important part of our government. I know that some people in North Queensland do not share my incredibly strong support for the work the authority has done. We have gone through an enormously challenging process in the last couple of years to bring to the reef and the park unprecedented levels of environmental protection. That has meant that hundreds of people have been displaced. They have had their number of fishing licences decreased. It has had impacts on land based businesses and tourism businesses. There has been a whole range of impacts. There was genuine anger and angst in many parts of the coast.

There were accusations made about the way the authority ran the process. That is all entirely natural. I went up there, as you know, on two occasions to make personal assessments of where these complaints were coming from. I look forward to going up there on more occasions in coming months. I am looking forward to it very much. It was a very hard process that was run by the government and the authority.

**Senator McLUCAS**—I am aware of that. I do not need all that.

**Senator Ian Campbell**—So am I surprised that some people want to attack the authority, see it stripped bare and see John flogged on a post or whatever? No. It is totally unsurprising. A lot of people have tried to play politics with it. Labor politicians have played horrendous politics with this. The Latham policy at the last election was to tear up this plan that we are spending tens of millions—

**Senator McLUCAS**—We have had this discussion before, Senator. You misled this committee last time on that matter. I will not have that on the record without responding to it. The Labor policy committed us to supporting the RAP.

**ACTING CHAIR**—You asked the minister a question, so perhaps you should give him the courtesy of finishing his answer.

**Senator Ian Campbell**—So am I surprised that politicians play politics with this and that some of them want to attack the authority? Absolutely not. I am unsurprised. My job is to make sure that we have a marine park authority in the future that all Australians will be proud of and that engages with and has the respect of the local community. Am I surprised that there has been an incredibly stressful period for the authority during the introduction of the Representative Areas Program? I am totally unsurprised because it was an incredibly ambitious policy objective of this government to bring unprecedented levels of protection to the reef. It had to be put in place by the authority. It has been a world-leading process that has been awarded internationally on at least two occasions that I am aware of, and I am aware that it is going to receive some more awards shortly. We have to make sure that the authority has the very best governance in place to make sure that that historic protection is locked away and preserved for all future humanity.

**Senator McLUCAS**—Senator elect Joyce said in Cairns on 12 May that he thought it would be only fair if the same thing that has happened in the past with CASA would happen to the authority. We know that CASA was scrapped. He is suggesting that the authority be scrapped. What would that mean—

**Senator Ian Campbell**—It is surprising that you say that CASA has been scrapped because I was sitting next to the head of CASA for three hours two days ago. I see no similarities between what occurred at CASA and what occurred here. I guess there are minor similarities in relation to the Uhrig review principles. I am looking forward to meeting Senator Joyce. I have heard your views about these issues. We have seen Labor's—

**Senator McLUCAS**—I am more interested in what happens to the authority. If Senator Joyce is directing what is going to happen to the authority—

**Senator Ian Campbell**—I have told you what is going to happen to the authority. We are going to have a governance structure for this incredibly important part of the World Heritage

and Australian environment that, if I get my way, will be even better than it has been in the past. We have a very high high bar. I think the authority has done an absolutely terrific job.

**Senator McLUCAS**—Is the government considering relocating the activities of the authority within the Department of the Environment and Heritage?

**Senator Ian Campbell**—I am not going to go through the breadth of the review. I have yet to receive the advice on the structure of the review or the terms of reference. Why would I pre-empt that?

**Senator McLUCAS**—Senator Campbell, are you aware that if the activities currently delivered by the authority were to be subsumed into the Department of the Environment and Heritage we would be contemplating the relocation of approximately 120 personnel from Townsville to Canberra. Do you think that is a good thing to happen?

**Senator Ian Campbell**—Is this your policy proposal?

**Senator McLUCAS**—No, this is Senator elect Barnaby Joyce's policy proposal. I am trying to understand whether you as the minister would think that would be a good thing to happen in terms of the protection of the reef.

**Senator Ian Campbell**—My credentials are on the record through action, not talk. I have just ensured that there are more officers of the authority up and down the Queensland coast than ever before in Australian history.

**Senator McLUCAS**—They relocated out of Townsville; let us be clear about that. But I support that.

**Senator Ian Campbell**—I happen to think it is a good idea to have them up and down the coast.

**Senator McLUCAS**—So do I.

**Senator Ian Campbell**—It was a tremendous initiative. That is my action.

**Senator McLUCAS**—But Senator elect Joyce—

**Senator Ian Campbell**—There is absolutely no proposal to relocate 120 people from Townsville to Canberra. Get serious. First you are ripping up the marine park plan and now you are pulling down the building in Townsville.

**Senator McLUCAS**—I am not doing that; Senator elect Barnaby Joyce is proposing, along with De-Anne Kelly—

**Senator Ian Campbell**—Your policy was to redraw the boundaries of the RAP.

**Senator McLUCAS**—That is not Labor's policy, and until you can put that on the table of this committee I will continue to support it.

**Senator Ian Campbell**—I will table it by the end of the day.

**Senator McLUCAS**—Labor policy.

**Senator Ian Campbell**—I have seen your policy.

**Senator McLUCAS**—You are talking about one press release from one candidate. Be really clear about that, Minister.

**Senator Ian Campbell**—I have seen Latham's Labor policy.

**Senator McLUCAS**—Latham's Labor policy says commitment to the RAP.

**Senator Ian Campbell**—The Kelvin Thomson policy.

**Senator McLUCAS**—Labor policy is that we would support the work that the authority has done.

**Senator Ian Campbell**—No changes to the boundaries?

**Senator McLUCAS**—No changes to the boundaries.

**Senator Ian Campbell**—You were not going to change a single boundary?

**Senator McLUCAS**—No.

**Senator Ian Campbell**—That is interesting.

**Senator McLUCAS**—There was going to be a review period.

**Senator Ian Campbell**—Oh! You were going to review the boundaries?

**Senator McLUCAS**—There is a review period built into the RAP.

**Senator Ian Campbell**—When were you going to review the boundaries?

**Senator McLUCAS**—In the review period that was described in the RAP.

**Senator Ian Campbell**—Labor is going to review the boundaries.

**Senator McLUCAS**—It is the same policy that you have—that there will be a review in the future. It does not say in the RAP, as you should know, that there is a time frame for the review.

**Senator Ian Campbell**—You went out and said you were going to review the boundaries.

**Senator McLUCAS**—Just like you were.

**Senator Ian Campbell**—That is exactly what you said. I never said that. There is a difference. You said you would review the boundaries; I said the boundaries will stay.

**Senator McLUCAS**—Forever.

**Senator Ian Campbell**—I had the guts to stand up there and look in the eye all those people who you are dog whistling to. You said you were going to review the boundaries; I said I was not. There is the difference.

**Senator McLUCAS**—The actual plan says—

**Senator Ian Campbell**—Latham said he was going to review the boundaries. We know you said you would review the boundaries. I said we would not. I stood by our policy. I stood up there and looked them in the eye and said, 'We will give you the best structural adjustment package you have ever seen on this planet but I am not going to change the boundaries.'

**Senator McLUCAS**—Our policy is exactly the same.

**Senator Ian Campbell**—Your gutless leader went up there and said, 'I will review the boundaries.' What does that mean to all the people up and down the coast? It means you were going to change the boundaries. You were going to review the boundaries; I was not. I stand by those boundaries. It is a great achievement of this government. It is a great achievement of

these people. In the last election you dog whistled to them all and said, 'We'll review the boundaries.' You know what it means; do not run away from it.

**Senator McLUCAS**—Your policy was exactly the same, Minister.

**Senator Ian Campbell**—Absolute rubbish! My policy was to say, 'These are the boundaries. Here are the maps. They are on the internet. You can get them in every fishing shop. They are our boundaries.' What did Mr Latham say? 'We'll review the boundaries.' What does a review of the boundaries mean, Senator? You know, and so does everyone else.

**Senator McLUCAS**—The time frame for review in your party's policy is exactly the same.

**Senator Ian Campbell**—That is in the fine print, thank you very much.

**Senator McLUCAS**—It is exactly the same.

**Senator Ian Campbell**—Rubbish! You should be absolutely embarrassed and scandalised about this.

**ACTING CHAIR**—Can we go back to an examination of the budget, please?

**Senator McLUCAS**—I want to know what role the review that Senator elect Barnaby Joyce is talking about repeatedly in the media in Queensland has in the review that is being conducted by this government and what the net effect of that review may be.

**ACTING CHAIR**—Senator McLucas, I am not trying to interfere with your inquiries but can I point out to you that Senator elect Joyce has yet to be briefed on what the government is doing. He is not yet a member of this parliament. I am sure that before you came into this parliament you had certain views but, having been briefed by your party colleagues, you hold different views now.

**Senator McLUCAS**—He might learn. Are you suggesting that he might change his tune? What does that do to the—

**ACTING CHAIR**—I do not think you are going to get very far inquiring of the minister—

**Senator Ian Campbell**—She disowns her candidate in the election, Cheryl Dorron. Cheryl Dorron's policies are not Labor policies but the policies of candidates of other parties are party policies. We told you what our policy is, we told you about the structure of the review and we told you how it is going to be put together. We have told you that it is an entirely constructive process that is being managed professionally between the authority and my department, and the outcomes of that process will be known in good time.

**ACTING CHAIR**—Thank you, Minister.

**Senator McLUCAS**—The other part that is important—

**Senator Ian Campbell**—The trouble is that the Labor Party are so embarrassed by their policy to review the boundaries and tear up the RAP that they have to try and shift the ground somewhere else.

**ACTING CHAIR**—Thank you, Minister, but can I point out—

**Senator Ian Campbell**—And I am not going to let them off the hook. Every time they talk about the RAP they will be reminded about Latham's plan to tear it up, with the full support of Senator McLucas and the Labor Party up there in Queensland.

**Senator McLUCAS**—It is outrageous that you would continue to put this on the record.

**ACTING CHAIR**—Thank you, Minister. Senator, perhaps you can change the direction of your questions.

**Senator McLUCAS**—I have one final question. How do your comments about the influence of Senator elect Joyce fit with the deal that was made for preferences between the Fishing Party and the National Party in the Senate in the last election? How can Senator elect Joyce come to this place and, as you have said, Acting Chair, learn about the reef and not deliver on that deal?

**Senator Ian Campbell**—I suggest that Senator McLucas—who is obviously deeply embarrassed about Labor's commitment to review the boundaries, tear up the plan and wreck the RAP—has a nice argument, a nice debate, with Senator Joyce at an appropriate point in the Senate's schedule—

**Senator McLUCAS**—Senator Campbell, Senator Joyce is going to sit in your party room.

**Senator Ian Campbell**—either at this committee, post-July when the Senate resumes or at the next estimates. It will be fascinating to watch. We have a government policy on the authority and we have a government policy—

**Senator McLUCAS**—It is his party that has done the deal.

**Senator Ian Campbell**—on the Representative Areas Program. We stand by the boundaries. We have looked all of the people who hate those boundaries in the eye. I went up and down to all those towns and I had fishermen and their wives in tears. I would have made myself an absolute hero if I had said, 'I'm going to review the boundaries.' I would have been carried out on the shoulders of people in Bundaberg and Gladstone and—

**Senator McLUCAS**—You just let Barnaby do it.

**Senator Ian Campbell**—And you know what Mr Latham did, with the full backing of this senator over here? He went up there and said, 'I'll review the boundaries,' and he thought he would get a few cheap votes. Well, he did not, so conservation wins and the Labor Party loses, again.

**ACTING CHAIR**—Thank you, Minister. I am sure Senator McLucas is no longer held to Mr Latham's view.

**Senator Ian Campbell**—No, their policy is the same; it has not changed. I am waiting for Mr Albanese to change the policy.

**Senator McLUCAS**—It is the same as yours.

**Senator Ian Campbell**—Mr Albanese has policies on forests that are different to the Labor Party's. I want to see him change the Labor Party's policy on the reef. I would like the Labor Party to commit to the boundaries and run away from their policy of a review.

**ACTING CHAIR**—Thank you, Minister.

**Senator Ian Campbell**—A commitment, not fudging.

**Senator McLUCAS**—Coming back to the review, can you provide the committee with the terms of reference of the internal review of the authority that you are intending to undertake as soon as they are available?

**Senator Ian Campbell**—When I have made a decision about the review I will decide when to announce it.

**Senator McLUCAS**—That is not the question I asked. Can you provide the terms of reference?

**Senator Ian Campbell**—I will send the committee a copy of my announcement.

**Senator McLUCAS**—Will it include the terms of reference, the scope of the review and who will be conducting the review?

**Senator Ian Campbell**—At the moment the announcement is a blank piece of paper with my letterhead on it. Once I have filled in the details, you will see what is in it. I am awaiting advice.

**Senator McLUCAS**—I want to ask a question following Question No. 24 on notice from last estimates. The answer to the question was—

GBRMPA is not in a position to provide information about specific content or context of such contacts... referring to communications between the authority chair's office and the office of the minister. Why is that the case?

**Mr Tanzer**—Can you just go through that again?

**Senator McLUCAS**—Can you explain why GBRMPA is not in a position to provide that information?

**Mr Tanzer**—On why it has not been responded to?

**Senator McLUCAS**—No; on why you cannot provide the committee with the information about whether or not the authority was contacted by the minister.

**Senator Ian Campbell**—This is a question that I have answered.

**Senator McLUCAS**—Why can't the committee have that information?

**Senator Ian Campbell**—This is the subject of an FOI and a return to order, as I understand it.

**Senator McLUCAS**—That is right. It is a simple question. Was the chair of the authority—

**Senator Ian Campbell**—You are specifically asking GBRMPA? My answer is that the office is in regular contact with GBRMPA as it forms part of the portfolio responsibilities of the minister, me. GBRMPA is not in a position to provide information about specific content or context of such contacts.

**Senator McLUCAS**—Why? Why is that the case?

**Senator Ian Campbell**—Do you want my phone list of all the times I speak to people at GBRMPA? Do you want a schedule of all my meetings?

**Senator McLUCAS**—No, I want to know why GBRMPA is not in a position to provide information about a very specific potential communication between your office and the authority.

**Senator Ian Campbell**—I am the one who is accountable to the parliament, and I will—

**Senator McLUCAS**—But I just do not understand—and maybe I do not understand because there is no reason—technically why GBRMPA cannot provide this committee with information about the nature of a communication that potentially occurred. All I want to know is: did the minister's office contact the authority to ask them a straight question requesting correspondence about Repulse Bay?

**Senator Ian Campbell**—I will tell you why. When someone asks me about contact between me and one of my agencies, I take it very seriously as to whether we provide that information. I talk to them all the time on a whole range of issues.

**Senator McLUCAS**—Why?

**Senator Ian Campbell**—I am very concerned about the precedent this might set.

**Senator McLUCAS**—Technically, why can't this committee receive information about whether or not this took place. I do not want to know the nature of the communication, just whether there was contact between your office and the authority on the dates we were discussing at last February estimates. That is all I want to know

**Senator Ian Campbell**—We would have to go back to them and we would have to do an iterative process between me and the department to find out all those contacts. And I want to look very closely at this precedent. I want to be able to fearlessly contact GBRMPA, particularly the chairman and senior officials, on a range of issues whenever I feel so inclined. I think there is a serious issue in relation to me seeking advice or anything else from GBRMPA to have looked into. If you have a particular aspect that you are looking at, that is fine. But this is a procedural issue. This is the normal business between my office and the authority.

**Senator McLUCAS**—I accept all that, Minister. I just want to know why the authority cannot tell me or this committee whether or not a communication happened around one matter.

**Senator Ian Campbell**—You could start looking at communications around any matter you particularly want if you knew the pattern. You could say, 'Why can't the secretary tell me whether the minister has sought advice as to whether Labor's proposal to tear up the reef plan is worthwhile on this particular day?'

**Senator McLUCAS**—All I want to know is whether you intended to comply with the return to order of the Senate.

**Senator Ian Campbell**—Well, ask the question!

**Senator McLUCAS**—That is the question.

**Senator Ian Campbell**—No, you said—

**Senator McLUCAS**—The question I asked in February last year is the same question.

**Senator Ian Campbell**—The question is: do I intend to comply with your return to order?

**Senator McLUCAS**—Yes.

**Senator Ian Campbell**—I am currently looking at that return to order. I am required to by the Senate. It is my job to.

**Senator McLUCAS**—And, as part of that, did you contact the authority in order to try to comply with the return to order of the Senate in the time frame that the Senate agreed to?

**Senator Ian Campbell**—I would have to go back and look at any records of my activities during that period. But the real question is—

**Senator McLUCAS**—That is the question I asked in February and that I have been given an answer to that says GBRMPA is not in a position to provide that information. You are giving me a completely different answer now, which is that you will go back and look at your records.

**Senator Ian Campbell**—No, I am not; it is the same. You asked the question: will I comply with the return to order? That is a matter that is before me. I have a strange suspicion that the deadline for the return to order was incredibly short. As I recall, we passed the motion at five o'clock and the motion actually said we should table the documents by four o'clock, which was a physical impossibility.

**Senator McLUCAS**—That is not correct, but never mind.

**Senator Ian Campbell**—I have looked at this. Obviously, I will take my responsibilities and accountability to the parliament very seriously. That is before me at the moment. That is the answer to your question.

**Senator McLUCAS**—Did you contact the authority in the time frame that the Senate proposed in order to comply with the return to order that the Senate passed?

**Senator Ian Campbell**—I do not have that information.

**Senator McLUCAS**—Will you take it on notice.

**Senator Ian Campbell**—Your real issue is whether I will comply with the return to order.

**Senator McLUCAS**—I am actually trying to ascertain whether you even attempted to.

**Senator Ian Campbell**—This goes to the issue about internal government processes.

**Senator McLUCAS**—This is a Senate process. The Senate asked for all documents related to the decision about Repulse Bay.

**Senator Ian Campbell**—Your question here goes to my contact and my processes with my authority. That is what your question here is going to the heart of. Did I ring up? What you want to know is this. The Senate has passed this motion, so all of a sudden the minister goes, 'Oh, dear, I'd better ring up someone at the authority and ask them for some documents.'

**Senator McLUCAS**—Yes.

**Senator Ian Campbell**—You want to know if I made that phone call.

**Senator McLUCAS**—That is correct. Did you?

**Senator Ian Campbell**—I doubt it. It is not how it works.

**Senator McLUCAS**—So you did not even try to comply with the return to order?

**Senator Ian Campbell**—That is quite opposite to what I just said. I said I am looking at the return to order and my obligations, and have considered it. As I understand it, it is still sitting on my desk. It is one of these files. It is a yellow file.

**Senator McLUCAS**—The return to order had an expiry date that you did not even attempt to—

**Senator Ian Campbell**—I think it had an expiry date before it actually passed the Senate.

**Senator McLUCAS**—That is not correct.

**Senator Ian Campbell**—You will see in the *Notice Paper* some lists of returns to order that have not been complied with in the due period. It is not unusual. It happened when Labor was in power. There were many returns to order that were not complied with in the time schedule. I want to make sure that whatever I do will not create a precedent that is bad for future governments of either political persuasion. We know that you wanted to redraw the boundary around Repulse Bay.

**Senator McLUCAS**—For goodness sake!

**Senator Ian Campbell**—We know that you wanted to review the boundaries.

**Senator McLUCAS**—If you want to go to Repulse Bay—

**Senator Ian Campbell**—This goes to the heart of Labor's policy.

**Senator McLUCAS**—Let us work out who did draw the boundary in Repulse Bay. Was it Mrs Kelly and Dr Kemp—outside the RAP process?

**Senator Ian Campbell**—This government put it through the parliament and you chose not to vote against it. You chose to support it. Then, when it suited your political interests to try and win some votes and some seats—

**Senator McLUCAS**—It was redrawn at 10 minutes to midnight.

**Senator Ian Campbell**—up the Queensland coast, you thought you would make an issue of it.

**Senator McLUCAS**—At 10 minutes to midnight that boundary was redrawn—completely outside the proper consultative process.

**Senator Ian Campbell**—It was in the parliament. It was a disallowable instrument that you could have chosen to oppose on any one of 14 sitting days. You chose, by your acquiescence, to support it. You supported the boundary.

**Senator McLUCAS**—Labor supports the RAP exactly.

**Senator Ian Campbell**—Until it got to the election, when you thought you should win some votes, and you said, 'I'll review the boundaries.' You want to tear up those boundaries?

**Senator McLUCAS**—Even though the process of zoning of Repulse Bay was flawed, Labor took the view that the RAP—

**Senator Ian Campbell**—You supported it.

**Senator McLUCAS**—was in the best interests of the protection of the reef and for the Australian community.

**Senator Ian Campbell**—If you want to go up and down the coast, Mr Chairman, and play to a little group, you can find boundaries up and down that coast—I could give you their names, their addresses and their phone numbers. You can find a constituency of people who do not like just about every boundary of this massive environmental protection plan. If you want to go and win some votes, you can dog-whistle to them. You can get Mr Latham and Mr Thomson to come up and stand with the Labor candidate and say, ‘We think this is a disgrace and there has been interference in where there boundaries are.’

**Senator McLUCAS**—There was.

**Senator Ian Campbell**—Don’t tell them that they voted for them—that they actually supported the boundaries. Then, of course, say, ‘We’ll do a review of the boundaries.’ That is the game, and this is a continuation of the game. Whenever this is raised, I will raise the Labor policy, as yet unchanged, that they are going to tear up the boundaries, change them and wreck the RAP. That is their policy. They should be absolutely ashamed of it. You should have the Australian Conservation Foundation, the Wilderness Society, the WWF and all the conservation groups who care about the reef saying, ‘Labor, change your policy.’ But of course they are all silent, as usual. Change your policy, Mr Albanese, and stand by the boundaries. Do not play this little game of dog-whistling and politics and trying to appeal to little groups.

**ACTING CHAIR (Senator Tchen)**—Minister—

**Senator Ian Campbell**—I am happy to debate this all day long.

**ACTING CHAIR**—Thank you, Minister.

**Senator Ian Campbell**—This is one of Labor’s huge vulnerabilities in the environment portfolio amongst a whole list of them.

**ACTING CHAIR**—Thank you, Minister. In the last half hour, it seems to me that you and Senator McLucas have been engaged in discussion on what happened in the election and prior to the election.

**Senator Ian Campbell**—That is what it is all about.

**Senator McLUCAS**—And the deals that were done in the election.

**ACTING CHAIR**—They are—

**Senator McLUCAS**—And what might happen to the authority subsequent to those deals.

**ACTING CHAIR**—Thank you, Senator McLucas. We have 10 minutes to go before the scheduled lunch break.

**Senator McLUCAS**—Could I go to the restructure assistance package?

**ACTING CHAIR**—Would you like to use the 10 minutes to raise questions that you might have with the park authority? Otherwise, they might have to hang around and come back after lunch.

**Senator McLUCAS**—In relation to the restructure assistance package that is in place, could someone give me a quick outline of how it was initially instigated and how it might have changed?

**Mr Oxley**—I have overall responsibility for the development and ongoing implementation of the structural adjustment package. The structural adjustment package was developed during the latter half of the last financial year over the course of May and June. It was put into place at the time the representative areas program took effect on 1 July, with a set of guidelines which were approved by then Minister Kemp and which provided for a range of structural adjustment assistance measures.

The primary assistance measure—and primary in the sense of being the first implemented—was the licence buy-out assistance, which was implemented between July and December. The primary objective of that assistance measure was to remove sufficient fishing effort from the Great Barrier Reef Marine Park across a range of fisheries operating in the marine park to ensure that the amount of fishing effort displaced by the creation of the green zones was removed from the fishery and we did not then have unsustainable ecological or economic impacts.

The next element of the restructuring assistance package is the business restructuring assistance, which has two components: full business restructuring assistance and simplified business restructuring assistance. It is the major implementation focus at present. Then there are several other elements. There is land based exit assistance for land based businesses which have had such a significant impact as a result of the representative areas program that they are no longer viable and do not have prospects of becoming viable even if they were to obtain business restructuring assistance. We have employee assistance to help workers who have been displaced from their employment. And we have business advice assistance, the purpose of which is to help those businesses wishing to access the package to develop applications. Lastly, to be delivered next financial year by the Department of Transport and Regional Services, there is assistance at the community level with a focus on economic development, particularly in communities that have been most impacted by the rezoning. There is also a range of assistance measures—on the periphery, but very important—where we are providing social assistance including some supplementation through the Department of Family and Community Services. Discussions are ongoing there to provide financial counselling support and also family relationship counselling.

**Senator McLUCAS**—Thank you. I particularly want to go to the buy-out of licences and how that is proceeding. There have been some structural adjustment moneys paid under a methodology, I understand, towards the end of last year. Is that correct?

**Mr Oxley**—That is correct. During December last year, the licence buyout process, which commenced much earlier than that, culminated in the government purchasing a total of 115 licenses and purchasing the reef quota holdings of four other fishermen. This took the total to 119 purchases worth in the order of \$32 million across the range of fisheries impacted by the representative areas program.

**Senator McLUCAS**—Is the assessment process to ascertain the value of either licences or quotas any different from what is currently being used in the subsequent discussions about buyout?

**Mr Oxley**—There are no subsequent discussions about buyout. The licence buyout process has been completed. We have moved on from removing effort from the fishery, where we achieved all of our key effort reduction targets across the fisheries of the Great Barrier Reef

Marine Park, to providing assistance more generally to help those fishermen and land based businesses that remain in the industry to adjust to their changed operating environment. That might be something as simple as assisting them with some debt restructuring through to some more complex proposals about upgrading fishing vessels, and any range of options which an applicant can reasonably imagine in between.

**Senator McLUCAS**—I have a letter from a constituent—

**Mr Oxley**—The assessment process there is different from the assessment process that was used in the licence buyout because they had two different purposes.

**Senator McLUCAS**—The post licence buyout impact datasheet has to do with a different process?

**Mr Oxley**—One of the fundamental requirements of the guidelines is that an applicant seeking assistance with business restructuring must demonstrate the impact that the rezoning has had on their business in order to be found eligible to receive assistance. In the early stages of implementation of the business restructuring assistance, we found that many of the applicants were having difficulty in demonstrating the impact on their businesses and in working through the guidelines, which are quite detailed. We worked closely with the Queensland Rural Adjustment Authority and the Queensland Seafood Industry Association, among others, to develop a tool that would enable fishermen specifically to more readily demonstrate the impact of the rezoning on their operations. If fishermen were happy to use that tool, which was provided to them on request, then there would not need to be any further analysis of the impact on their business. But that was purely a matter of choice for the fishermen.

That tool essentially looked at the impact on their business due to the rezoning. If a fisherman had lost 20 per cent of his catch from areas that were close to the rezoning, we went back and looked at the effort we had bought out through the licensed buyout. Where we had bought effort from fishermen in areas that had not been closed by the rezoning, because we were buying out whole fishing businesses, we went through a hypothetical allocation of that fishing effort—so what they might be able to catch that was not being caught by fishermen who had been bought out—back to all those fishermen who had a history of fishing in that particular grid. The grids were generally either between six minutes or 30 minutes—as in the nautical measure of distance.

For the fisherman who had the hypothetical 20 per cent, once the licence buyout had been taken account of, the impact on that fisherman might have come down to 15 per cent. If the fisherman was happy to accept that as a reasonable demonstration of the impact on his business post the licence buyout, the Queensland Rural Adjustment Authority does not require any more detailed demonstration of impact but, if the fisherman does not like the numbers that have come out of what is a hypothetical model, it remains open to the individual fisherman to demonstrate a different impact on the business. The difference between that information and the information originally provided to fishermen is that it has been adjusted to take account of the licence buyout. So it differs from what was provided to the fishermen to assist them to determine the offer they might have liked from the government for the purchase of their licence under the licence buyout.

**Senator McLUCAS**—Essentially you are saying that the post licence buyout methodology acknowledges that there is less effort because of the buyouts that occurred in December last year.

**Mr Oxley**—That is correct.

**Senator McLUCAS**—Are you aware that there is a different view in the fishing industry in North Queensland about why there has been a change?

**Mr Oxley**—Can you elaborate? I am not quite sure where you are going.

**Senator McLUCAS**—I have correspondence from a fisher who is, according to them, ready to submit their restructure assistance package. I imagine that must be under the business restructuring assistance because it certainly could not be a buyout.

**Mr Oxley**—That would be correct.

**Senator McLUCAS**—They said:

Our claim has taken six months to put together, based on the six-mile grid RAP loss figures issued by the department of fisheries. Some packages have already been paid out using these figures.

It then goes on to explain that different systems have been put in place because the previous situation was too generous.

**Mr Oxley**—That is an incorrect interpretation. I am aware that that interpretation has been doing the rounds of the industry. It was raised with us by both the Queensland Seafood Industry Association and Ecofish, in Cairns. The QSIA was involved in the development of the tool and was comfortable with the tool that we put out—the tool being the revised data that took account of the licence buyout—but always with the appropriate caveat that, for individual fishermen, those numbers may not be appropriate.

We have at all times emphasised to the fishermen who have received this information that it is hypothetical. Its purpose is to assist them more speedily through the assessment process but, if they do not like the information that has been put before them, they have the perfect right and capacity to demonstrate that the impact on their business is different. If they do not want to use the assessment of impact that has been provided to them, that is the end of the story. It is not information that has been provided on an individual fisher basis, or even on a collective basis, to the Queensland Rural Adjustment Authority that has in some way become a benchmark against which any individual application is assessed. In relation to the concerns that were raised with us—if one were to call it a conspiracy theory out of North Queensland about the department's use of different data—I provided to Ecofish a written explanation as to why we were providing that information, and it was published in Ecofish's newsletter.

**CHAIR**—Senator McLucas, we are scheduled to break for lunch. What would you like to do?

**Senator McLUCAS**—I have one more question of Mr Oxley, and then I think the authority will be finished if I can be indulged.

**CHAIR**—Of course.

**Senator McLUCAS**—Mr Oxley, you say it may not be appropriate. How would a fisher go about undertaking an assessment of the impact of the RAP on their business? What sort of

costs are we talking about? You seem to be telling me that you have developed a formula or an approach to assessing impact, but it is fairly arbitrary. I am trying to understand what a fisher has to do, how much would it cost for them to do it and is it possible to assess impact on their operation.

**Mr Oxley**—Firstly, if they are prima facie eligible for assistance it would be over and above the \$1,000 which they were able to receive in business advice assistance. The reasonable costs of preparing an application for business restructuring assistance will be met under the grant for business restructuring assistance. I am not qualified to speculate on what the cost of obtaining that assistance might be. It might be a relatively small cost for a small operation but it could be more substantial—into the thousands of dollars—for larger operations. Certainly we have seen claims for business planning costs in the order of several thousands of dollars.

A fisherman has access to their own fishing history data. We have made advice available to the industry about where effort has been bought out. They will have already first-hand experience of the impact of the closures on their business. At first blush they have all the information that says, clearly, based on their history of fishing, what the impact on their business of the RAP closures has been. They have had a few months—that is not necessarily relevant for all fisheries yet, because we have not been through a full-year cycle—but the further into the year we get the clearer the impact is for those businesses. Based on their own knowledge of the industry and their past history of fishing, most fishermen would be well able to demonstrate the impact on their business.

**Senator McLUCAS**—Could you provide the committee with a copy of the explanation you gave to Ecofish?

**Mr Oxley**—I would be happy to do that.

**Proceedings suspended from 1.07 pm to 2.06 pm**

**Supervising Scientist Division**

**Senator CROSSIN**—Dr Johnston, I would like to start with some figures from the PBS. I turn to page 44 of the PBS. I understand the money for the Office of the Supervising Scientist comes out of the wetlands program and also the supervision of uranium mines. Is that right? Are they the two areas?

**Dr Johnston**—The two areas are supervision of uranium mines, which appears under 1.5 on page 44, and, higher up under 1.2, tropical wetlands research.

**Senator CROSSIN**—What is your allocation out of the tropical wetlands research for this financial year?

**Dr Johnston**—That is \$1.235 million.

**Senator CROSSIN**—That is the total amount?

**Dr Johnston**—Yes.

**Senator CROSSIN**—And you have \$7.581 million from output 1.53?

**Dr Johnston**—That is correct.

**Senator CROSSIN**—So your total budget for the coming financial year around \$8.7 million?

**Dr Johnston**—Yes.

**Senator CROSSIN**—How does that vary from last year? Looking at last year's estimates, you were given around \$7.4 million for the supervision of uranium mines. That is an increase.

**Dr Johnston**—There is an increase compared to the figures from last year's budget papers. The principal reason for that is that from now on figures such as depreciation, which were previously held centrally, are being given out to divisions. For example, since we own scientific equipment and also housing, the depreciation on those is now in our budget as opposed to the central divisions. That accounts for a difference of \$0.4 million. There is no real difference in allocation. There is a different way of administering it.

**Senator CROSSIN**—Is that \$0.4 million across the two areas?

**Dr Johnston**—Yes, it would be \$0.4 million but the smaller amount would be on the wetlands area.

**Senator CROSSIN**—If you excluded the new allocation of the depreciation amounts, there has been no real net increase in your funding for the coming financial year.

**Dr Johnston**—No, there is no net increase in our funding this year.

**Senator CROSSIN**—I wish to ask you a question about the outputs. In the PBS, I noticed that the outputs have been gathered into only about five or six outputs.

**Dr Johnston**—Yes. Do you mean table 3.2?

**Senator CROSSIN**—I am looking at page 47. The outputs that refer to your operations would include the conservation of land and inland waters under the current outputs. Is that right?

**Dr Johnston**—That would include the tropical wetlands research and the response of impacts to human settlements would contain the uranium mining aspects.

**Senator CROSSIN**—You have undertaken a review of OSS. Has the review been completed?

**Dr Johnston**—No, it was interrupted last year for a number of reasons and we have not completed it, but I hope to complete that report by the end of June.

**Senator CROSSIN**—So you do not have a new organisational charter for OSS?

**Dr Johnston**—No. At the last estimates you asked us to provide you with an organisational charter and we did so. It is just the same as it was then.

**Senator CROSSIN**—You are anticipating the review of OSS will be finished by the end of June?

**Dr Johnston**—Yes, by June.

**Senator CROSSIN**—What was the problem?

**Dr Johnston**—Certain incidents that took place at the Ranger mine interrupted our program somewhat.

**Senator CROSSIN**—There was an election in there too, if I recall, which probably did not help either. I refer you to last year's *Hansard*. The Alligator Rivers Regional Advisory Committee had undergone a systematic review of the way in which the operations at Ranger have been conducted.

**Dr Johnston**—The Alligator Rivers Regional Advisory Committee is established to look principally at the research program that is needed in order to provide information for the protection of the environment in the future and on which organisations should carry out the research required. It has been through a major exercise trying to determine what the future information needs are. It has now determined what it calls its key knowledge needs and those will now determine the future research programs of both the Environmental Research Institute of the Supervising Scientist and ERA.

**Senator CROSSIN**—They are the agreed key knowledge needs you mentioned last year?

**Dr Johnston**—That is correct.

**Senator CROSSIN**—If that has been finalised now, would it be possible for the committee to have a copy of that?

**Dr Johnston**—Yes, I could provide that.

**Senator CROSSIN**—It does coincide with the strategic plan—is that right?

**Dr Johnston**—It was partially an output of our strategic review, in which we looked at the uranium mining program and where it was and where it ought to be going in the future and at the broader program of the supervising scientist. We looked at it internally in the first instance and came up with our own conclusions. We put those conclusions to the Alligator Rivers Regional Advisory Committee in the form of proposed key knowledge needs and they were adopted by the committee.

**Senator CROSSIN**—How many staff are at OSS these days?

**Dr Johnston**—In the division, we have about 44 staff right now.

**Senator CROSSIN**—And at ERISS?

**Dr Johnston**—That is between them. ERISS would have about 33 and the rest would be OSS.

**Senator CROSSIN**—So that is 44 in total?

**Dr Johnston**—Yes.

**Senator CROSSIN**—We are still waiting for the outcome of the review. You also mentioned last year that you were expected to raise an extra \$230,000 compared to the previous year. Did that happen?

**Dr Johnston**—Yes, we were successful in doing that.

**Senator CROSSIN**—How much additional revenue were you able to generate?

**Dr Johnston**—During 2004-05 the revenue obtained was about \$580,000, which was substantially up—by about \$230,000—compared to previous years.

**Senator CROSSIN**—My notes from the *Hansard* suggest that last year it went up to \$630,000.

**Dr Johnston**—The figure I have is what we hope to actually achieve—\$586,000—so it is a bit lower than what you have.

**Senator CROSSIN**—What is the revenue stream anticipated to be this year?

**Dr Johnston**—During 2005-06, the figure I have in the budget is about \$400,000 but I expect we will achieve greater than that

**Senator CROSSIN**—Where is that predominantly coming from?

**Dr Johnston**—It is a mixture. Some of it comes from government funded programs like the tropical rivers program. A recent project we have been funded for is to apply the methods for development and protection of aquatic systems to the Argyle project in Western Australia. They are industry and government projects.

**Senator CROSSIN**—Is there any work in South Australia?

**Dr Johnston**—No, our emphasis is on tropical Australia.

**Senator CROSSIN**—So more WA. Is there a particular time each year when the rehabilitation plan for Ranger is revised or reviewed?

**Dr Johnston**—There is a particular sequence. I will ask Mr Hughes to outline it for you.

**Mr Hughes**—The plan is triggered by the Department of Industry, Tourism and Resources. They are the main drivers of it. The Office of the Supervising Scientist is a participant in the review process. The company endeavours to produce the original draft of the plan by the end of December. After that it goes through a process of review by stakeholders and comments, revision by the company and then submission to the Northern Territory minister and to the Commonwealth Minister for Industry, Tourism and Resources. The plan is also reviewed by an independent assessor to ensure that the figures are correct.

**Senator CROSSIN**—Who would do that independent assessment this year?

**Mr Hughes**—The gentleman's name is Mr Clive Towell. I understand he is contracted by the Department of Industry, Tourism and Resources to do that work.

**Senator CROSSIN**—Would stakeholders who are consulted on the new rehabilitation plan each year include the Minesite Technical Committee and ARTEC as well as traditional owners?

**Mr Hughes**—ARTEC does not formally review the plan. It is formally reviewed by Minesite Technical Committee members. The Northern Land Council represents the traditional owners in that regard.

**Senator CROSSIN**—So they would look at that each year?

**Dr Johnston**—It is part of the remit of the Northern Land Council to take that to the traditional owners.

**Senator CROSSIN**—Is the amount in the rehabilitation trust fund still around the \$40 million mark?

**Dr Johnston**—I understand it is now considerably higher. I understand the figure is \$64 million.

**Senator CROSSIN**—Which is an estimated increase this year, no doubt.

**Dr Johnston**—Yes. Again, we can go into the details if necessary, but a significant change has been a proposal by Energy Resources of Australia to introduce water treatment for their processed water system. They are currently getting a supply plant to do that at a cost of \$28 million. That is required for successful rehabilitation. There has been a significant change to the money required for rehabilitation. I would expect that, when that plant is in operation, the required sum would come down again, because it is actually there.

**Senator CROSSIN**—What plans are now being made by OSS for once Ranger is actually rehabilitated? What sort of time frame are we looking at here?

**Dr Johnston**—Mining in ore body No.3, which is the one currently being used for production, is due to be completed by about 2009. It is expected that there will be at least two years of milling of stockpiled ore. Depending on things such as the price of uranium, stockpiles which were previously not considered economic may well become economic. There would be milling of ore for at least two to three years and that would take them up to about 2012, at which time rehabilitation of the mine site would commence for a period of about five years—depending on other issues such as the future, if there is one, of Jabiluka. For Ranger alone, that is the timetable as it is known now.

**Senator CROSSIN**—Does the act under which you are established have a time frame in it in terms of the operation of OSS? If no uranium mining exists in the Territory—that is, Ranger—does that mean your establishment is closed?

**Dr Johnston**—Our remit is restricted to the Alligator Rivers region of the Northern Territory, which is the region that contains uranium—Ranger, Jabiluka and the original Nabarlek mine and places like Koongarra as well as the south Alligator. Our remit is restricted to that region. When mining is complete, clearly there will be a question as to whether or not we will be required.

**Senator CROSSIN**—What is the current status of work at Nabarlek?

**Dr Johnston**—As I believe you are aware, Nabarlek was rehabilitated and decommissioned many years ago. We have been going through a systematic program of examining how successful the rehabilitation has been there. One of the areas over which we expressed concern was the revegetation of the site. We have done some studies of that from the research perspective and provided advice to the Minesite Technical Committee for Nabarlek. A program is being developed to address the concerns that we have expressed. We expect it will be implemented over the next several years.

**Senator CROSSIN**—Last year there was a revised down figure of \$400,000 set aside for the rehabilitation at Nabarlek. Has there been a reassessment of the amount that is needed?

**Dr Johnston**—It is currently being reassessed. You are correct. There was a reassessment by the Northern Territory Department of Business, Industry and Resource Development from a figure of about \$10 million down to about \$400,000. We expressed some concerns about that. We are going through a process right now of having that whole figure reassessed. There is a degree of cooperation that I am satisfied with between us and the Northern Territory, and we expect to get a resolution to that issue over the next few months.

**Senator CROSSIN**—If it is discovered that the reassessment needs to be even double that, is that an issue that will be put to the company?

**Dr Johnston**—It is decided by the Northern Territory. If there is a reassessment and a conclusion that additional work is needed and that the costs associated with that work would be higher, the Northern Territory minister would make a decision and require a higher bond.

**Senator CROSSIN**—And the company is bound to pay that higher amount?

**Dr Johnston**—Yes. Under Northern Territory law, that decision can be reviewed every year.

**Senator CROSSIN**—I do not want to trawl through the reports of the incidents from last year. I think we did that in depth. But during the 27 May estimates of last year we were talking about the incidents at the Ranger mine. Dr Johnston, you said that the minister for mines and energy referred the report of his department on the incidents to the Department of Justice, which would recommend whether or not proceedings should commence. Is that report publicly available now that the court case is finished?

**Dr Johnston**—There was a report by the Northern Territory Department of Business, Industry and Resource Development which was made public on the day the charges were laid.

**Senator CROSSIN**—When you were talking about the Minister for Mines and Energy, you were talking about the Northern Territory minister?

**Dr Johnston**—Yes.

**Senator CROSSIN**—You would have had substantial input into that report?

**Dr Johnston**—No. We conducted a quite separate investigation. The result of that investigation was presented in a report to the minister and was tabled in the parliament on 30 August last year.

**Senator CROSSIN**—Federal?

**Dr Johnston**—Yes. That report predated the report by the Northern Territory. During the course of our separate investigations, we got together at one stage to compare notes. There was a remarkable degree of agreement between the two sets of recommendations.

**Senator CROSSIN**—Were you asked to give evidence in the court case?

**Dr Johnston**—No, we did not give evidence. I was not present but I understand that our report was used principally in evidence at the court case.

**Senator CROSSIN**—I turn to your recommendations from the investigation of the radiation clearance procedures on the vehicles leaving the Ranger mine. Recommendation No. 2 says that ERA should ensure that staff who undertake radiation clearance procedures are adequately trained in all practical aspects of radiation clearance. You go on to suggest that the company should review its procedures for the monitoring of the movement of vehicles and ensure that all vehicles that have been in controlled areas are checked for radiation clearance certificates at the security gate. What is your assessment now of the way in which ERA conducts its radiation safety compliance procedures?

**Dr Johnston**—You may recall that following the tabling of my report in the parliament, the Minister for Industry, Tourism and Resources imposed certain conditions on Energy Resources of Australia. They had to be met over a period of time. The method by which he had the assessment made of the compliance was by engaging ANSTO on the one hand and

ARPANSA on the other to audit their compliance with his requirements. Part of those conditions covered the issues contained in my recommendations and, in particular, dealt with the issues concerning the review of procedures for vehicle movements, the clearance certificates, checking at the gatehouse and so on. The ARPANSA audit found that ERA have now adopted procedures which meet my recommendations.

**Senator CROSSIN**—When would they have adopted those?

**Dr Johnston**—There were three audits. One was in mid-September last year, one was at the beginning of November last year and one was at the beginning of January this year. The review procedures for vehicle movements was cleared in a report dated 16 September and the clearance certificates in the November report of ARPANSA.

**Senator CROSSIN**—Are you satisfied that recommendation No. 2 has been picked up?

**Dr Johnston**—Not entirely. The minister's conditions covered a number of parts of my recommendations but not all of them. Now those audits are complete—and there are still one or two items outstanding, but that is accepted—we are going through a systematic procedure of assessing the ERA's compliance with the remainder of my recommendations. That has been done with the Northern Territory through the Minesite Technical Committee process. We have a process in place. As part of that, I will have an additional audit carried out by ARPANSA by July of this year on certain aspects that were not covered in the previous conditions.

**Senator CROSSIN**—Does this affect the ISO 14001 status that ERA has obtained?

**Dr Johnston**—It does not. ISO 14001 deals with environmental issues. One of the things that came out of our investigation was that it did not pick up on occupational health and safety, and we specifically recommended that ERA should be required to comply with a standard which was consistent with the Australian standard 4801. ERA is now in the process of doing that and it is due to be audited against that by September of this year.

**Senator CROSSIN**—In that same investigation report, recommendation No. 3 said:

It is recommended that ERA should review the use of contracted labour at the Ranger mine within a risk assessment framework to ensure that its key responsibilities for the protection of people and the environment are not jeopardised by the employment in key areas of staff over whom ERA has little or no direct control.

That relates specifically to the incident involving the contractors. Do you have concerns about key areas that are subcontracted by ERA?

**Dr Johnston**—The two areas that I was concerned about at the time were the security at the gatehouse, which was not under the control of the mine itself but of an external contractor, and also the use of external contracted labour in certain activities involving the movement of radioactive materials. However, I expressed my recommendation in a general way to say that, having found that these areas were deficient, it was appropriate that ERA should address the whole issue of contract labour on site. ERA has done a review and has removed both the gatehouse security and the activities I mentioned from its use of external contract labour, but it has not yet written the report that I requested which should go to the Department of Business, Industry and Resource Development. That is one of the issues that is now being followed up in this additional process.

**Senator CROSSIN**—Are those work activities now being done by ERA?

**Dr Johnston**—I have just realised my notes say that the document has now been circulated. It has not yet been accepted.

**Senator CROSSIN**—This is the report?

**Dr Johnston**—The review of the contracted labour.

**Senator CROSSIN**—That the company was doing?

**Dr Johnston**—Yes. The company has now circulated that but it has not been fully assessed.

**Senator CROSSIN**—When you say it has been circulated, who gets it?

**Dr Johnston**—It would have gone to the Department of Business, Industry and Resource Development.

**Mr Hughes**—And the Northern Land Council.

**Senator CROSSIN**—And to you?

**Dr Johnston**—Yes.

**Senator CROSSIN**—Are these jobs now being done by ERA employees directly?

**Dr Johnston**—The gatehouse work is done by ERA employees. There is still the use of contracted labour in certain areas but not the use of their vehicles. That whole issue is still to be assessed.

**Senator CROSSIN**—How do you then ensure that the change in the radiation protection culture at Ranger actually comes about?

**Dr Johnston**—That is one of the things that will be assessed by ARPANSA by July of this year. There were a whole lot of issues that were raised by us and by ARPANSA in the previous audit which we believe needed to be addressed before one could be satisfied that the culture of radiation protection had changed in an adequate way. We are having that assessed by ARPANSA by July of this year.

**Senator CROSSIN**—In your experience has there ever been a problem with staff employed at ERA who are on AWAs being less willing to report occupational health and safety breaches?

**Dr Johnston**—I would not care to comment. It is beyond my knowledge.

**Senator CROSSIN**—So you have no knowledge of whether staff at ERA feel quite free to report occupational health and safety breaches? It is not an issue that has come up in this review?

**Dr Johnston**—No, it has not. That sort of issue would not come within my remit. That is a highly detailed level of assessment which I imagine would only be picked up by the Northern Territory in its day-to-day regulation, if at all. But it is certainly not an issue that I or my staff would address.

**Senator CROSSIN**—Since this incident I understand ERA has specifically employed an occupational health and safety manager.

**Dr Johnston**—They have always had an occupational health and safety manager. There have been times when there has been a separation of occupational health from radiation protection, but they have always had someone in that position.

**Senator CROSSIN**—I just want to go to the fallout from the potable water incident. What role has your office now played in correcting that incident and ensuring that a recurrence is prevented?

**Dr Johnston**—You would recall that I made a number of recommendations. As I said earlier, certain conditions on ERA were part of the recommendations that I made. Those were audited by ANSTO. I was present at each of the audits, so I had first hand experience of it. Virtually everything that was in my recommendations has now been satisfied. I think there were one or two minor issues that had to be formally completed in the sense of final reports but all actions that we recommended at that time have virtually been completed.

**Senator CROSSIN**—So you would be satisfied that the company have put your recommendations into place and have minimised the chances of that sort of incident occurring in the future?

**Dr Johnston**—Yes, that is right.

**Senator CROSSIN**—Can I just ask about the last Senate inquiry that we did into uranium, regarding the regulation of uranium mines. Have you been asked to develop a response to this inquiry by the government?

**Dr Johnston**—I understand the department has been asked to take carriage of developing the response but because it involves my area I have not been asked to run that. We have provided some input.

**Senator CROSSIN**—You have provided input?

**Dr Johnston**—Yes, when asked.

**Senator CROSSIN**—Perhaps Mr Tucker or Mr Borthwick may be able to answer this question. Has a response been provided to government on the last Senate inquiry?

**Mr Borthwick**—A response to the last Senate inquiry?

**Senator CROSSIN**—A government response.

**Ms Tinney**—The department is still preparing its position on that. There has not been a response prepared for the government yet.

**Senator CROSSIN**—So you are still in the process of doing that?

**Ms Tinney**—Yes.

**Senator CROSSIN**—Dr Johnston, were any options considered in relation to the federal government prosecuting the ERA following the incident at Ranger last year?

**Dr Johnston**—There are two methods by which the Commonwealth can respond. I point out that this is not our area of responsibility. It is the responsibility of the Minister for Industry, Tourism and Resources. The action taken by the minister last year was consistent with his powers under the Commonwealth legislation. He was able to set conditions on Energy Resources of Australia under the Atomic Energy Act and he has done that. These are

being assessed. It is expected that the final assessment of that will take place in September this year. It is possible under Commonwealth legislation to prosecute but, of course, the Northern Territory is prosecuting and has prosecuted. Clearly, we cannot have a situation of double jeopardy. The position of the Commonwealth is that when the process of the Northern Territory is complete and when all conditions set by the minister for resources have been assessed, the Commonwealth will consider its position.

**Senator CROSSIN**—I am assuming that, if the conditions have been met, it may come to a position that it will not take the matter further.

**Dr Johnston**—That will be one of the options.

**Senator CROSSIN**—So the Commonwealth's position will be reassessed after September?

**Dr Johnston**—That would be my understanding. You should put these questions to the Department of Industry, Tourism and Resources.

**Senator CROSSIN**—Ms Tinney, did you want to say something further about the government's response to the Senate committee?

**Ms Tinney**—We are in the process of trying to put together a departmental position.

**Senator CROSSIN**—Have you any idea when that response might be ready?

**Ms Tinney**—We have not briefed the minister on it as yet.

**Senator CROSSIN**—Dr Johnston, I want to refer to the yellowcake spill earlier this year. Can you outline for me the details of the incident when there was a spill of yellowcake.

**Dr Johnston**—Maybe Mr Hughes will respond. It was a small incident which we were advised of. It was initially dealt with by the Northern Territory. Its people investigated it and concluded it was a minor incident. I think that would be the situation.

**Senator CROSSIN**—The Northern Territory Department of Mines and Energy did the investigation?

**Dr Johnston**—Yes.

**Mr Hughes**—One of our officers participated in that investigation with the Department of Business, Industry and Resource Development. It was concluded that it was a minor issue and absolutely no harm was done to any person.

**Senator CROSSIN**—Someone from ERISS worked with NT mines and energy. Is that right?

**Mr Hughes**—No, someone from the Office of the Supervising Scientist. They carried out a joint investigation on the day because we had some equipment and there was no point in duplicating the measurements on the site at the time.

**Senator CROSSIN**—What does carrying out an investigation mean?

**Mr Hughes**—This is before my time with the Office of the Supervising Scientist, but in this particular instance one of our officers went to the site to interview people to ascertain the facts of the case and to make some environmental measurements using some geophysical equipment.

**Senator CROSSIN**—Was the company contacted by telephone in that time?

**Mr Hughes**—The company reported the incident both to the Office of the Supervising Scientist and to the Department of Business, Industry and Resource Development when they became aware of it.

**Senator CROSSIN**—But both DBIRD and OSS sent somebody to the site to actually assess the incident. Is that correct?

**Mr Hughes**—Yes.

**Senator CROSSIN**—And a report would have been written?

**Mr Hughes**—It was ultimately judged to be a day-to-day regulatory issue for the Northern Territory Department of Business, Industry and Resource Development. I assume that they put together a report on it.

**Senator CROSSIN**—Do you check to see if they have put together a report?

**Mr Hughes**—Not only does DBIRD put together a report but we also received a full report from the company on that, and the company report covered the issues as well.

**Senator CROSSIN**—What is the criterion that assesses the incident as minor? What signals a minor incident in your assessment?

**Mr Hughes**—If there were no potential health impacts and no potential impact on the environment, it would be considered to be minor.

**Dr Johnston**—There are guidelines on what incidents need to be reported in a formal sense. This incident did not satisfy those definitions of being formally reported. The relationship we have with the mining company and the Northern Territory is such that they report virtually anything that happens to us, just in case, and then we have to form a judgment as to its relative significance. In this case, as Mr Hughes said, it was judged to be of no significance from the point of view of either human health or the environment, and it became a matter of routine for the Northern Territory government to deal with.

**Senator CROSSIN**—That is all I have. I will put my other questions to the department of industry and tourism. Before we wrap up the questions to the Office of the Supervising Scientist, I happen to know that Dr Johnson is retiring from OSS sometime in the next 10 months. This may be Dr Johnson's last estimates process. Some would say that is a very lucky thing for him and we probably all wish it was our last estimates. On behalf of the opposition, I want to place on record at these estimates a recognition of the work you have done in achieving a Public Service Medal and also the cooperation that you have displayed during the numerous Senate inquiries and estimates hearings I have been involved in. I would like to place on record our thanks. Good luck for the future. I suppose in November you will eagerly tune in to the parliamentary network to see what is happening at estimates in your absence.

**Dr Johnston**—Eagerly.

**Senator CROSSIN**—If you do that, it will be a very sad retirement.

**Dr Johnston**—Thank you very much. All I can say is that it has been a privilege to work in the job that I have done and to work with the Senate.

**CHAIR**—Thank you, Dr Johnston. I would like to endorse the remarks of Senator Crossin and thank you for the contribution you have made to the estimates process and to committees in general in the Senate. We wish you well in your future endeavours. I am sure you will listen in nostalgically to estimates in future.

**Dr Johnston**—Thank you very much.

[2.45 pm]

### **Bureau of Meteorology**

**CHAIR**—I now call the Bureau of Meteorology.

**Senator Ian Campbell**—Labor Party senators have told me they do not have any questions for the Sydney Harbour Federation Trust. I would be pleased to send them back to Sydney to help save our iconic sites around Sydney Harbour if they do not need to sit here for the rest of the afternoon.

**CHAIR**—The Labor Party does not have any questions, as I understand it. I could ask them some questions about their progress, having been around their sites, but if it is going to delay their return to Sydney we will let them go to Sydney.

**Senator WEBBER**—I want to start our discussion this afternoon by having a chat about the progress of the major upgrade to the radar network and severe weather warning capabilities that were announced in 2003. I understand that the budget announced an allocation of \$62 million over five years to replace 15 weather radars and upgrade six to Doppler capacity. Could you give me an outline of where we are at with that.

**Dr Love**—We have made very good progress with that project. When we commenced we were going to replace 21 of the old radars that we had within the network and put in six new Doppler radars in, four in capital cities and two at the regional locations of Tamworth and Yarrowonga. We were also taking out the old conventional radars and replacing them with modern equivalents at another 15 locations. On 22 April this year—that is, the second year of the project—five standard weather watch radars had been installed and commissioned. Those are at Mt Gambier in South Australia, Learmonth in Western Australia, near Newcastle in New South Wales, Port Hedland in Western Australia and Gladstone in Queensland. We have made good progress with the conventional radars.

The first Doppler radar will be installed at Buckland Park in Adelaide. At the moment the tower has been installed and a very large radar, which looks like an enormous golf ball, is on top of it. The physical radar has not been installed in that yet but we are doing the testing on that installation at the moment. I guess one of the more dramatic tests is to make sure it is watertight. We have had a couple of water trucks spraying water on it to see whether there are any leaks and so forth. The next radar after that will be at Mt Stapleton, south-east of Brisbane. We are still negotiating the Sydney and Melbourne sites. So we are making good progress. We are probably slightly ahead of the timetable that was agreed in the proposal and we are on budget at this stage. That whole project is going well.

**Senator WEBBER**—How was Adelaide chosen as the first site? How did we arrive at that conclusion?

**Dr Love**—We had hoped to have the Brisbane site as the first site. In the end it just came down to availability of the site. We had the Mt Stapleton site selected fairly early on but the site approval process dragged out. In fact, the Buckland Park site approval process was much simpler. Ultimately, because we had the order placed and the radar gear arriving and we had to put it somewhere, we proceeded with Buckland Park. One of the things that held us up with Mt Stapleton was that there was an election for the council within whose boundary the site fell. A new council was elected and the whole approval process stepped back six months. Rather than have the whole project stop, we moved ahead with the Adelaide radar.

**Senator WEBBER**—So there is that site as well as Mt Stapleton, Sydney and Melbourne. Where are the other two?

**Dr Love**—The other two are at Tamworth and at Yarrawonga. They are plugging gaps in the major communication corridors between Brisbane, Melbourne and Sydney and where there are substantial populations under the arcs.

**Senator WEBBER**—How were the sites actually selected? Was it just a matter of plugging those gaps or were there other criteria?

**Dr Love**—There were quite a number of criteria. A Doppler radar is a little different to a conventional radar. We tend to put the conventional reflectivity radars on the tops of mountains to get a better distant view and cover as much terrain as we can. The Dopplers tend to have a smaller radius of where they provide useful information and often the sites are a little lower. We have tended to put them in the vicinity of airports because that is where we have a lot of exposed infrastructure—aircraft and people travelling on them—and need good severe warning services. But we have also put them overlooking the capital cities. The siting is a little different. We send out our radar engineers to find the best sites and then we start negotiating to see whether we can get access to them. It is an iterative process. Essentially we always wanted to be on Buckland Park and we were successful there. With Mt Stapleton, we always wanted to be there and we were willing to persist until we were successful.

**Senator WEBBER**—What is special about the Doppler radars? Why did the bureau decide they wanted them rather than conventional ones?

**Dr Love**—With reflectivity radars, there is a relationship between the amount of energy reflected back to a radar and rainfall rate, so you can deduce how much rain is falling by looking at a reflectivity signal. But a Doppler radar will also tell you at what rate the raindrop is moving relative to the radar, so you can figure out the wind speeds. It is useful for a forecaster to know whether there are very strong downdraughts which may affect aircraft landing or may be destructive and blow roofs off houses. You can see the circular winds of a tornado showing up with a Doppler radar, for example. A Doppler radar gives you a lot more information.

The Doppler capability also lets you very effectively remove ground clutter. Other metallic objects will send a reflectivity signal back to the radar but, because they are not moving, you can remove them from a Doppler radar signal. The Doppler radar has a bunch of advantages. It is a cleaner signal, you can get wind speeds and you can tell a lot more about the weather system you are dealing with if there is a severe thunderstorm. There are substantial advantages. Interpreting those signals is a bit of a learning curve for the forecaster. The

American experience is that it takes about two years after you install a radar before the forecasters are really getting the maximum value out of them.

**Senator WEBBER**—How much does it cost to construct each of the Doppler radar stations?

**Dr Minty**—It varies from site to site because it depends on how far you have to take the materials, where they come onshore et cetera. The high end costs are around about \$4 million for a Doppler radar, fully installed.

**Dr Love**—The radars in the four big capital cities are from Gematronik, coming from Germany. When they are installed and up and running, it will be \$4 million a site, averaged across the four sites. You can have a lower power and smaller Doppler facility probably down to around \$1.5 million a site. It is like a big car, a little car—what do you want? The four capital city ones are very good Doppler radars.

**Senator WEBBER**—Good. I am pleased to hear it. Do we have any idea about what the ongoing maintenance costs and yearly operational costs will be at this stage?

**Dr Love**—The bureau is the only operator of the large network of weather radars in the country. Essentially we have a set of maintenance technicians in each regional office. We have no plans to increase the number of technicians, so the incremental cost in taking the radars into the network in a maintenance sense is zero. I guess we will have to buy a set of spares. We have spares coming within that \$4 million contract price. We do not envisage that it will incrementally change the radar maintenance budgets in a significant way. In fact, I do not believe that there is anything factored into our budgets for at least the next three years to suggest that this is a new major expense we have to meet. I am not sure if that helps. Incrementally, the cost will certainly be low in the first five years because it is new equipment. Where our maintenance costs are high at the moment is with our very old ageing radars that we are trying to get out of the network. They are the expensive ones.

**Senator WEBBER**—Once you have them up and established, the real cost is essentially capital in nature?

**Dr Love**—Yes, and electricity. They do consume a fair amount of electricity. We then have to run real-time communications back. When we have them in the capital cities, that is a relatively low cost compared to putting one at Weipa or a remote one up the west coast, which is much more expensive. The communications costs with the capital city radars are not a big factor.

**Senator WEBBER**—Did the bureau request additional funding from the government to construct and operate the radars and, if you did, did you seek funding for more than six?

**Dr Love**—Yes. We sought and received funding for the six Dopplers and 15 conventional radars. That was a \$62.5 million project over six years. We are in the second year of the program. We sought the funds and we received government support and we are well underway.

**Senator WEBBER**—So you essentially got what you asked for?

**Dr Love**—I am sure we did.

**Senator WEBBER**—I am trying to mount a case for you to get more. We are getting to this.

**Dr Love**—I have to confess that I was working for the UN overseas when this proposal was accepted by government, so I am not quite sure how the negotiations went.

**Senator WEBBER**—With the six Doppler radars in place, is the bureau happy with the amount of coverage you are going to get from them?

**Dr Love**—As I said, as you put in each Doppler radar, there is a learning curve to go up and, certainly for those four capital cities, we have a lot on our plate at the moment. The staff will have to be trained and we will have to get those installations in. We are challenged and we are excited by the project and we think that it is going to have some real spin-offs for the Australian community.

**Senator WEBBER**—I turn to some of the specifics of what has been going on lately. The minister would be aware of this. I was wondering whether you could take us through the severe weather effects that occurred in Perth and the South West of WA on Monday, 16 May. I am sure by now the minister has worked out where we are going with this.

**Dr Love**—Maybe I should defer to the minister here. I am a meteorologist but I have not worked through the charts and the event closely. I have read the briefing on it. It was a very active front. There were thunderstorms on that front. Certainly they were picked up and monitored with our conventional radar systems which are in Perth. There were forecasts of severe storm warnings and we know that there were tornados, at least one tornado. There was major damage in the path of that tornado. I guess it was exciting for the locals. It was probably terrifying. For the farming community, the rainfall was probably gratifying.

**Senator WEBBER**—Indeed it was. I was fortunate enough to be interstate today, so I have done well in avoiding the worst of Perth's weather lately. The media reports suggested that it was described as a tornado, which makes me wonder why we cannot have a Doppler in Western Australia, particularly as it has also been pointed out that in the five-year period from, say, 1999 to 2004 there were 34 tornados that struck WA. We might like one of those to predict what is coming.

**Dr Love**—Our current regional director in New South Wales is a long-time Perth forecaster, trained and born and bred in Perth. Barry Hanstrum has published a number of papers on climatology and the occurrence of what he calls cold season tornados in Western Australia. They are a recurring phenomenon and we are well aware of them. Our conventional systems certainly picked them up. I believe we have a pretty good track record, including this last event, of forecasting them. We can always do better, as we know, but what we have is what we have and we are certainly working on the project we have at the moment.

**Senator WEBBER**—The town of Mandurah, just south of Perth, has had 18 tornados in the last 33 years. How many have there been in Adelaide?

**Dr Love**—I do not think Adelaide is particularly tornado prone but I cannot tell you the numbers.

**Senator WEBBER**—But they are getting this special radar that detects tornados.

**Dr Love**—It is also useful for other things.

**Senator WEBBER**—Fortunately there are no South Australian committee members here at the moment.

**Dr Love**—They are multipurpose systems, of course. Flash flooding is there as well. I take your point. I am sure the minister understands the point as well.

**Senator WEBBER**—I am making a point to him to ask for more money for our home state. Going back to what you said before, Dr Love, can standard radars accurately predict with a degree of certainty the path and activities of a cool air tornado?

**Dr Love**—Certainly they can monitor the tornado. The signature is not as clear and unambiguous. You have made a pretty good meteorological point. If you looked all across Australia, the community where a US-style tornado warning service would probably be most useful is the South West in Western Australia. Across the US there are essentially 100 Doppler radars like the four we are buying. The entire continental US is covered with Doppler radars.

**Senator WEBBER**—You are just making me more jealous now.

**Dr Love**—Under the sweep of each Doppler radar, they have a specialised tornado warning service, if you like. That is a pretty resource intensive service. They have communities that are structured to respond. We do what we can with the resources, and I think we do pretty darn well. If there is the demand for that sort of service, it will require a level of resourcing we do not currently have in my service. I am sure we can do it but it has to be the collective view of the community and the government, and we will be listening hard.

**Senator WEBBER**—As I say, I am trying to make a case for this: a Doppler radar would be useful in a place like Mandurah? Mandurah is nowhere near Perth airport, going back to what you were saying about the vicinity of airports, but would it be useful in a township like that, given their propensity for having a tornado more frequently than every second year?

**Dr Love**—The reflectivity radars we run have a coverage of about 250 kilometres in radius, whereas the Dopplers cover a radius of about 100 kilometres. If you are going to use Dopplers as your primary tool for convective weather forecasting, you have to put more in. To cover the South-West of Western Australia would be an interesting exercise and an expensive exercise. We can certainly cost that out. At this stage, the density of population is not at all comparable to what the US has.

**Senator WEBBER**—But the density of population in Perth is greater than Adelaide.

**Dr Love**—Sure.

**Senator WEBBER**—I go back to my parochial point, which I am sure Senator Eggleston agrees with.

**CHAIR**—I do. They also had pretty bad weather in Bunbury that weekend. I have photographs on my computer of the weather in Bunbury then, and it was extraordinary.

**Senator WEBBER**—They got picked up by that—

**CHAIR**—It is a very good point that Senator Webber is making, and I thoroughly endorse it.

**Dr Love**—Perhaps I should also comment that, while I was working for the UN when these decisions were made, the minister at the time was not from Perth.

**CHAIR**—I cannot comment about these things. We do understand the point you are making.

**Dr Love**—That was just an observation.

**Senator TCHEN**—I thought not knowing what happens next makes life more exciting.

**Senator WEBBER**—I find there is more than enough excitement in life at the moment. I like a bit of predictability. Before we move on, for my own interest, how do we actually measure the strength of tornadoes and how do we then decide how to categorise them? You referred to it before as a thunderstorm.

**Dr Love**—Essentially, tornadoes are associated with and caused by very intense thunderstorms. You do not get a tornado without that sort of convective activity. In the US, they are just categorised by wind speed. With a Doppler radar, you can determine the wind speed.

**Senator WEBBER**—Do they have a scale, like cyclones do? I am more familiar with cyclones. I grew up in Darwin.

**Dr Love**—Yes. They do have a category scale. Once again, it is a five-point category scale. In the past they have just gone and looked at the damage patterns to infer the wind speed. Looking at the trees that are blown down and the damage to trees, they can calibrate their scale to see whether it is a five, a four, a three, a two or a one. Ours tend to be on the weaker end of the scale compared to the ones they typically experience in the US. We have twos and threes and they have fours and fives. But that is not to say that they do not have the potential to kill people and rip houses to pieces and so forth. It is still an issue.

**Senator WEBBER**—When the minister comes back, I will ask him to give us a big push to get a Doppler radar in Western Australia. I now turn to the announced funding of \$19.8 million over six years to rebuild 12 out of the 50 field offices. Can you outline for me how many are planned to be rebuilt in 2005-06 and each of the forward years?

**Dr Love**—It is about two in 2005-06. It is about two per year, running forward through the six years. We have 12, at a rate of two a year, and that is roughly what it will be. Willis Island, which we are doing this year, is much more expensive and probably more difficult than most, because it is 250 kilometres off the coast and a little trickier logistically than the rest, but essentially there will be two done per year through the program. Noting your state of origin, Western Australia is the big beneficiary. There are five in Western Australia, out of the 12.

**Senator WEBBER**—Where are they?

**Dr Love**—Everywhere. From Fitzroy Crossing up the top down to Albany at the bottom.

**Dr Minty**—Albany, Carnarvon, Geraldton, Broome, Halls Creek, Esperance and Port Hedland.

**Senator WEBBER**—That is a fair spread of the state. You might have to add Bunbury to the list after what happened the other weekend. The ABC is certainly having to spend some money down there now. The parliamentary secretary put out a press release on 10 May saying:

The Bureau will combine \$14.2 million of existing funding with the additional Budget funding to rebuild these offices.

Was the \$14.2 million originally allocated to this or have you had to find that from somewhere else?

**Dr Love**—The bureau has a substantial asset base and the way accrual accounting works in the Commonwealth is we get a depreciation expense. We have a rolling program of regenerating our asset base. We had a program in place of tackling the obsolete field stations. We said to the government, ‘We have a big spike and we don’t have enough depreciation expense to really do this job properly’. What you see is a supplementation to that depreciation expense, to move 12 stations up the list. We were already looking to do one a year. That is roughly the \$14 million, recognising that we had a big expense for Willis Island somewhere in there and we had not necessarily blocked the whole program out. After negotiating with the Department of Finance, we said, ‘We’ll keep our program going’ and they said they would assist us to accelerate the program and particularly get over the big hump with Willis Island at the beginning. What you see is an agreement between the bureau and finance to move the whole program on. We would have been tackling those things anyway but on a much longer time frame without that assistance.

**Senator WEBBER**—That is good news. What amount does the bureau set aside each year for building maintenance and upgrades generally?

**Dr Love**—That comes under the civil works program.

**Dr Minty**—Over the whole of the asset base it is about \$3.5 million a year and that is a bit of refurbishment and a bit of maintenance. Repairs and maintenance amount to \$1.4 million a year.

**Dr Love**—The asset replacement program sits at about \$45 million a year. I guess it was \$42 million last year, but it must rise to about \$50 million with the injections. We are looking at somewhere between \$40 million and \$50 million, but in there is a maintenance component, as Dr Minty says, which is probably in the order of \$3 million, once you look at how that is portioned out to refurbish buildings and make sure that everything is kept as well as you can, recognising the age of some of these things, and some are quite old.

**Senator WEBBER**—When we met in February, we had a discussion about the bureau’s role in the aftermath of the Indian Ocean tsunami. I am pleased to see that \$68.9 million has been allocated over four years to be managed jointly by the bureau, Geoscience Australia and Emergency Management Australia. What is the bureau’s allocation of that money?

**Dr Love**—It is \$40.4 million over four years.

**Senator WEBBER**—Can you break that down over four years? Is it an even spread?

**Dr Love**—No, it is not an even spread. Ours accelerates through the period. The biggest numbers are in the last couple of years. That reflects the fact that the bureau will be responsible for putting in some buoys in the ocean that monitor both the seismic activity on the sea floor and the ocean surface. They are very expensive to deploy. The technology is just coming out of the research laboratories into an operational capability right now. We have put that at the back end, recognising that the technology can mature a little more. What we are

doing at the front end is making sure that we have good real-time telemetry to a lot of seismographs and tide gauges that are already in place. We are making best use of what is out there now in the short term so that we get maximum protection virtually immediately and then enhance the system in time. That is roughly the spread. Louise has found the numbers for me.

**Dr Minty**—It is split over two pages in the portfolio budget statements so it is a little difficult to add them up. The spread over the next four years is on page 115. The table at the bottom of page 115 gives the departmental expense and appropriation and the next page gives the equity injection component. You would need to add those together for each year. As Dr Love has said, it goes out to four years. There is an extra note at the bottom which talks about some additional funding for the depreciation component as well. If you look at the table at the bottom of page 115, you can see that it ramps up to the greater amounts in 2007-08 and 2008-09.

**Senator WEBBER**—Towards the end of the four years it is planned to spend the money on buoys. What else do you plan to spend the money on?

**Dr Love**—A lot of the tide gauges, including the very crucial one at Cocos Island, we only interrogate every 15 minutes, so we will get continuous real-time telemetry, and we will put a second real-time gauge in there, because it is such a vital site. We will put one at Christmas Island. We were already doing some upgrading to the gauges. Now with real-time telemetry all down the coast, we will get real-time information. We will also have seismometers throughout the Indian Ocean but we go into the Pacific and down the east coast, so we cover both coasts of Australia.

We will bring on essentially 24-hour staff to monitor the seismic data, but we will have them doing other disaster mitigation type work in hydrology as well as flood forecasting and bushfires. We will take an all hazards approach to the upgrade because you cannot just sit around and wait for the next tsunami. You have to use your people as wisely as you can. So we will have 24-hour staffing of the warning centre and we will bring in the seismic data and the tide gauge data in real-time. We will have one research scientist upgrading and migrating essentially the tsunami models out of a non-real-time environment at the National Tidal Centre into a real-time environment that will run in Melbourne on our super computer very quickly, so that when we get notification of a potential seismic disturbance we can very quickly better run the models and make much better assessments as to what we are facing. That is from the bureau end.

Geoscience Australia will also upgrade facilities here in Canberra and we will have mirrored systems with the seismic and ocean data. Emergency Management Australia will be conducting public education campaigns on an all hazards basis to inform the public about what tsunami warnings mean, what they should do and so forth. It is an end to end response to the problem.

**Senator WEBBER**—Excellent. Will the bureau be running the national warning centre?

**Dr Love**—The bureau will be running the national warning centre. All the data will be available in Melbourne and 24 hours a day, seven days a week, there will be trained staff monitoring the data that comes in. The warnings will be issued, as are all warnings now, from the regional offices. Our people talk with and deal with the regional offices on an

instantaneous and continuous basis. If the warnings have to be issued in Brisbane, Sydney, Hobart or Perth, they will be issued from those offices, because each of those offices has a relationship with the state emergency services, the police and the media—local radio and local television. So that is where it all happens—out of the regional offices in the states.

**Senator WEBBER**—Will the national warning centre have links to other warning systems in other oceans?

**Dr Love**—As we discussed when we met in this place a few months ago, there was no coordinated and organised system in the Indian Ocean. That is being addressed now. The fourth partner in the proposal to government was Foreign Affairs and Trade. They have been exceedingly helpful and very effective in bringing Indonesia, Sri Lanka, India, Mauritius—the players in the Indian Ocean—together. There will be real-time exchange of seismic and tide level data in the basin and there will be an exchange of warnings from those countries capable of generating and preparing warnings. We will also put our data and proved data sets—we are covering the east coast as well—into the Honolulu centre, so they will benefit. We are working with the services in the South Pacific to increase their ability to collect data to respond to warnings. So some of the public education that EMA has money for will be expended in the south-west Pacific, increasing their capability to respond to tsunamis, because there are more in the Pacific than there are in the Indian Ocean. Australia has dealt with the national problem very well. In doing so, we will provide capability back into the Indian Ocean and through the south-west Pacific. So we are being pretty good international citizens through it as well.

**Senator WEBBER**—Excellent. Will the number of buoys that you are going to deploy to cover our coastline be sufficient?

**Dr Love**—Yes, the proposal is to put a couple just south of Indonesia, in the trench where things happen; one up towards Vanuatu, in that volcanic area; and one down closer towards New Zealand, in that area around the South Island of New Zealand where the plate is quite unstable and from which tsunamis could be generated. That is essentially a deployment of four. We will purchase six, because you do not fix them up if they break down. You go out there every six months and pop a new one in, take one out, bring it home and fix it up and keep recycling them. So we will be running two off the east coast and two off the west coast, with a spare that is always cycling through the system. That is the proposal. We believe we have adequate funding for that, and we think that will give Australia good coverage and provide the international community with a pretty good data set.

**Senator WEBBER**—It sounds excellent. Was the bureau represented at the second International Coordination Meeting for the Development of a Tsunami Warning and Mitigation System for the Indian Ocean in Mauritius?

**Dr Love**—Yes. We had Chris Ryan there, the head of the National Meteorological and Oceanographic Centre, where it will run in Melbourne. I am not sure whether he had somebody with him but we had the head of the operational centre, who has responsibility for all this, at that meeting.

**Senator WEBBER**—Are you aware of what progress was made at that meeting?

**Dr Love**—The progress we were looking for at that meeting was essentially to get commitment. The data exchange area between India, Indonesia and Australia is the most critical, because India and Indonesia will potentially have more infrastructure in place than anybody else, because of aid money. We believe we have progressed a long way down the track to signing a trilateral between the three nations to exchange all the necessary data in real-time. We made excellent progress—and progress that would not have been possible a year ago. Because of the tragic tsunami, we have made enormous progress in the exchange of data, which will let us put an effective system in place. We still have to sign that trilateral but I think there is a willingness and a commitment and we are well down the path to doing that. That is not necessarily a formal agenda item of the meeting but that is the agenda item that counts and that was negotiated more in the corridors and offline than in the formal session.

**Senator WEBBER**—Just to refresh my memory, the allocation of funding is for buoys and tidal gauges providing data to the national warning centre.

**Dr Love**—Yes, all the data from the tidal gauges and all the seismic data. Once we deploy the buoys, they will provide both wave data and seismic data. We will have meteorological instruments on those buoys as well so we will get wind speed and direction and atmospheric pressure. Those data will all come back in real-time to our national centre in Melbourne. They will also come back in real-time to a centre here in Canberra and there will be mirrored systems between Canberra and Melbourne, so that the geologists here and the meteorologists and oceanographers in Melbourne can all see the same data sets in real-time and share them—and the same modelling outputs. So it is a comprehensive system. We will have the Indonesia data and the Indian data in that and any American data that is available as well. The US is talking closely with us and cooperating as well. So there will be plenty of capability. To triangulate and identify a source, you need as many seismographs around it as you can get, and that is what we will have.

**Senator WEBBER**—Finally, to wrap it up, Dr Love, will the bureau staff be involved in the establishment of the infrastructure and the rest of the warning systems in other countries? If so, what will their role be?

**Dr Love**—I doubt that we will be involved in the Indian system. The Indonesian system is a moot point. The Indonesians are overwhelmed with offers from other places. At this stage a lot of their tsunami infrastructure will come from France and Germany. There is potential for the bureau, particularly, to be heavily involved in the communication systems. That is because essentially the Bureau of Meteorology has provided second-hand hardware and software to provide their meteorology service communication capability for quite some time. When it was clear that they could not make the Y2K leap, we came in with some second-hand gear and software and filled the breach for a long time. We have pretty good communication engineers. I suspect that we will play a part in designing their comms system—in fact probably through the World Meteorological Organisation. The World Meteorological Organisation will do that.

**Senator WEBBER**—Thank you very much for your time.

**CHAIR**—I thank the bureau. We will call the Director of National Parks and the Parks Australia Division after a short break.

**Proceedings suspended from 3.32 pm to 3.36 pm**

**CHAIR**—We welcome National Parks and the Parks Australia Division.

**Senator CROSSIN**—Mr Cochrane, can you start by giving me a total amount in your budget for both Kakadu and Uluru for this coming year.

**Mr Cochrane**—In terms of the forecast budgets for 2005-06, we are still working through assembling our broken up budget for each individual park, so I cannot answer that at this particular point. We have forecast budgets, but I cannot give you a precise figure.

**Senator CROSSIN**—In the written question on notice you provided to me where I asked for a breakdown of the annual infrastructure and maintenance for Kakadu, questions No. 3 and No. 4, you had maintenance as \$1.131 million and capital expenditure as \$2.5 million. Is that an anticipated estimate basically?

**Mr Cochrane**—That is correct. I could on notice give you anticipated budgets for next year in somewhat more detail, but I prefer waiting until we have actually finalised them.

**Senator CROSSIN**—All right. What is the total amount that has been allocated to national parks in the Territory?

**Mr Cochrane**—It would be comparable to the current year but in the case of Kakadu a little more, as a result of the supplementation we received.

**Senator CROSSIN**—You do not have the definite figures with you?

**Mr Cochrane**—I do not but I can provide them to you. I did not come with them.

**Senator CROSSIN**—Essentially, you are saying to me that the maintenance and capital expenditure will be pretty much the same other than the income that supplements the fee increases. Is that right?

**Mr Cochrane**—The budget figure for Uluru will be similar to the current year. The global budget for Kakadu for next year will be a bit more, probably a per cent or so. The anticipated capital expenditure for next year will be somewhat in excess of this year. This year has been a slightly tighter year for us. Next year we should be a little more comfortable. I would anticipate that our capital expenditure next year will be somewhat greater than this year.

**Senator CROSSIN**—Why is that? Is that because you have requested an increase in expenditure?

**Mr Cochrane**—I have had some supplementation as a result of the Kakadu fees abolition, but this year, in response to our somewhat persistent past budget deficits, we tightened up on capital expenditure and made it a leaner year than it would otherwise have been. I anticipate, given the measures that we have put in place, some of which you asked me about last time, that next year we will be able to free our capital expenditure up a little more.

**Senator CROSSIN**—Has the Hanson Stanley report been made public?

**Mr Cochrane**—No, it has not. You asked me about that last time. There were 11 participants in the consortium that funded that report. At least one of them is uncomfortable with its release, partly because, as I understand it, they did not support the eventual findings of that consultancy and found deficiencies in that work..

**Senator CROSSIN**—In February you said it was not a public report, it was commissioned by a number of parties and you see no reason why I should not get a copy.

**Mr Cochrane**—From my perspective, as one of the participants, I see no reason why it should not be released, although I think the circumstances around its commissioning nearly two years ago changed significantly with the change to the entry fee issue. There are a number of private sector participants and the other significant contributor was the Northern Territory Tourist Commission. A number of the participants are not uncomfortable with its release but some are quite uncomfortable.

**Senator CROSSIN**—Is it the view that it is not going to be released until everyone is happy?

**Mr Cochrane**—That is my view. In fairness to those who have contributed to it, if they do not want it released I am not going to die in a ditch over it, but I respect their views.

**Senator CROSSIN**—If some participants feel that report is deficient or defective, what is the status of that report?

**Mr Cochrane**—It is a report by consultants to the consortium that commissioned it. It is a consultants report. It contributed to the formation of views by the participants about the economic issues surrounding Kakadu funding. As I said, some of the participants were unhappy with the conclusions and possibly the quality of the work.

**Senator CROSSIN**—Was it commissioned by the Kakadu Board of Management?

**Mr Cochrane**—No, its impetus was from tour operators. Kakadu Tourism, a company that operates in the park, was a major commissioner, as well as the Northern Territory Tourist Commission, as I mentioned. Other participants were Aurora Kakadu, major accommodation providers in the park, and a number of operators—Kakadu Air, APT and AAT. Three Aboriginal associations also contributed to the report. At a somewhat later stage, the Northern Land Council came in as well.

**Senator CROSSIN**—Has the government actually done any economic modelling in relation to Kakadu National Park, apart from this?

**Mr Cochrane**—No, not internally.

**Senator CROSSIN**—Have any consultants other than Hanson Stanley been consigned to do any economic modelling?

**Mr Cochrane**—No.

**Senator CROSSIN**—So there has been no assessment done of the relationship between the entrance park fees and what is needed at Kakadu park in terms of its economic viability?

**Mr Cochrane**—No, not specifically.

**Senator CROSSIN**—Where do you go from here? If you have a number of people saying that the report is sufficient and no economic modelling has been done on the park in relation to the decision about entrance fees and visitor numbers, how do you operate in a vacuum, in terms of trying to assess budget allocations for what is needed in parks?

**Mr Cochrane**—In terms of the value of the consultancy, it was commissioned a couple of years ago. The Prime Minister made a decision about entry fees last year. That has been implemented. We have received supplementation that more than accounts for the loss of income from fees and that has put us in a slightly better position than we were before, with a

guaranteed income. While I accept your question is a good one—we should be modelling the economic needs of the park—at the moment it is not something that we have committed to do.

**Senator CROSSIN**—In February you gave me a breakdown of the money over the next four years —the supplementation for the park fees. Have they varied from the amounts you gave me?

**Mr Cochrane**—They have varied slightly. The money going to Kakadu has not changed. The breakdown that I gave you of the \$4.12 million, \$3.8 million, \$4 million and \$4.4 million is unchanged. Those monies flow to Kakadu.

**Senator CROSSIN**—So \$4.12 million, then the following year it is \$3.8 million?

**Mr Cochrane**—It is \$4.12 million, \$3.75 million, \$4.091 million and \$4.432 million.

**Senator CROSSIN**—So they are the same as the figures you gave me in February?

**Mr Cochrane**—Yes, those are unchanged.

**Senator CROSSIN**—Where are the negotiations up to with the Northern Land Council with respect to assessing the amount that will be paid to the traditional owners?

**Mr Cochrane**—We have had a fair bit of correspondence with them and a number of meetings with them. The offer on the table to the Northern Land Council is that we would replace their share of entry fee revenue by an annual payment of \$1 million, paid quarterly. Their income this current financial year, had the fees not been removed, would have been in the order of \$840,000. In line with the Prime Minister's commitment that the traditional owners would be no worse off, the offer has been made of a flat \$1 million annual replacement payment.

**Senator CROSSIN**—That is an increase.

**Mr Cochrane**—That is an increase. Whilst I am yet to receive a response from the Northern Land Council, we have received an invoice for the first quarter payment of \$250,000—and paid it. I am still waiting for formal confirmation that they have taken the money.

**Senator CROSSIN**—At least part of the money.

**Mr Cochrane**—Yes, at least part of the money.

**Senator CROSSIN**—Is that assessment being done in the same way that you put to me in February, through a variety of means?

**Mr Cochrane**—Sorry, the assessment?

**Senator CROSSIN**—Are you not assessing the anticipated number of visitors or are you just making a flat offer of \$1 million?

**Mr Cochrane**—We have made a flat offer of \$1 million. We have invested in significantly improved monitoring of visitor movement into the park, through vehicle counts and calibration surveys, which we will be doing quarterly, to ensure we have a rigorous baseline to work on for visitor numbers. The offer to the Northern Land Council is that we will index that annual payment to changes in visitor numbers, but only if the visitor numbers

go up. If visitor numbers dropped, they would still be at the previous year's payment, so there is a degree of insulation there.

**Senator CROSSIN**—How are you surveying visitor numbers to Kakadu since the park fee was abolished?

**Mr Cochrane**—Through our vehicle counts and through surveying visitors in those vehicles so we can calibrate the visitor counts.

**Senator CROSSIN**—Is someone counting each vehicle as it goes over a line somewhere?

**Mr Cochrane**—It happens automatically. The technology that we have installed can distinguish 12 different types of vehicles, so we can separate buses of different sizes, vehicles with trailers, four-wheel drives, sedans et cetera. We are conducting detailed surveys regularly now to calibrate visitor numbers in those different types of vehicles.

**Senator CROSSIN**—Do you film cars or something?

**Mr Cochrane**—No, we are actually stopping them. We have a joint project with Charles Darwin University to stop the cars and survey people.

**Senator CROSSIN**—How much is that costing?

**Mr Cochrane**—I could answer that on notice. I do not think it is very much because it is a collaborative project with Charles Darwin University and I think they are using students as part of a student project. Let me give you a detailed answer on that on notice.

**Senator CROSSIN**—So the stopping of vehicles is done—

**Mr Cochrane**—We are doing it quarterly. We have done it twice so far—in January and April.

**Senator CROSSIN**—Do you do it week about? You are not there seven days a week, 24 hours a day, I take it. If I sneak into Kakadu at midnight, will I get counted?

**Mr Cochrane**—Your vehicle will get counted. They will know whether you are driving a bus or a scooter.

**Senator CROSSIN**—I will not be coming from Darwin all the way on a scooter, I can tell you that.

**Mr Cochrane**—I will get you an accurate answer on the methodology as well as on the funding of the surveys.

**Senator CROSSIN**—I had better come for a drive on Saturday and have a look.

**Mr Cochrane**—I am not stopping everyone coming into the park all the time. We only need to survey enough to make sure we can confidently apply a calibration factor to each of those vehicle types.

**Senator CROSSIN**—How do you work out what proportion are Northern Territory visitors?

**Mr Cochrane**—Through actually stopping people and asking them where they have come from. When the parliamentary secretary put out a press release recently saying that the proportion of visitors to Kakadu has increased to 26 per cent, that was as a result of the two surveys we did in January and April.

**Senator CROSSIN**—You are saying that the surveys may have only occurred over a six-day period.

**Mr Cochrane**—My guess is it is probably over a one- or two-week period.

**Senator CROSSIN**—From there you guesstimate that that is probably what it is like the whole year: is that right?

**Mr Cochrane**—No, because we do know that the type of visitors and traffic into the park varies fairly significantly between dry and wet seasons, for example. Whilst you might anticipate that there would be more territorians in the wet season—to come fishing, for example—we do have comparable data from the past from a visitor survey we conducted in 2001 which included wet season surveys. In those surveys only six per cent of the people surveyed were territorians. We are fairly confident that there has been an increase in the proportion and numbers of territorians visiting the park.

**Senator CROSSIN**—My information tells me that you stopped vehicles for only two days in February and April.

**Mr Cochrane**—You may have better information than I do, but I will give you an accurate answer after talking to the researchers.

**Senator CROSSIN**—All right. So what we are talking about is two days in February and two days in April—and you are telling me that the number of territorians visiting the park has increased by what percentage?

**Mr Cochrane**—In the 2000-01 survey it was about six per cent of visitors to the park in the wet season, and in those recent surveys it was 26 per cent.

**Senator CROSSIN**—Why were the 2000 and 2001 figures used?

**Mr Cochrane**—Because that was the last time we comprehensively surveyed visitors by stopping them and asking them where they were coming from. We also asked them where they were going. We have quite a detailed understanding of patterns of visitor use as a result of that survey. That was the last time we did that on that scale.

**Senator CROSSIN**—I have the visitor statistics from the Bowali Visitor Centre for up until the end of March this year. I am not sure whether you have them.

**Mr Cochrane**—I have them until the end of April.

**Senator CROSSIN**—I thought you might have brought them. They show a significant drop for the first three months of this year.

**Mr Cochrane**—Including the April figures, the number in comparison to the January to April equivalent last year has gone down by seven per cent. However, they are almost identical to the figures from January to April the year before and not dissimilar to the January to April figures the year before that as well. The Bowali Visitor Centre counts have remained relatively constant over the last four years.

**Senator CROSSIN**—Except perhaps for February 2003, there is a significant drop in visitor numbers.

**Mr Cochrane**—There is. March figures, though, are higher than the 2003 March figures. I hesitate to put too much weight on the Bowali Visitor Centre count because they measure

numbers of people passing an infrared beam going into the visitor centre. Whilst it is a surrogate measure for people visiting the park, it does measure people passing a beam counter in the visitor centre. We apply an adjustment factor to it to try to remove the effect of people going past the beam twice or kids running backwards and forwards or people standing in front of the beam.

**Senator CROSSIN**—Would that be the same method you might use when you stop vehicles for only two days in February and April? Do you count a vehicle twice if they go in and out on the same day? How accurate is the infrared machine at the visitor centre compared to stopping people for four days?

**Mr Cochrane**—Let me provide an answer to that when I provide you with an answer about the methodology. We have developed this in association with Charles Darwin University. I am confident that the researchers providing advice have worked out a methodology which is more than adequate for the task.

**Senator CROSSIN**—What was the total number of people who were counted on those two days in February and April?

**Mr Cochrane**—I cannot tell you the number of people who were counted in the surveys but as a result of those surveys, we worked out that 28,961 visitors entered the park between mid-January and mid-April.

**Senator CROSSIN**—How many of those are not from the territory?

**Mr Cochrane**—It would be 74 per cent, I guess—what is left after you take out 26 per cent.

**Senator CROSSIN**—What was that figure in 2000-01?

**Mr Cochrane**—Six per cent were territorians so 94 per cent would have been domestic and international visitors.

**Senator CROSSIN**—So we have had a drop in domestic and international visitors in that period of time in this year?

**Mr Cochrane**—The proportion of visitors has dropped. That is certainly correct.

**Senator CROSSIN**—Would it be fair to say that, if the proportion of visitors has dropped, even though there has been an increase in people from the territory visiting the park there has been a decrease in people from interstate and overseas visiting the park?

**Mr Cochrane**—The proportion of interstate and international visitors has dropped, but until I present you with the absolute numbers I would hesitate to comment on the absolute numbers. Part of the problem is that we have long data series of both entry ticket sales and the Bowali Visitor Centre counts but they do not relate particularly well to each other. That would reflect changes of visitor use in the park—for example, people coming through the park entrance but not going to the visitor centre. I would anticipate that would change with seasons as well. If people come to fish, they do not go to the visitor centre because it is a long way out of their way. Whilst we have long-running data sets, you have to interpret them fairly cautiously.

**Senator CROSSIN**—How do we know that the abolition of the park fees is going to be successful. We may well see an increase in the number of people in the Territory who visit the park but the proportion of people from interstate and overseas may decline?

**Mr Cochrane**—The domestic and international visitors coming to the park, I believe, come for a variety of factors and presumably a number of them will make their decisions quite some time in advance. It is very early days at the moment to be able to conclude anything about the impact of the removal of fees. We are now four months down the track. Many people, particularly from overseas, would have made their decisions to travel quite some time ago. I believe the patterns of use of the park will not change or will have been predetermined some time ago. In terms of measuring them, we will continue to regularly survey now, whereas before we did intermittent comprehensive surveys. We will now regularly survey, based on our vehicle counts, so we can try to calibrate those. I would be looking at those regular surveys to give us much better information about how international, domestic and territory-sourced visitors change with time. A lot of that will be a result of factors beyond our control.

**Senator CROSSIN**—To what extent can you be certain that this is not territorians now using the highway to get to Kakadu, rather than the back road?

**Mr Cochrane**—We are installing the counters on the back road as well. Those counters are at the south and north entrances at the moment.

**Senator CROSSIN**—People entering Kakadu via the back road were never counted previously, were they? They would never have paid, basically.

**Mr Cochrane**—They may not have paid, but we do undertake compliance and enforcement actions to verify whether people have paid fees or not.

**Senator CROSSIN**—If you are saying to me that perhaps you need to use the figures cautiously and it is a bit too early to tell, why can some people jump in and claim quite proudly that figures for territorians have gone from six per cent to 26 per cent? Is it okay to make a jump and make conclusions about the locals, but you have to be a bit cautious about interstate and overseas people or do we have to just be cautious with the figures at some times and not others? Why do we suddenly put out a press release if local territorian figures increase? I notice there was not a press release saying that the proportion of interstate and overseas visitors decreased at the same time.

**Mr Cochrane**—How press releases are determined and the content of them is a little outside my control. My concern is to make sure that the information that is provided is accurate and based on the information we collect.

**Senator CROSSIN**—What is a strategy that Parks Australia might have to reverse the decline in overseas and interstate visitors?

**Mr Cochrane**—Over the last 12 months we have been collaborating closely with the Northern Territory Tourist Commission. We have jointly funded the development of the shared tourism vision for Kakadu. We have begun to undertake a number of joint projects to explore possibilities for things such as improved product development at Kakadu. The Northern Territory Tourist Commission is very keen and has been working with us on ideas for promoting Kakadu as a destination. I have been placing the major focus on the product

development side. We need to encourage both individuals and local Aboriginal associations who wish to develop new products that either open up new areas or new products and services for the tourism industry. There is a huge opportunity there. The scene has been well set through the shared tourism vision that was launched in February.

**Senator CROSSIN**—Can I just take you to the Kakadu promotion campaign that was launched earlier this year. The Northern Territory government has offered to contribute \$500,000 to that campaign. I notice that that \$500,000 was not matched in this budget by the Commonwealth.

**Mr Cochrane**—It has not been matched in the budget. It was not sought in the budget. There is tourism funding for those sorts of things, and we are working with the Department of Industry, Tourism and Resources to identify ways of matching that money.

**Senator CROSSIN**—Is your department involved in putting in an application for this funding?

**Mr Cochrane**—Yes. There are programs which potentially do that.

**Senator CROSSIN**—Why would you need to do that? Why was there not an automatic allocation of \$500,000 through the tourism budget, to match the NT budget to promote Kakadu?

**Mr Cochrane**—The government, through programs that already exist, makes a considerable amount of money available for tourist promotion and those sorts of things. Therefore, rather than seek additional funds, a decision was made to work through existing programs.

**Senator CROSSIN**—Who will make an application for that?

**Mr Cochrane**—We are working with a number of potential players. I would hesitate to detail the discussions and the parties that we are talking to at the moment.

**Senator CROSSIN**—Are you talking about tourism bodies or the Northern Territory government?

**Mr Cochrane**—No, not the Northern Territory government, because they are one side of the equation. Either Aboriginal associations or other tourism bodies—industry bodies.

**Senator CROSSIN**—So the process for that will be that you need to put a grant application in for this money?

**Mr Cochrane**—Correct.

**Senator CROSSIN**—Through a grants program?

**Mr Cochrane**—Correct.

**Senator CROSSIN**—And if you are not successful?

**Mr Cochrane**—We will work hard at being successful.

**Senator CROSSIN**—I am assuming if you do not get all the \$500,000, the Northern Territory government will only match what you are given. Is that right?

**Mr Cochrane**—I cannot speak on their behalf.

**Senator CROSSIN**—Was there any new funding for Kakadu in the budget other than the \$16.4 million over the four years?

**Mr Cochrane**—No, that was our new supplementation.

**Senator CROSSIN**—Where is the progress at in trying to identify the supplementary sources of funding for the park, after the four years has elapsed?

**Mr Cochrane**—It is fair to say that we really have not got that off the ground at the moment. I am still waiting to finalise some of the existing arrangements, such as locking in the Northern Land Council with the replacement payment to traditional owners before we start thinking about three years out. There is a lot to do to address the 70-odd recommendations that the Morse report provided us. The board is slowly working its way through those. There are a number of opportunities that arise as a result of considering the Morse report recommendations, a number of which could significantly contribute to revenue for the park, depending on how our discussions go. In short, we are at a very early stage.

**Senator CROSSIN**—Finally, as I read through the transcript in February, there were quite a number of questions that you were going to get back to me about. I cannot find whether they have been emailed to me or whether you have responded to them.

**Mr Cochrane**—I have copies here of all the answers we have provided to all of those questions from No. 69 to No. 76.

**Senator CROSSIN**—I will have to chase down perhaps why they have not made their way to me.

**Mr Cochrane**—We can certainly provide more copies of them.

**Senator CROSSIN**—Nos. 69 to 76, are they?

**Mr Cochrane**—Yes, from the additional estimates in February. They were the questions about vehicle numbers. We submitted them as required following the estimates.

**Senator CROSSIN**—Thank you. That is all I have.

**CHAIR**—Thank you. At this point, we will break for 10 to 15 minutes for tea.

**Proceedings suspended from 4.08 pm to 4.28 pm**

[4.28 pm]

**CHAIR**—I formally resume the committee. We are examining the estimates for the Department of Environment and Heritage. Senator Brown has the call.

**Senator BROWN**—At the outset, because we are looking at Wildlife, amongst other things, I will seek to table this letter from the Prime Minister to the Prime Minister of Japan, the third sentence of which reads:

However, good friends should always feel free to disagree on specific matters, and it is on one such matter that I write to you.

I just wanted to back up that quote which I gave this morning.

**Senator Ian Campbell**—Do you disagree with that, Senator?

**Senator BROWN**—No, your officer said I was wrong in referring to the letter.

**Senator Ian Campbell**—No, you were referring to a different quote. But I am happy for you to table the letter.

**Senator BROWN**—No, I was referring to that quote, Senator.

**CHAIR**—Does the committee wish to accept the letter for tabling? Yes.

**Senator BROWN**—Thank you. The general question is about the check on the funding of environment groups by the tax office.

**Senator Ian Campbell**—We will do that now, if everyone wants to do GVEHO now, but I am sure other people will have questions. I would be disappointed if they did not.

**CHAIR**—I think it would be easier if we work down this list.

**Senator Ian Campbell**—It has been going well.

**CHAIR**—We will start off with Approvals and Wildlife.

**Senator BROWN**—Before we get to that, Senator Webber has some general questions?

**Senator WEBBER**—Yes, I have some general questions of the department, and then we can work our way down the list. Someone has been kind enough to provide me with a copy of the organisational chart of the department dated 21 February. Does that represent the current structure of the department? It is this document here—some of which is very small?

**Mr Borthwick**—It should be, Senator.

**Senator WEBBER**—In respect of the chart, can I have an outline of which positions attract performance pay?

**Mr Borthwick**—We are not required to report on performance pay position by position, and our reports on performance pay are included in the annual report. But they are in aggregate, not position by position.

**Senator WEBBER**—I know that that information is provided by other departments. I do not want names necessarily. I am just wondering what kinds of position attract performance pay within the department?

**Mr Borthwick**—All SES officers within the department are eligible for performance pay if their performance so warrants it. But it is not customary, I believe, to name which positions have attracted performance pay.

**Senator WEBBER**—Could you give me an overall number of positions, then?

**Mr Borthwick**—I might take that on notice, unless it is in the last annual report.

**Dr Anderson**—I am head of the Corporate Strategies Division. Could I have the question again? I was a little distracted.

**Senator WEBBER**—How many positions within the department attract performance pay?

**Dr Anderson**—There are two categories of staff that are eligible for consideration for performance pay. One is the senior executive level in the department, which has about 35 staff. The majority of those staff would have received some level of performance pay. In addition to that, our executive level staff—directors and assistant directors—who sign an AWA are also eligible for performance pay. Probably 70 per cent of staff in that category

would have AWAs, and a proportion of those would have had performance pay. We can provide that figure and we do put that figure in aggregate in the annual report. I do not have it with me at the moment, but we could certainly provide it.

**Senator WEBBER**—If you could provide that, it would be good. That is probably enough on the performance pay issue, without wanting to get into too much detail. I notice on the agenda that the Australian Greenhouse Office functions have gone to the Industry, Communities and Energy Division and the International, Land and Analysis Division. Is that right and, if so, how does that work?

**Mr Borthwick**—They were two divisions already operating in the Greenhouse Office. When the Greenhouse Office was absorbed into the department, we essentially kept the names of those two divisions, and they are intact and operate in the department as they did in the previous Greenhouse Office.

**Senator WEBBER**—So they have not been physically separated?

**Mr Borthwick**—No, they have not. They work together. They are at the same desks that they were at before being absorbed into the department.

**Senator WEBBER**—So it is the identity of the office that has disappeared?

**Mr Borthwick**—No, not even the identity of the office has disappeared. The government thought that it was an important brand name in terms of recognition, so we talk now about the Australian Greenhouse Office within the Department of Environment and Heritage. Those two divisions that operated in the Greenhouse Office before still operate but now in the department.

**Senator WEBBER**—And all the functions and programs are still as they were, with the same people, as much as there can be continuity?

**Mr Borthwick**—There have been some minor changes. Some people have moved from the Greenhouse Office into the department and some people have moved from the former department into the Greenhouse Office. But overwhelmingly it remains the same.

**Senator WEBBER**—Just so I can get this straight, which section of the department deals with those grants for voluntary organisations?

**Mr Borthwick**—It is Mr Tucker's division.

**Senator WEBBER**—He is one of the ones with the very small writing. So it is the Natural Resource Management Programmes Division?

**Mr Tucker**—That is not correct. I have moved divisions over the last two weeks.

**Mr Borthwick**—The positions are the same.

**Senator WEBBER**—Where have you gone, Mr Tucker?

**Mr Tucker**—It is the Policy Coordination and Environment Protection Division, which was previously under Mr Glyde.

**Senator WEBBER**—Yes. We will return to that later. Before we get into the specifics, I want to ask a series of questions about the ACT COAG trial and the role of the department.

How is the COAG Indigenous coordination trial in the ACT going, from the department's point of view?

**Mr Borthwick**—I think it is working very well. I am the Commonwealth secretary overseeing the COAG trial in the ACT. My counterpart is the head of the Chief Minister's Department, Mike Harris. There is also an Indigenous Working Group that meets regularly, which is led by Ros Brown. We meet as a group about every two months. The COAG trial set up some priority areas for investigation when it was signed. What we have done is mapped both ACT government activity and Commonwealth government activity that is undertaken in those priority areas. One was education, one was cultural identity issues and one, from memory, was getting a type of criminal justice system. Another was looking at the linkages back and forth in terms of drugs and things like that. We have mapped the activities at both levels of government in those areas. We have worked that through with the Indigenous Working Group. Those papers have been passed to Indigenous representatives and, shortly, we are going to hold community consultations to address what that data shows in terms of exploring opportunities for both the Commonwealth and the ACT government to better focus its efforts and concentrate on those priorities identified by the ACT, the Commonwealth and the Indigenous Working Group.

**Senator WEBBER**—Has the review of all of the existing programs and service delivery been completed?

**Mr Borthwick**—There has been a mapping of those programs and that material. If it has not been circulated, it is about to be circulated to ACT indigenous people.

**Senator WEBBER**—Can you give me some detail of the funds expended under the trial to date?

**Mr Borthwick**—I would have to take that on notice, but the objective of this COAG trial, and indeed of all the other COAG trials, has not been to increase funding; it has been to see what avenues there have been to get better value from existing funding through better cooperative arrangements between the two levels of government involved, and that is the focus of this exercise. It is really about investigating opportunities for changing priorities to better reflect the needs of the Indigenous community.

**Senator WEBBER**—You may also have to take on notice—and perhaps you should—

**Mr Borthwick**—I can give you a broad idea. The sort of funding that is involved would only be \$100,000 or \$200,000. It is basically funding the head of the Indigenous Working Group and an assistant to help them undertake the necessary consultations and work in the community so that they are best able to interact with the Commonwealth and the ACT governments. It is really facilitating our engagement with the local Indigenous population. The Commonwealth has provided, I think, all of that funding for that purpose, although the ACT government is funding a proportion of the assistance funding. Those people are based at Canberra university. As I say, they are undertaking a very active role, and that is a very worthwhile role, from our perspective.

**Senator WEBBER**—I appreciate that you may have to take this on notice as well, but I was also wondering whether there could be a breakdown of the expenditures by activity?

**Mr Borthwick**—Across the areas?

**Senator WEBBER**—Yes.

**Mr Borthwick**—I cannot see why that cannot be provided, because certainly, as I indicated, it is the intention to provide that information to local Indigenous people. I will see what we can provide to you. But I will need to talk to my ACT and Indigenous colleagues. In other words, it is not just Commonwealth data, it is data from others as well.

**Senator WEBBER**—Yes, I appreciate that; hence the offer for you to take it on notice. That is fine. Can you outline what concrete outcomes have been achieved since the shared responsibility agreement was signed in April last year?

**Mr Borthwick**—I will take that on notice, otherwise I could miss out on some aspects of that. There has been an investigation of changes to the way the ACT criminal justice system works, which involves, in broad terms, getting Indigenous people involved in sentencing with local magistrates. It is not something that might be interpreted as being imposed by the system; it is embraced by the community. There have also been a number of elders' camps and workshops undertaken, which is an important aspect in terms of reaffirming the cultural identity. One of the aspects agreed to be pursued in that shared responsibility agreement is the setting up of a community council. That is so that governments can interact with a central group. That is still a major focus that has yet to be achieved, notwithstanding very good relationships with the Indigenous Working Group. The difficulty is that there were a number of different groups and it was hard for both levels of government to interact and for the Indigenous community to speak with a coordinated voice. That was not just an objective to set that up from the two levels of government; that was a desire on behalf of the Indigenous community. But that has not been yet achieved. There are a number of other things but, as I say, I will take that on notice in terms of particular aspects of activity.

The other point that is worth noting in this regard is that the ACT COAG trial is of a substantially different ilk to that of the COAG trials in other jurisdictions, because it is on a whole-of-territory basis. That makes it, in some respects, a harder nut to crack than a COAG trial that is happening in a particular community within a state, because that lends itself to some experimentation and approaches on a local basis which are harder to do on a whole-of-state basis. So what we are exploring—and this is only exploring at this stage—is whether or not the COAG trial should be rolled into a broader bilateral relationship between the Commonwealth and the ACT. In other words, as the Commonwealth is for the most part pressing ahead with bilateral relationships with each state and territory government—the Prime Minister and Northern Territory Chief Minister Martin signed an agreement not long ago—we are seeing if we can transpose the ACT COAG agreement into that broader remit, but without losing the strength at all of the work that has been done in the COAG trial. That is something there have been some preliminary discussions about. I put it at no more than that at this stage.

**Senator WEBBER**—I was going to ask you what the next steps were for the trial. That sounds like it is one of them. Is there anything else?

**Mr Borthwick**—We wanted a trial in each jurisdiction, and that is why the ACT got a trial site. But my own view is that it is struggling because it is trying to deal with a whole jurisdiction, and it would be best to look at it from a whole-of-territory Indigenous population

and Commonwealth government view rather than kept as a separate trial. But those are discussions we are still having.

**Senator WEBBER**—Have any interpreter services been used during the trial?

**Mr Borthwick**—No, not to my knowledge. But if I find out otherwise, I will let you know.

**Senator WEBBER**—In response to a question on notice from February this year the Office of Indigenous Policy Coordination advised that three consultants had been engaged to undertake pilot projects in different regions, focusing on communications methods and materials for communicating with Indigenous communities. Have any of those pilot projects taken place in the ACT as part of the COAG trial?

**Mr Borthwick**—You will have to ask OIPC. No, I am not aware of that.

**Senator WEBBER**—Has the department sought any advice or support from consultants on communication with Indigenous people during the trial?

**Mr Borthwick**—Not that I can recollect. We have discussed amongst ourselves the advantages of employing a facilitator from time to time, and we will probably use a facilitator in that community workshop that I mentioned earlier which is forthcoming. It is really a meeting of the local Indigenous community in which the Commonwealth and the ACT governments will be involved. But it is really to do what facilitators do, to bring out the essence of the discussion, move the discussion along and draw together the threads.

**Senator WEBBER**—Apart from consideration of that, have any other types of consultancies been funded as part of the trial?

**Mr Borthwick**—Not for the Commonwealth's part, but I cannot speak from the ACT government's perspective on that.

**Senator WEBBER**—Indeed. Finally in terms of general issues, overall within the department can you give me an outline of whether the department has any special arrangements in place for the employment of people with disabilities, which is a pretty hot topic at the moment, and Indigenous people, such as flexible work practices and specialised recruitment?

**Mr Borthwick**—We do have a number of arrangements. I might ask Mr Anderson to come back to the table and address those issues.

**Dr Anderson**—We have a number of strategies and plans in place to deal with recruitment and career development of Indigenous staff and for people with disabilities. We have a workplace disability plan. We have a recruitment strategy for Indigenous people. The bulk of our Indigenous staff are employed in the national parks. I think there are in the order of 80 or 90 there. People do not necessarily identify as being Indigenous or as having a disability, so it is very hard to get complete figures on the number of people in the department that fit into those categories. We have a work force management committee that looks at approaches and strategies for dealing with people in those categories.

**Senator WEBBER**—In terms of people with disabilities, what specific arrangements do you have in place? Do you know how many people the department employs?

**Dr Anderson**—As I said, they do not necessarily all identify—

**Senator WEBBER**—Sorry, I thought we are talking about Indigenous employees.

**Dr Anderson**—No, both categories. For people that identify with a disability that needs a particular response, we will put strategies in place in terms of access to the building, dedicated car bays, the ergonomic design of furniture et cetera. We just look at those cases on their merits and put an appropriate response in place. Across the work force there would be a very small number that identify in that category—in the order of 10 to 20.

**Senator WEBBER**—That is it for general questions.

**Senator BROWN**—I have a question about the Earth Charter. That is the international document that has been approved by UNESCO, backed by UNESCO, the World Conservation Union, 14,000 community groups and a number of Latin American countries. The minister has not been here for half an hour, but maybe Mr Borthwick or somebody else can say what the assessment process for the Earth Charter is by the department and whether in fact it is being assessed.

**Mr Borthwick**—I might take that on notice, Senator. I was not aware that there is an assessment process. But that might be something that I do not know about.

**Senator BROWN**—Would you please?

**Mr Borthwick**—Yes.

**CHAIR**—We have rung the minister's office and we have not been able to locate him. I am sure he will be back. He has left his coat here and that is an encouraging sign of his intention to return.

**Senator BROWN**—At what stage do we get worried?

**CHAIR**—I am sure he will not be too far away.

**Senator TCHEN**—Senator Brown, I understand that the normal thinking is that when the minister is not here it actually gives you more leeway.

**Senator BROWN**—I think that is normal thinking, yes.

[4.55 pm]

**Senator BROWN**—As we are moving on to Approvals and Wildlife, I would like to ask about the Tasmanian devil. Has a nomination for listing of the Tasmanian devil on the rare and endangered species list been received by the Commonwealth?

**Mr Early**—I will have to take that on notice, Senator. I am not aware. I could find out and let you know later on.

**Senator BROWN**—Would you, please?

**Mr Early**—Yes.

**Senator BROWN**—I note that there has been a nomination of the devil to the Tasmanian authorities and the first process has accepted that nomination for consideration. I raised this morning the matter of the Tasmanian wedge-tailed eagle, which is listed on the rare and endangered species list, and the prospect of the possibility of its extinction in north-east Tasmania rising from 65 per cent to 97 per cent over the next two centuries if logging as

proposed by the Howard-Lennon pact goes ahead. What is the department's assessment of that paper from Forestry Tasmania and the University of Melbourne?

**Mr Early**—We need to chase up the relevant officer who has that information. He will not be far away.

**Senator BROWN**—Can we come back to that when he or she arrives?

**Mr Early**—Yes.

**Senator BROWN**—Should I wait for that officer before asking about the other species that are listed?

**Mr Early**—No.

**Senator BROWN**—There is news today of the start of logging at Wielangta, which is on the mainland of Tasmania, just west of Maria Island. This is an area with a range of Commonwealth-listed endangered species, including the wedge-tailed eagle, the tiger quoll, the swift parrot, the broad-toothed stag beetle and I am sure others. What is the process for your department with respect to a list of species like that, which are rare or threatened with extinction, given my understanding that today bulldozers are moving in and forests are being cut in an area which they frequent? What happens at this stage?

**Mr Early**—Is that area covered by the RFA, Senator?

**CHAIR**—It is.

**Mr Early**—In that case, the exemption in the EPBC Act applies in terms of forestry operations.

**Senator BROWN**—But does that exempt the Commonwealth from responsibility for these rare and endangered species and their habitat?

**Mr Early**—The exemption is based on the fact that all those matters have already been assessed as part of the RFA, and that was the basis on which the exemption applies in the legislation. I personally was not involved in that analysis a number of years back. Basically, all those matters of threatened species have been addressed as part of the RFA process.

**Senator BROWN**—What new information, since the RFA was signed in 1997, about these species in that area of Wielangta, which is particularly species rich, has come to the department's notice or has the department looked at?

**Mr Early**—I could not answer in terms of what has come to the department's notice, Senator. But certainly we, from an EPBC Act point of view, have not looked at those issues, because we are expressly precluded from doing so under the EPBC Act.

**Senator BROWN**—But you do have a responsibility under the EPBC Act to ensure that species do not get shoved to extinction?

**Mr Early**—Certainly, but not in respect of RFA forestry operations. That is what the parliament has said. That is what our mandate is.

**Senator BROWN**—Are you sure? Do you have advice on that matter, that the RFA having been signed, the Environment Protection and Biodiversity Conservation Act is no longer to protect biodiversity in the areas that fall under the regional forest agreement?

**Mr Early**—The advice we have is that the exemptions apply to RFA forestry operations. As I said before, those matters were addressed, as I understand it, during the RFA matter itself. So it is not a matter of not applying the objectives of the act. The act specifically says the objectives have already been met as far as those RFA operations are concerned.

**Mr Borthwick**—Just to echo what Mr Early has said, I think my understanding is that if the logging operations are consistent with the RFA, then that is exempt from the operations of the EPBC Act. Nevertheless, if there were a particular species or several species that were running into troubles, that would be the sort of issue that we would have discussions on with the relevant state government and we would see what could be done, consistent with the RFA. But taking a view like Mr Early has is strictly correct.

**Senator BROWN**—Now that logging has begun today in Wielangta, will your department look at the matter—

**Mr Borthwick**—We are very happy to investigate various matters and see how that impacts on species and to have discussions. But it would have to be discussions outside the context of the RFA. In that regard, we would act in a commonsense way; in other words, we would not be blinded by the legislation. The legislation limits us, but there are other avenues to pursue these issues, with the Tasmanian government or as the case may be. Any information that is available on this we would gratefully receive.

**Senator BROWN**—I will just take one species, the broad-toothed stag beetle, which is only found in this area and some very close areas. Can you tell the committee what the status of that beetle is, which is federally listed?

**Mr Borthwick**—We would not have information at hand on a species-by-species basis available today. We would have to take that on notice and see what information we had available in the department.

**Senator BROWN**—Could you do that, please?

**Mr Borthwick**—Yes.

**Senator BROWN**—I return to my question about the status of the wedge-tailed eagle, which is in some ways related to the questioning about Wielangta. You will be aware, Dr O'Connell, that the University of Melbourne and Forestry Tasmania, or experts from those two places, produced a paper many months ago now which said that if logging proceeded as under the regional forest agreement the potential for this magnificent species to go to extinction in north-east Tasmania would rise from 65 per cent to 97 per cent. What is the national government's reaction to those very troubling statistics, which presumably, if applied to logging occurring elsewhere in Tasmania, spells curtains for the Tasmanian wedge-tailed eagle if something is not done to intervene?

**Dr O'Connell**—I have only a media comment on the report you are referring to, which was a report that Forestry Tasmania initiated with Melbourne University looking at potential modelling scenarios for impacts on species. My understanding of the extinction risks that are raised are that 97 per cent was a worst case scenario on the outside, not that it was the figure expected under logging practice. Since that time, of course, and I think based partly on that work, Forestry Tasmania and the Tasmanian government have looked to modify their practices. I think the process that we have just been through is reserving more areas.

**Senator BROWN**—In north-east Tasmania?

**Dr O'Connell**—It is reserving more areas in the north east.

**Senator BROWN**—What was the area of those reserves?

**Dr O'Connell**—I would have to take on notice in terms of the areas that you are looking at here.

**Senator BROWN**—Would it be fair to say it is much, much less than one per cent of the area we are talking about?

**Dr O'Connell**—Of the wedge-tailed eagle habitat? I am not sure. I would have to take that on board.

**Senator BROWN**—Or of north-east Tasmania, which is generally wedge-tailed eagle habitat?

**Dr O'Connell**—I think the issue is more the wedge-tailed eagle habitat.

**Senator BROWN**—Would you take that on notice?

**Dr O'Connell**—We will take that on notice. And then there are issues relating to the reduction in clear-felling and the reduction in clearing and conversion of forest to plantation.

**Senator BROWN**—What is the reduction in clear-felling? Could you tell the committee?

**Dr O'Connell**—As part of the package, Tasmania now intends to reduce the amount of clear-felling of old-growth forests in Tasmania.

**Senator BROWN**—How?

**Dr O'Connell**—As I understand it, by patch, if you like, logging an integrated patch approach, except in some areas.

**Senator BROWN**—That is the clump clear-felling approach?

**Dr O'Connell**—There are various descriptions of it.

**Senator BROWN**—Yes. But by the year 2010 at least 20 per cent of clear-felling as it now occurs will be continuing to occur; is that not the case?

**Dr O'Connell**—Yes, that is my understanding—largely for either safety or the nature of the country that is being logged, such as cable logging, which requires clear-felling.

**CHAIR**—What is the percentage survival rate for the wedge-tailed eagle under that prescription?

**Dr O'Connell**—I do not think that that work has been done. I presume that the work has not yet been replicated, if they are intending to replicate it. I think that is a matter for Forestry Tasmania and Melbourne University to see if they replicate their modelling under the new arrangements. As I understand it, the major threats to wedge-tailed eagles are poisoning, shooting and collisions with vehicles, rather than forestry. I think those are their major threats. As I understand it, under the Forest Practices Code, all of the wedge-tailed eagle nests are protected in 10-hectare minimum reserves. I think the recent additions to the reserves have added significant areas in a large part of the wedge-tailed eagle areas, such as the Styx areas and the north-west as well.

**Senator BROWN**—I was in the Styx a few days ago. There is a wedge-tailed eagle nest protected area there, after a nest was found by the Wilderness Society after the logging authorities had driven a road right through what would have been the exempt area. Will such behaviour continue or is there anything to prevent it under the—

**Dr O'Connell**—I am not aware of the case that you are talking about so I could not comment on that.

**Senator BROWN**—It is at Gees Creek Road. Is there in place now a requirement that experts survey each curve for eagle nests before it is approached for a road?

**Dr O'Connell**—My understanding is that Forestry Tasmania does survey for wedge-tailed eagle nests.

**Senator BROWN**—In what way?

**Dr O'Connell**—I understand they do an annual survey of all of their forests that are on their program. I can confirm that for you, if you wish.

**Senator BROWN**—Is that from the air or on foot?

**Dr O'Connell**—I do not know. I would have to take that on notice. These are matters for forest practices codes in Tasmania.

**Senator BROWN**—Yes, but the problem is we have a 97 per cent extinction rate predicted—

**Dr O'Connell**—No, we do not.

**Senator BROWN**—That is at the maximum end. What was the minimum end, Dr O'Connell?

**Dr O'Connell**—This is a modelling, it is not a prediction. I think there is a lot of difference between a modelling exercise and a prediction. This modelling exercise, as I understand it, was used to assist Forestry Tasmania plan to reduce the threats to the wedge-tailed eagles. It is not the same as a prediction of what will occur.

**Senator BROWN**—You said that 97 per cent was the maximum range of the modelling. What was the minimum range?

**Dr O'Connell**—I do not know. I will have to take that on notice.

**Senator BROWN**—You know the maximum but not the minimum?

**Dr O'Connell**—You were telling me the maximum.

**Senator BROWN**—I see. What is the prediction?

**Dr O'Connell**—The prediction for what?

**Senator BROWN**—The survival chances?

**Dr O'Connell**—I am not aware of a prediction.

**Senator BROWN**—So we have got a modelling but not a prediction?

**Dr O'Connell**—I am not aware of a prediction; that is all.

**Senator BROWN**—I presume if there was one you would know about it?

**Dr O'Connell**—I am not sure I would want to presume that.

**Senator BROWN**—Who in the Commonwealth would know about it, if you do not?

**Dr O'Connell**—A prediction from Melbourne University is not necessarily something that I would automatically know, I do not think.

**Senator BROWN**—No, the point here is that we have a prediction from Melbourne University and Forestry Tasmania itself. I am asking you: is there any alternative prediction that disputes it or gives an alternative scenario?

**Dr O'Connell**—No, I am suggesting I do not think there is a prediction there.

**Senator BROWN**—We have no predictions but we have a modelling from Forestry Tasmania and from the University of Melbourne. Is there another modelling?

**Dr O'Connell**—Not that I am aware of.

**Senator BROWN**—So the only study that you and I are aware of is this one by Forestry Tasmania and the University of Melbourne?

**Dr O'Connell**—I am not sure that I understand the points that you are trying to make about predictions. As I understand it, the purpose of the exercise was to assist Forestry Tasmania develop methods for reducing the threat to wedge-tailed eagles. It is on that basis that they have undertaken some of the work which we have now put into place in terms of the agreement, the reduction in 1080 poisoning on public forest land or at least a phasing out of 1080 poisoning on forest land, a reduction in clear-felling of old-growth, and the increase in reserves. I think that the actions they have taken are actions in response to in particular this—

**Senator BROWN**—And they will fix the matter?

**Dr O'Connell**—They will presumably improve—at least you would expect them to have a beneficial effect on—the habitat and lifecycles of those wedge-tailed eagles.

**Senator BROWN**—The fact is that you do not know what effect it will be?

**Dr O'Connell**—To my knowledge, there is not a further modelling of that, but I might be talking out of ignorance.

**Senator BROWN**—I wanted to ask about the swift parrot, which is also, as I understand it, critically endangered. It was in flocks of many hundreds of thousands at the time of settlement and is down now to hundreds or perhaps a thousand or 2,000 at best. Can you tell the committee what its status is at the moment and what the threats to its survival are?

**Mr Early**—I would have to take that on notice, Senator. I do not have all of that detail with me. We can provide that information to you. However, I can now answer your previous question. The Tasmanian devil was in fact nominated for listing under the national list in April 2005.

**Senator BROWN**—What is the process that is being undertaken there, Mr Early?

**Mr Early**—There is a process whereby the nomination is referred to the Threatened Species Scientific Committee, which is an independent expert committee that advises the minister. There will be a public consultation period. There is also a period of peer review.

They will then develop their advice, which they will provide to the minister, and the minister will then make a decision as to whether he is satisfied that the nomination meets the criteria.

**Senator BROWN**—Is the Commonwealth aware of concerns that potent carcinogens that are used in spraying in forestry operations, such as atrazine and simazine, may have some role in this particularly nasty and destructive disease that has overtaken the Tasmanian devil?

**Mr Early**—I cannot answer questions of that detail, Senator.

**Senator Ian Campbell**—I think the answer is, yes. You asked whether we are aware of concerns. The answer is yes.

**Senator BROWN**—What is the response to those, Minister?

**Senator Ian Campbell**—We are investing millions of dollars into facial tumour tissue disease. I followed your interchange with Dr O'Connell in relation to wedge-tailed eagles. We support species where they are under threat. But the more quality research you have the more likely you are to find out an answer that is likely to deliver benefit for the species and the survival of the species.

**Senator BROWN**—What are the known problems with atrazine and simazine as far as potential carcinogenic effects are concerned?

**Senator Ian Campbell**—I beg your pardon?

**Senator BROWN**—What is the known pathogenicity of these two sprays used in forestry operations in Tasmania as far as wildlife or the potential for cancer production is concerned?

**Senator Ian Campbell**—I do not know. But you asked whether I am concerned about this. Yes, I am aware of concerns about it. What are we doing about it? We are spending more money on research.

**Senator BROWN**—Into that?

**Senator Ian Campbell**—Into causes of facial tumour tissue on Tasmanian devils.

**Senator BROWN**—Except that the cause is not known. I am asking: is an assessment of the potential impact of these carcinogens which are being used in spraying in Tasmanian forestry operations going to be amongst the potential causes that are being assessed by that expenditure of money?

**Senator Ian Campbell**—I would expect that the scientists who develop the research programs would look at the most likely links and causes and then put the most effort into those areas with the most likely cause. That is what I would do if I were driving the program and what will be done if I have a say in it, unless someone gives me better advice. I am sure the question that you raise will be one of the questions that one would look at if you were to find that research effort.

**Senator BROWN**—I wanted to ask about the swamp eyebright, which is one of the rarest plants in Australia. It is found in only a one quarter hectare site south of Southport Lagoon, which according to Tasmanian government experts is threatened by a logging road proposed back in 2001 to log across the Southport Lagoon wildlife sanctuary and to log on the north-east peninsula at Recherche Bay for Gunns Ltd. Can you tell me what studies have been done

on that road, having rejected my own application for emergency listing on the National Heritage List, into its potential impact on one of the rarest floral species in Australia?

**Senator Ian Campbell**—I do know, because I think I have responded to both your question on notice in the parliament and also a letter that you sent to me in some detail on that issue. I am happy to table those responses. The other issue is the emergency listing, which was actually requested by someone other than you in the first instance. I think you then followed it up down the track with another emergency listing. You obviously saw there was some value in repeating a process that had already been done, for whatever reason of your own. The assessment of Recherche Bay for heritage listing is continuing under the normal process outside the emergency process. My recollection of the letter that I wrote to you—I think I wrote you a letter—

**Senator BROWN**—The question I raised is specifically about the eyebright.

**Senator Ian Campbell**—I will just work straight off the top of my recollection, because it is quite vivid. I had a look at your photos and at your letter. I looked at the issue quite closely. My understanding is that you—

**Senator BROWN**—I am asking about the eyebright.

**Senator Ian Campbell**—Yes, and I am responding about the eyebright. It is found, as you say, in a small area. It is being assessed under the forestry plan, as we understand it. And at the moment you have got—

**Senator BROWN**—Who is assessing it?

**Senator Ian Campbell**—There is a dirt road that currently allows a lot of four-wheel drives and recreational vehicles in there, which as I understand it kick up dust and threaten this species. I think the argument, as I recall it, is that the sealing of the road and the control of recreational vehicles onto what is private land, I think, will in fact reduce the pressure and likelihood of impact on this unique and endangered species. The control of off-road driving in wildlife sanctuaries and state forests is the responsibility of the relevant Tasmanian government agencies and it is not the responsibility of the Australian government.

**ACTING CHAIR**—Senator Brown, do you have many more questions on this? I think Senator Bartlett and Senator Wong have a number of questions they want to ask before dinner.

**Senator BROWN**—I will not be too long. When is the sealing of the road going to occur?

**Senator Ian Campbell**—The advice I have is that the construction of the forestry access road has been undertaken in accordance with the forest practices plan, including measures to prevent unauthorised access to the sanctuary and is therefore in accordance with the Tasmanian Regional Forest Agreement.

**Senator BROWN**—Yes, but you said it was going to be sealed?

**Senator Ian Campbell**—I do not have information on that before me.

**Senator BROWN**—So you were not right in saying that?

**Senator Ian Campbell**—No, I do not know when that road is being completed.

**Senator BROWN**—No, sealed; you said it would be sealed.

**Senator Ian Campbell**—I am not sure whether it is sealed. I could be wrong there. It says that an access road is going to be constructed. Whether that means it is sealed or not, obviously, part of what they are doing is to control access by four-wheel drive vehicles, which are the main threat.

**Senator BROWN**—So you do not know whether it is going to be sealed?

**Senator Ian Campbell**—No, I do not. I am happy to find out whether that will be sealed. A lot of roads are constructed without being sealed.

**Senator BROWN**—Yes.

**Senator Ian Campbell**—But I think you would agree that the limiting of access to recreational four-wheel drive vehicles is a useful management arrangement.

**Senator BROWN**—A Tasmanian government expert in her report in 2001 said that there was a very great concern that this road would actually lead to an increase in off-road vehicles in the region of this most endangered plant. Is it not true that recent investigations by Tasmanian authorities have shown that the road, which was meant to be constructed so as to prevent off-road vehicles leaving it, had been breached in at least eight places—that is the road that was built in part in 2002 before it was stopped by a court order—and that the proposal to stop the vehicles leaving the road has failed?

**Senator Ian Campbell**—I think that information is right. There are problems there and the Tasmanian government has to address those problems.

**Senator BROWN**—You are the minister who is to ensure that this plant is protected and that there is not an increase in the threat to it because of a spin-off from this road through a wildlife reserve. What is the process there, Minister?

**Senator Ian Campbell**—The Tasmanian minister is responsible for the implementation of his plan or her plan.

**Senator BROWN**—So we have it here that the government is not responsible for the wedge-tailed eagle, it is not responsible for the eyebright, and we have not heard back on the beetle.

**Senator Ian Campbell**—One of the bits of information I heard in the reports from Tasmania was that one of the biggest impacts that has occurred at Recherche was through the invasion by hundreds of people with you the day you went and did your protest. That led to the destruction of much vegetation of the peninsula, and people left behind cigarette butts, litter and a whole range of other materials which are alien to the environment. That is something that you should take responsibility for and should apologise to the people of Tasmania for. Do you take responsibility? Have you been back there to clean up?

**Senator BROWN**—Let me respond to that, because you have not been there.

**Senator Ian Campbell**—Clean Up Australia Day is a few more months away, but you can clean up every day, mate.

**Senator BROWN**—I have. I did not leave the road and nor did the other people I was with on that day. That is a totally false claim.

**Senator Ian Campbell**—They are making it up, are they?

**Senator BROWN**—You are making it up. It is a totally false of claim. But it is the sort of thing—

**Senator Ian Campbell**—I have read reports about it. You are talking about reports of four-wheel drives leaving roads. I have read reports that show there has been significant damage done to that area because of you and your mates going down there for a political stunt and leaving behind cigarette butts, litter and bottles.

**Senator BROWN**—That is the level of response I would expect from you on a serious matter.

**Senator Ian Campbell**—It is not from me.

**Senator BROWN**—It is from you. It is coming from you right now, Minister.

**Senator Ian Campbell**—It is from reports in the Tasmanian paper.

**Senator BROWN**—It is coming from you right now, and you should stick to the question that I asked you.

**ACTING CHAIR**—Order!

**Senator Ian Campbell**—We spent half an hour asking officers questions about wedge-tailed eagles, and Bob did not like the answers. Then he asked some questions about a critically endangered plant at Recherche Bay. Now he wants to sum it all up for the benefit of the media and his supporters and say, 'I'm not responsible for this; I'm not responsible for that.' I will ask Senator Brown to take responsibility for his actions as well.

**Senator BROWN**—And I do. But you do not take responsibility for yours.

**Senator WONG**—Point of order, Acting Chair.

**Senator BROWN**—You are being questioned here, Minister—not me.

**ACTING CHAIR**—I do not think this is going to advance the Senate estimates inquiry much, Senator Brown. Can I suggest that if you do not have any questions—

**Senator BROWN**—But I do. I am asking questions.

**ACTING CHAIR**—These are political questions you are asking the minister.

**Senator BROWN**—No, they are not. They were questions about endangered species.

**Senator Ian Campbell**—I do not mind political questions. But what we have here, again, is a situation where Senator Brown has turned up—

**Senator BROWN**—Just a moment, Acting Chair; I object to that. I am asking direct questions about endangered species, which is where we are up to on this particular occasion.

**Senator Ian Campbell**—Once every decade he comes to an estimates committee because he has run out of other stunts.

**Senator BROWN**—Acting Chair, I ask you to be fair about your indication on this.

**ACTING CHAIR**—You have been on this subject for more than half an hour now. There are a number of other senators who have questions that they wish to raise. You have got some answers from the minister that you are not happy about, and I do not think you are going to

get anything that will make you happy. Can I suggest that, unless you have some new lines of inquiry that you desperately want to put up, you yield to the other senators.

**Senator BROWN**—I do want to ask about a road into the Southwest National Park which I am told could occur as early as next week at Cockle Creek. Can the minister inform us about that?

**Senator Ian Campbell**—Are you talking about Forestry Tasmania activities?

**Senator BROWN**—I am talking about the proposed tavern and car park facility in the Southwest National Park at Cockle Creek which was approved by your predecessor. I asked what the situation is as far as that proposal is concerned. Can you tell the committee?

**Senator Ian Campbell**—I have not been given any information recently. Does anyone here have any information?

**Mr Early**—I would have to take that on notice. We have hundreds of proposals, and I cannot give you the exact details on every one of them.

**Senator BROWN**—This one is into a World Heritage area.

**Mr Early**—I still make the point that there are hundreds of referrals and hundreds of approvals.

**Senator Ian Campbell**—We are happy to get you an update.

**Mr Early**—I do not have it in my head, I am afraid.

**Senator BROWN**—I am not doing too well, am I?

**ACTING CHAIR**—You have got a question on notice. You will get an answer.

**Senator IAN CAMPBELL**—What senators who come to estimates usually do if they have detailed questions is give the officers the benefit of saying, 'We have some detailed questions.' But since Senator Brown only comes along once every five or six years—

**Senator WONG**—Minister, can we move to some questions please. I appreciate that you have—

**Senator Ian Campbell**—He pops in and he takes up all the time of diligent senators who have done their homework and done the right thing. You do not encourage people to make political stunts.

**Senator WONG**—I am making the point that continuing to argue is digging into our time.

**Senator Ian Campbell**—Go back and trample Recherche Bay again, Bob.

**Senator BROWN**—I am sorry?

**Senator Ian Campbell**—Trampling and levelling and putting new tracks through the bush.

**Senator BROWN**—Acting Chair, I ask him to withdraw that.

**ACTING CHAIR**—I am sorry; I did not hear what he said.

**Senator BROWN**—He said that I had been trampling and putting new roads in the bush at Recherche Bay. I would ask him to withdraw that.

**ACTING CHAIR**—Minister, if you did say that can I ask you to withdraw.

**Senator Ian Campbell**—You can ask me, but I will not. I am just quoting out of the *Mercury* newspaper of Thursday, 28 April 2005.

**Senator WONG**—We will quote that back at you one day when we quote newspapers and you say they should not be believed.

**Senator Ian Campbell**—It says:

“It has been well and truly trampled to the ground,” Robert Vernon said yesterday.

He said a marker on the beach had probably led people to the site.

He goes on to explain:

... undergrowth had been trampled, cigarette butts dropped and tracks made into the bush.

**Senator BROWN**—By whom?

**Senator Ian Campbell**—By the protestors—your mob: Peg Putt, Bob Brown.

**Senator BROWN**—There he goes. What a disgrace he is.

**ACTING CHAIR**—The minister was quoting from something.

**Senator Ian Campbell**—It says ‘Senator Bob Brown, Professor John Mulvaney, Ms Peg Putt’. I was just quoting from Thursday, 28 April in the *Mercury*. Senator Brown says he did not do it.

**ACTING CHAIR**—He probably was not there.

**Senator Ian Campbell**—He was there. He said he did not do it. He treads lightly.

**ACTING CHAIR**—I think that is not going to help.

**Senator WONG**—If Minister Campbell wants to make some political points, I am sure there are different circumstances. Can I just clarify something, Mr Borthwick. I do have some questions—I know they are not for this area, but I am not sure where they are—regarding the budget measure for the Commonwealth Environment Research Facility’s marine and tropical sciences research facility, on page 151 of budget paper No. 2. Where will that come up in the department?

**Senator Ian Campbell**—We had a discussion this morning for about half an hour on the Great Barrier Reef Marine Park Authority, but we can go back to it.

**Senator WONG**—It is not that.

**Senator Ian Campbell**—I am just saying that we had a long discussion about it this morning.

**Senator WONG**—That is an authority. I am talking about a departmental appropriation, which is at page 151 of budget paper No. 2. Could someone just tell me which part of the department that falls within.

**Mr Tucker**—Policy Coordination and Environment Protection Division.

**Senator WONG**—While we are on approvals and wildlife—because I am sure Mr Early does not want to leave without me having asked him some questions—how much funding has been allocated to the biodiversity hot spots program, which I think we might have discussed previously, which was flagged in last year’s budget and announced in August 2004?

**Mr Slatyer**—This program is administered by my division.

**Senator WONG**—It is not even you, Mr Early. I am so sorry.

**Mr Slatyer**—We are happy to deal with it now, if the minister agrees.

**Senator Ian Campbell**—Yes, please.

**Mr Slatyer**—Total funding for the program as announced was \$36 million.

**Senator WONG**—And how much of that has already been allocated?

**Mr Slatyer**—I will just have to do a quick calculation. Altogether there has been \$4.5 million allocated in 2003-04, so \$7.165 million has been allocated in 2004-05. I could go into the out years if you wish.

**Senator WONG**—Yes, thank you.

**Mr Slatyer**—It should be in the document.

**Senator WONG**—Which page of the PBS is it?

**Mr Slatyer**—In the PBS at page 49 there are estimates for 2005-06 and 2004-05 about halfway down the list of administered appropriations.

**Senator WONG**—Within that, how much of the \$6.665 million in the 2004-05 actuals in this program was to the South Australian eastern Mount Lofty Ranges?

**Mr Slatyer**—\$1.5 million.

**Senator WONG**—Was there a tender process for that funding?

**Mr Slatyer**—No.

**Senator WONG**—Is there proposed to be a tender process for the remaining \$4½ million or \$7 million et cetera over the out years?

**Mr Slatyer**—The guidelines and arrangements for that program are under consideration by the government—that is, the guidelines for managing the rest of the program.

**Senator WONG**—Do they contemplate a tender process?

**Mr Slatyer**—That is not for me to say.

**Senator WONG**—They are still with the government for consideration.

**Mr Slatyer**—Yes.

**Senator WONG**—How much has already been allocated?

**Mr Slatyer**—There has been an allocation of funds for the 2004-05 year.

**Senator WONG**—Which is the \$6.665 million figure?

**Mr Slatyer**—Yes.

**Senator WONG**—Organisations have already been told, ‘You’re getting this’?

**Mr Slatyer**—No, that has been the allocation of resources in the budget for this program.

**Senator WONG**—But the project at the South Australian eastern Mount Lofty Ranges has already been announced, so people know they are getting it.

**Mr Slatyer**—Yes.

**Senator WONG**—Are there any other projects in that category?

**Mr Slatyer**—The other main project that has been announced is the Daintree conservation initiative, which is being funded from the same \$36 million fund that I mentioned earlier.

**Senator WONG**—Apart from those two, are there any others which have been not just allocated in the budget but announced on the ground?

**Mr Slatyer**—No.

**Senator WONG**—There was no tender for the Daintree?

**Mr Slatyer**—The Daintree component is administered by the Heritage Division.

**Senator WONG**—When do you anticipate the guidelines for the allocation of these moneys to be determined?

**Senator Ian Campbell**—Within a few days. It is sitting on my desk. It might be a few weeks.

**Senator WONG**—Do you contemplate a tender process, Minister?

**Senator Ian Campbell**—It is highly likely, yes. We are trying to get the very best value for money, keep the admin costs low and make sure we get as much conservation on the ground. That is easy to say. We are trying to design a process which improves that outcome. I have been grappling with it for probably too long, but I am pretty confident we are going to get an outcome, hopefully, fairly shortly.

**Senator WONG**—Presumably, there are funding criteria that people will have to meet in order to get funding?

**Senator Ian Campbell**—Yes, and getting the balance right between the acquisition side of it, the management side of it and the administrative cost side of it.

**Senator WONG**—If a tender process is contemplated for future applications, why was one not undertaken for the Mount Lofty project?

**Senator Ian Campbell**—We had the discretion to make investments, but we have made some what we would regard as strategic investments, and now we have a large amount of money available in the remainder of the funding for this. My own hope is to build this as a successful program. It will also build on a number of these sorts of programs that some of the state governments are running—the Victorian government is running a very successful bush tender type program. I would like to build this up into the sort of program that, if we can make it a success, I could go back to cabinet with in future years and seek to make a longer term program funded over the long term, a feature of our programs. So I am spending quite a lot of time getting this tender process and the guidelines right.

**Senator WONG**—You anticipate within the next few weeks?

**Senator Ian Campbell**—I think that is safe to say. I wish it was quicker than that, but I am juggling a few balls at the moment.

**Senator WONG**—Is it appropriate that I address questions on the Daintree measures later to the Heritage Division?

**Mr Slatyer**—Yes.

**Senator WONG**—Apart from Mount Lofty and Daintree, there is no other actual granting of money under this program?

**Mr Slatyer**—None that has been announced.

**Senator WONG**—Have people been advised?

**Mr Slatyer**—I can only speak for what the government has announced.

**Senator WONG**—There is a difference between a political announcement and people actually being advised that they are going to get some public moneys. Have there been other proponents advised that they will receive money under this program?

**Mr Slatyer**—There have been contract arrangements entered into.

**Senator WONG**—How many?

**Mr Slatyer**—Two.

**Senator WONG**—Have those contracts been finalised?

**Mr Slatyer**—As we understand it one contract has been finalised.

**Senator WONG**—Who is that with? There is no commercial-in-confidence if it has been finalised; you are just going to be telling me who it is. I am not asking the details of the contract.

**Mr Slatyer**—Until the government is in a position to announce that, we cannot disclose the identity of the parties.

**Senator WONG**—Has any money been paid under the contract to date?

**Mr Slatyer**—I will take that on notice.

**Senator WONG**—You must know that, Mr Slatyer. You do not know if any money has been paid under the finalised contract to date?

**Mr Slatyer**—I need to take the question on notice.

**Senator WONG**—Do you have a problem with him telling us whether money has been paid under a contract, Minister?

**Senator Ian Campbell**—I do not know myself. I know that we have a series of negotiations going on under this program and that they are at various stages of finality. We will announce these successful projects, as we have done in the past, when they are all finalised. We will be very proud of it, and the money that is paid over will all be announced. But one of the things that we are very cautious about doing is having what is a \$30-odd million fund out there. People in this business know pretty closely what sort of properties it is targeting. There is a market developing there, and that is a tremendously good thing for Australia. We are having new institutions forming around this program, which is the reason I would like to see it extended and not just be a one-off, as it is at the moment. If I get this right, I hope to convince the cabinet that we can fund this on an ongoing basis. A market forms. I think you would respect, Senator, that when government walks into the market with a big chequebook, all of a sudden you start affecting the market. We are possibly overly cautious about commercial confidentiality at this stage. As soon as it can be announced and released,

the details can be handed to you. That is why, I think, Mr Slatyer is doing the entirely appropriate thing by taking it on notice.

**Senator WONG**—Was there a tender process for this finalised contract, Mr Slatyer?

**Senator Ian Campbell**—We are not saying it is finalised.

**Senator WONG**—He gave evidence before that one of them was finalised. I am only asking about the finalised one, because I anticipate that if I ask about the non-finalised one people will talk to me about commercial-in-confidence negotiations. Was there a tender process for the finalised contract?

**Senator Ian Campbell**—I think the answer—and I am happy to be contradicted here—is that until now the properties that we have been targeting have been bought on a fortuitous basis: they have come up and we have done an assessment and decided that there are really good biodiversity and conservation outcomes available. Sometimes you have to move. We have done that with this program and we have done that with national reserve system purchases and so forth.

**Senator WONG**—Do I take that as a no?

**Senator IAN CAMPBELL**—I think the answer is no, that is right. I think I had said that before. We have sought and purchased some properties that have become available. If we do not buy them someone else does and they are potentially lost to this program.

**Senator WONG**—I presume your guidelines will have addressed issues of probity as well.

**Senator Ian Campbell**—Yes.

**Senator WONG**—And you do anticipate some form of tendering process?

**Senator Ian Campbell**—Yes, I do.

**Senator WONG**—Mr Early, I have one question on the nuclear dump.

**Senator Ian Campbell**—What you would ideally do if you had a lot more money is have a fund that was for fortuitous purchases so that you could move quickly and another fund subject to annual tender. Ultimately we will do an evaluation of this, and it may well be that the tender process creates really good biodiversity and the fortuitous purchases do not, or it may be the other way around. We will not really know until we do it.

**Senator WONG**—Are current guidelines in place for the so-called fortuitous opportunities?

**Senator Ian Campbell**—My recollection is that we get advice from my biodiversity expert committee. We have been taking advice from that committee on how to best utilise this program to maximise biodiversity to the extent that we are identifying the best places and even the best way of running the program. I am taking their advice.

**Senator WONG**—Are there guidelines regarding these fortuitous purchases we are talking about, Mr Slatyer?

**Mr Slatyer**—Not guidelines per se, but, as the minister said, the minister is taking advice from an independent committee.

**Senator WONG**—But against what does that committee assess any possible expenditure? Are there criteria somewhere?

**Mr Slatyer**—The Prime Minister in his initial announcement described the broad purposes of the program. The committee which the minister has established is chaired by the chair of the biodiversity assessment committee, Professor Possingham. That group will be looking at the biodiversity values of the areas concerned.

**Senator WONG**—So this group has provided advice in relation to all three—the two that have been announced and the third contract which has been finalised?

**Mr Slatyer**—Yes, I believe so.

**Senator WONG**—But you are not able to point me to any documented guidelines for criteria against which they provide their advice?

**Mr Slatyer**—No.

**Senator WONG**—Just what other criteria they apply.

**Senator Ian Campbell**—This is an expert group of scientists in the main. I think they are virtually all scientists who are experts on biodiversity.

**Senator WONG**—I am not suggesting that they are not experts, but you have got a public expenditure process. I am asking: would it not be normal to have some clear guidelines or criteria against which a proposed purchase or contract is assessed?

**Senator Ian Campbell**—Yes, and that is what we are developing. But we have had opportunities come to the Commonwealth over the past year in areas that we thought have been strategic and that have been given very strong support for biodiversity reasons, and we have made a decision. That is entirely within the Prime Minister's announcement of this policy. We have stuck to that.

**Senator WONG**—What are the criteria?

**Senator Ian Campbell**—We will table the Prime Minister's announcement.

**Senator WONG**—So the criteria are in the Prime Minister's press release?

**Senator Ian Campbell**—Yes, but with the support of this expert panel of some of the best biodiversity experts on the planet.

**Senator WONG**—There was allocation in the DEST portfolio for more work on a nuclear dump. Mr Early, has the environment department been asked to do any of the bits of that?

**Mr Early**—No.

**Senator WONG**—You would have to do an EIS, wouldn't you?

**Mr Early**—DEST would do the EIS.

**Senator WONG**—Sorry, you would have to assess it.

**Mr Early**—We would do the assessment. We would give advice to the minister about whether to approve it or not.

**Senator WONG**—So no work your end?

**Mr Early**—Not at this stage.

**Senator WONG**—Just remind me how many people worked on the approval process for the EIS for the dump that is now being shelved.

**Mr Early**—In terms of our department?

**Senator WONG**—Yes.

**Mr Early**—It is a bit hard to tell. We have a relatively small mining and industrial section of about half a dozen people. Some of those would have worked on it from time to time, as well as me and maybe Malcolm Forbes, the assistant secretary. I could do an assessment and give you something on notice, but it is a bit hard to tell how many actual person hours it all involved.

**Senator WONG**—It was not a small project though, was it?

**Mr Early**—No.

**Senator WONG**—I would be interested in knowing how many person hours, if you are able to assess that.

**Senator Ian Campbell**—Just so you understand, that will mean that the people who are doing the assessments for the value of the future of the Australian environment will be taken off that job to put together statistics to answer that question. Are you happy for that to happen?

**Senator WONG**—If you do not want the question answered, you can say that.

**Senator Ian Campbell**—I am just saying that—

**Senator WONG**—Mr Early offered.

**Senator Ian Campbell**—I know he offered. He is doing the right thing by the committee. He has just said it is a very small section. It means that Mr Early is going to have to task someone with going back over a process that occurred over a year ago and more.

**Senator WONG**—It was quite a number of years. You kept trying it.

**Senator Ian Campbell**—It requires resources to answer your question.

**Senator WONG**—I am sure that Mr Early, as any public servant, as I have seen from the questions on notice answers, is quite capable of writing a response that says—if in this assessment this is the case—that this is too labour intensive an answer to provide.

**Senator Ian Campbell**—If you respect it if he decides that then I think we have got ourselves a good understanding.

**Senator WONG**—We have had to cop a few of those over various estimates. I have finished with approvals.

**Senator BARTLETT**—I have a few questions about what I think are in the Approvals and Wildlife Division. Firstly, has the application that has been afoot for a while to import Asian elephants to Australia, which I asked about back in February, when there was an indication that it would probably take a month or so to get finalised, been finalised now? Has a decision been made on the application?

**Mr Early**—Not yet.

**Senator BARTLETT**—I am drawing just on my memory here, but I think there firstly had to be an assessment drawn up within the division and then that advice or recommendation was to be provided to the minister. Has that stage of the process happened?

**Senator Ian Campbell**—The latest information I have is that it is about to arrive on my desk. It could be here somewhere.

**Senator BARTLETT**—You can have a read of it over the dinner break and announce it to us afterwards.

**Senator Ian Campbell**—We put a lot of effort into this and, as I said to you privately, we are looking very closely at it. It is not an easy decision, but I am quite certain that somewhere in my files I will have some very good advice which I will read thoroughly.

**Senator BARTLETT**—Can I just clarify the process again. The advice is virtually complete and about to be provided, or may have been provided and just not read yet.

**Mr Early**—That is a fair description.

**Senator Ian Campbell**—Absolutely accurate.

**Senator BARTLETT**—Whilst being unclear.

**Senator Ian Campbell**—No, it is spot-on. It has arrived in my office. It may not have arrived on my desk.

**Senator BARTLETT**—You are not obliged to follow the advice?

**Senator Ian Campbell**—My undertakings, publicly and privately, to you are that I will carefully consider it. I think I have seen preliminary information on it. It is quite an enormous volume of work. A lot of energy has gone into it. Quite frankly, I think both sides of the argument, the NGOs and the zoos, have cooperated in a very constructive way. I have enormous respect for both sides of the argument. It is going to be a very hard decision for me to make. I am going to read it very carefully, for good reason. I have had days where I have thought that the arguments of the NGOs have absolutely overwhelming weight and then other days where I think the zoos have made good points. I genuinely have an open mind on this.

**Senator BARTLETT**—I am waiting with anticipation to read the final document. Is there any time line that you have to make a decision within once you receive it?

**Senator Ian Campbell**—I think there is a statutory requirement, but I do not think there is much of a penalty if I do not meet it. My undertaking to all parties is that now that the advice has arrived I will try to get to it as quickly as I can, read it thoroughly and make a decision. I do not think it is fair to the elephants, for example, to be stuck in quarantine for a long time. Making a decision is in the interests of all the parties. I want to make sure it is a good decision: it is one I will have to live with, the elephants will have to live with and everyone will have to live with. I will have an opportunity to read it over the next little period, and I will do that.

**Senator BARTLETT**—Thank you for that. A question on notice—I think to a question from the November pseudoestimates that we had, the on notice estimates or whatever it was called—from Senator Allison was asked about ensuring fishers comply with the EPBC requirement to notify the secretary about interactions with listed species. The department

answered that you were negotiating an MOU with AFMA for records of interaction to be provided to the department and had also contracted AFMA to produce and implement a communications strategy by mid-2005. Can you tell me if both the MOU and that communications strategy have been finalised yet?

**Mr Early**—They have not been finalised in the sense of being signed off by the secretary and the head of AFMA. Basically, they have been agreed, though. The current stage is simply getting legal advice that the MOU meets the statutory requirements of both our legislation and the AFMA legislation. We effectively have the arrangements in place and operating but we need to formalise it with the signatures, which should be in the next little while.

**Senator BARTLETT**—Once the signatures are provided is that able to be made public?

**Mr Early**—Yes, that would be a public document.

**Senator BARTLETT**—I have a question about a property on Norfolk Island that was refused development approval under the EPBC Act last year under the previous minister. Has there been any acquisition of any property, any part of that freehold land by the department or the Commonwealth during the current financial year?

**Mr Early**—Certainly not by this department. I know that the Department of Transport and Regional Services have been having discussions with the owners but I do not think anything has actually been resolved, so I suggest you ask that department.

**Senator BARTLETT**—Thank you. The final area I want to ask about is a broad issue flowing from the court decision about Nathan Dam. I know there has been a reassessment of that just recently that triggers the act and will require the process to go to the next stage about what mechanism of assessment will be required. Feel free to tell me if I am wrong in my assumptions, but that is where I understand that specific proposal is at—that is, that the minister has reassessed it and found that it will trigger the act.

**Mr Early**—The original decision by Dr Kemp was that the Nathan Dam proposal was a controlled action and needed approval under the act. In relation to threatened species, the minister has recently said that migratory species and the World Heritage provisions also have to be addressed. It is now with the Queensland government because, as you know, there is a bilateral agreement between the Commonwealth and Queensland in relation to assessment. We are waiting on their advice as to whether they wish to provide the assessment report through the bilateral agreement.

**Senator BARTLETT**—Given that the Queensland government are pretty keen on that proposal—I do not know whether they could technically be called a proponent but they have certainly been boosting the idea—does that raise issues about their independence and their ability to properly assess it? Are you able to have an oversight role on that?

**Mr Early**—I do not think there is a problem. That is the normal process through which assessment reports are provided under the bilateral agreement. We have very close contact and liaison with Queensland about the assessment processes, but at the end of the day it is our minister who makes the decision and our minister who has to be satisfied about the level of information that is available. I have no doubt that the assessment will be fine, but if there were a problem then the minister has mechanisms to ensure that he has enough information to make a proper decision.

**Senator BARTLETT**—There is a broader issue I want to go to. I presume the minister's reassessment of the greater number of issues that are triggered was consequential to the court decision.

**Mr Early**—That is right.

**Senator BARTLETT**—Has that court decision led to a broader reassessment of the approach you take on assessing all projects? Have you reconsidered and drawn up new guidelines?

**Mr Early**—Yes, we have. We have obviously looked very closely at the court decision. We have that advice from the court, and we are interpreting that in terms of all our current work in relation to the EPBC Act.

**Senator BARTLETT**—Can you be a little more precise about how you are interpreting it? Tell me what you have done in a bit more detail.

**Mr Early**—Up until the court case we were operating on the basis that we only really considered the direct impacts of proposals. We are now looking specifically at indirect impacts, or second-hand impacts, as required by the courts. We look specifically at any flow-on effects from proposals.

**Senator BARTLETT**—Have you made any concrete changes, such as changes to documentation?

**Mr Early**—Yes, we have.

**Senator BARTLETT**—Are they public documents?

**Mr Early**—We have our own internal practice notes on how we deal with proposals. They have been changed and have been cleared by the Australian Government Solicitor. So we have changed the way we do business. At some stage we may put out more guidelines, but at the moment that is an internal legal document that we use.

**Senator BARTLETT**—With regard to clearing that through the Australian Government Solicitor, I am not sure whether this can be established any more firmly or officially but I am trying to get a sense of the department's approach to the standing in law of the court decision. Obviously you chose not to appeal it, so are you therefore taking an approach of operating as though the court's finding, in its broader application, has legal validity as an interpretation of the meaning of the law now?

**Mr Early**—Yes. We are operating fully in accordance with the decision. We are taking it that that is the law, and so that is how we are operating.

#### **Proceedings suspended from 6.00 pm to 7.03 pm**

**CHAIR**—We are now moving to the Heritage Division. Please proceed, Senator Allison.

**Senator ALLISON**—Can Mr Young advise the committee what the time frame is for considering the emergency listing of heritage alpine grazing in Victoria.

**Mr Young**—The minister has referred the matter to the department today.

**Senator ALLISON**—Today?

**Mr Young**—Today. That means that there is a 10-day turnaround on that emergency listing.

**Senator ALLISON**—Minister, we are just talking about emergency listing of heritage alpine grazing in Victoria. You have referred it to the department today?

**Senator Ian Campbell**—Yes. At 1.30 this afternoon. I have 10 days to make a decision.

**Senator ALLISON**—You have 10 days to make a decision?

**Senator Ian Campbell**—Yes.

**Senator ALLISON**—You seem fairly adamant in your comments in the press today that you are in favour of listing. Is that correct?

**Senator Ian Campbell**—No. I was very adamant about the importance of alpine grazing to the heritage of Australia.

**Senator ALLISON**—Can you explain why this is the case?

**Senator Ian Campbell**—I think *The Man from Snowy River* and the involvement of mountain cattlemen droving cattle up into the alpine region, which has been going on for 170 years, is without any doubt, in my mind, an absolutely intrinsic part of the Australian story and a part of our heritage.

**Senator ALLISON**—The Environment Protection and Biodiversity Conservation Act lists a loss of terrestrial climatic habitat caused by anthropomorphic emissions of greenhouse gases. The listing specifically includes alpine habitats in that threat. Does that not suggest that the situation might have changed in the last 100 years with regard to the threats that cattle grazing brings to alpine areas?

**Senator Ian Campbell**—I have no doubt there have been changes to all parts of Australia over the last 170 years. Does that mean that human activity should be excluded from endless tracts of our country? I think the answer is no. I think that as with the Great Barrier Reef, for example, where we have just expanded the no-go areas from four per cent up to 33½ per cent, this is probably one of the most iconic and well-known parks in the world. We manage it successfully with massive areas of pure conservation zone and other areas where there is multiple use. It is a multiple use park. There is no reason that I have seen to date. But I have given undertakings to John Thwaites and the people of Australia that I will look very carefully at any additional environmental and biodiversity information that comes forward.

Except with very rare exceptions, these parks can be managed successfully to preserve biodiversity and preserve other activities. In this case, it is an incredibly important part of Australia's heritage. It may well be that within that park there are areas of high conservation value that need to be made totally no-go areas. There may well in fact be waterholes or areas where there are endangered species of plant where it is just entirely inappropriate for any grazing to occur. But I think that sensible modern management can provide a balanced routine.

I said today in the media that you are looking at a stocking rate of one animal per 23 Melbourne cricket grounds. It is an incredibly low stocking rate. The stocking rates can be adjusted depending on the climate. The stocking rates can be adjusted depending on impacts on biodiversity. I have seen nothing so far to suggest that any action is being taken by the

Victorian government, for example, to address a whole range of other feral animals in that area. There are enormous numbers of wild bush horses, as Banjo Paterson called them, still roaming through that high country. They have an impact on the biodiversity in the alpine region.

**Senator ALLISON**—So in 10 days you will expect to have a thorough evaluation of the biodiversity, the situation, for instance, with the bogs in the alpine area and so forth?

**Senator Ian Campbell**—I would hope that the Victorian government has done a thorough analysis of that. I am deeply concerned at that government. I think even the department that has created that analysis has been providing doctored photographs for media campaigns to try to create political support in Victoria for their action. I hope that the work that is being done by the department is not reflected in the way they have provided doctored photographs for media presentation. I hope that their work is far more robust on the biodiversity and environment conservation side of things. I have 10 days to make a preliminary decision which will have the effect of putting the emergency list in place. I then have another 40 days wherein the Heritage Council have to make a decision on formal listing of the activity.

**Senator ALLISON**—Sounds to me like you have made up your mind, Minister. But would you consider—

**Senator Ian Campbell**—I have made up my mind that running cattle up in the alpine regions is an intrinsic vital part of the Australian story. No-one can deny that. It is an incredibly important part of our heritage. I have definitely made my mind up about that. But luckily I have the support in this of the department's advice when emergency listing was last applied for. The formal advice was that these are important heritage values.

**Senator ALLISON**—So why couldn't that intrinsic activity be able to be continued in state forests, many of which are in alpine areas, and on private alpine land?

**Senator Ian Campbell**—I am sure it will be.

**Senator ALLISON**—Instead of?

**Senator Ian Campbell**—This is the country that they have been visiting for 170 years.

**Senator ALLISON**—Instead of the land which is in the national park.

**Senator Ian Campbell**—That is what the Victorian government want to happen. They want to stop this activity taking place in the alpine national park. The whole issue is whether this should continue in the alpine national park.

**Senator ALLISON**—So what sorts of plans will you have for the ecological impact to be managed in terms of water quality, biodiversity and the spread of weeds? What sorts of funds will be provided in the budget to handle that?

**Senator Ian Campbell**—These are very important questions. We want to ensure, for example, that the Victorians have in their considerations looked at what happens to the enormous volumes of flammable material that will build up in the understorey of the alpine national park region as a result of taking out the use of herbivores to keep that understorey under control. They are all important issues. There are positives and negatives.

**Senator ALLISON**—But if you stop the state government doing this, presumably that makes the federal government responsible to some extent for ameliorating the effects of grazing in alpine areas.

**Senator Ian Campbell**—I am sure we will get to that bridge. I do not think we should be prejudging the decisions.

**Senator ALLISON**—It sounds like you have already, Minister.

**Senator Ian Campbell**—You think I have prejudged it?

**Senator ALLISON**—Sounds very much like it.

**Senator Ian Campbell**—That is because that is what I feel deeply about mountain cattlemen grazing in the alpine national region. I think it is an incredibly important part of Australia's heritage.

**Senator ALLISON**—And so you would be prepared to sacrifice the environment, biodiversity, water quality, the bogs and plant life in order to maintain it. Is that correct?

**Senator Ian Campbell**—The bogs were there when Banjo Paterson wrote his poem and they are still there today.

**Senator ALLISON**—So can you map the—

**Senator Ian Campbell**—So is the mimosa scrub. So is the kurrajong. They were all then there and they are all still there now. What we want to make sure—and clearly you were not listening or did not want to listen—is that the heritage of Australia is protected and that is balanced against those important biodiversity and conservation needs. The reality is that those important parts of Australia's biodiversity and environment are there at the moment and they are there after 170 years of cattle grazing. Your proposition is that if you do not stop it in August this year, the place will get wrecked. Well, 170 years of history proves that you are wrong.

**Senator ALLISON**—Thanks, Chair.

**Senator WEBBER**—I have a couple of brief questions on that issue and then we will return to some other heritage issues. I am sorry, but I was a few minutes late so Senator Allison may have covered a bit of this. We are obviously having a discussion about your press release today, Minister. In your press release you refer to the National Heritage Act. What does that act do, or is it meant to be the Environment Protection and Biodiversity Conservation Act?

**Senator Ian Campbell**—They do interact, but the heritage act—I think David could probably go into the detail of it—is an act that is to provide very high levels and new levels of protection for Australian heritage. We are going through a process—

**Senator WEBBER**—So it is that act rather than the biodiversity act that you are using in this instance?

**Mr Young**—The emergency listing provisions are in the Environment Protection and Biodiversity Conservation Act, but the act interacts with something called the Australian Heritage Council Act, which is the body that the government has established to provide independent statutory advice to the minister on standard listings for national heritage.

**Senator WEBBER**—So it is the biodiversity conservation act that has the emergency provision?

**Mr Young**—The emergency provisions are under the EPBC Act, yes.

**Senator WEBBER**—You obviously believe that there is a case for emergency listing. Do you think, Minister, that there is a case for heritage listing of the alpine national park for its national heritage values?

**Senator Ian Campbell**—I think there is a very strong case for that. The department has been working for some time on looking at a listing—potentially even a World Heritage listing—of the entire Australian alpine region. That crosses across a couple of states, so it is a long process, but it is one that I am very attracted to. It is a unique and remarkable part of Australia that we do need to protect.

**Senator WEBBER**—Would the department think of using some of the emergency listing provisions to help facilitate that, or are we just going to do that as it is?

**Senator Ian Campbell**—In a way, what happens is entirely complementary. The emergency listing that has been sought on this occasion by the cattlemen is to list their activity of droving—droving cattle up there at the beginning of the season, grazing them in the alps and bringing them down at the end of the season. It is an activity. It is quite a unique assessment we will have to go through. We have gone through the assessment of the activity before. We now have to do a new assessment because I was not convinced that the activity was under threat at the time. It is now under threat because the Bracks government have made a policy decision and have introduced legislation. So it seems one of the reasons it was not listed last time has now changed. It certainly does not prevent us moving forward with either a heritage listing or a World Heritage listing of the entire alpine region. But that will require consultations with the New South Wales government and the Victorian government.

**Senator WONG**—Mr Young, has the department written to Mr Ian Maxfield, the chair of the Alpine Grazing Task Force, on this issue?

**Mr Borthwick**—An officer of the department did write to the chairman about mid last year, yes.

**Senator WONG**—And isn't it the case that the view was put in that correspondence that the continuation of grazing was a practice highly inconsistent with sustainable protection and management of the natural heritage values?

**Mr Borthwick**—Did you say consistent, or did you mean inconsistent?

**Senator WONG**—Sorry, highly inconsistent.

**Mr Borthwick**—That was the view that was put in that paper, but that view was undertaken by the officer concerned without authorisation within the department.

**Senator WONG**—At what level was this correspondence drafted?

**Mr Borthwick**—It was signed off by a branch head in the department.

**Senator WONG**—Branch head? Is that assistant secretary level?

**Mr Borthwick**—Yes.

**Senator Ian Campbell**—The letter also said that it was written on behalf of the minister, which it was not.

**Senator WONG**—So you have obviously seen this, Minister?

**Senator Ian Campbell**—I have, yes. It was a matter of some controversy during the election campaign. I spent two days talking about it during the campaign.

**Senator WONG**—So you disagreed with it?

**Senator Ian Campbell**—No. I checked to see whether the letter was on behalf of the minister by having the view of the former minister David Kemp put to me. It was not made on behalf of him and it was not made on behalf of me. So the letter was incorrect. Wherever it refers to the fact that she was writing on behalf of the minister was incorrect.

**Senator WONG**—Leaving that aside, though—

**Senator Ian Campbell**—It is a fairly major issue.

**Senator WONG**—But isn't it the case—

**Senator Ian Campbell**—It would have misled the Victorian Labor backbench caucus committee that it was written to. They received something that they thought was from the federal environment minister and it was not. I sent Mr Maxfield a letter to that effect soon thereafter and he still continues to perpetrate that as a misrepresentation of the federal government and the department's view.

**Senator WONG**—So you are saying this assistant secretary who took the view that grazing was inconsistent with the management and sustainable protection of the natural heritage values was not reflecting the view of the department?

**Mr Borthwick**—The question gets to what the department's view is. I do not want to comment on what the department's view is on this matter because—

**Senator Ian Campbell**—You will be giving me advice on it.

**Mr Borthwick**—we will be giving the minister advice on it. My observations go back to a failure within the department because it alleged that this advice was given on behalf of the minister. There had been no contact between the department or the minister or the then minister's office. There had furthermore been no consultation outside the branch within the department with any other area of the department. The senior people in the department—the executive—were unaware that that submission went forward. The work was not done in the department. But my comments relate to a failure of process in the department. I do not think it is sensible for me to comment on the contents of that submission one way or another.

**Senator WONG**—Obviously someone reasonably senior in the department took the view that grazing is inconsistent with the protection of the area.

**Mr Borthwick**—Yes, they did.

**Senator WONG**—But it does not appear to accord with what the minister is now saying. Do you take a different view—that grazing is consistent? Is that right?

**Senator Ian Campbell**—Maybe the advice from the department that comes to me in the next 10 days will say that the Victorians have this totally right and that grazing is entirely

inconsistent. If the department advises me that, I will read that advice very carefully. It may well be that my strong view that grazing and taking cattle up the side of those mountains, as has happened every year for the last 170 years, is overwhelmed by those other considerations. It may happen that that is the case.

**Senator WONG**—Wasn't your mind reasonably closed on this already by virtue of your own indication you have a very strong view, which you promulgated publicly, that this is a unique heritage under threat and you are going to take emergency listing within 10 days?

**Senator Ian Campbell**—I have a very strong view about the heritage value of that activity to Australia. But that could be overwhelmed by the evidence if the department comes forward and says, 'Look, Minister, you have this totally wrong. Grazing is just simply not compatible. The biodiversity conservation goal that we believe is right for Australia in this region can only be achieved by total exclusion of the cattle.' It would be absolutely wrong for me to ignore such advice if that is the advice. I await the advice.

**Senator WONG**—So you do not think there is an issue with you coming out and already having said, 'This legend is part of Australia's heritage that simply cannot be lost?' You are saying to me that people should not take from that that your mind is closed? You are quite willing to protect the area if the environmental advice is such that suggests it should be protected by ending the grazing?

**Senator Ian Campbell**—I need to make a decision based on what could possibly be, and probably will be, competing values. That is quite often what happens in this role. I spoke my mind absolutely in those words. I feel very strongly that the legend of *The Man from Snowy River*, which has been perpetuated by these generations of mountain cattlemen, is an absolutely intrinsic part of Australia's heritage.

**Senator BROWN**—And so are the horses.

**Senator Ian Campbell**—The wild bush horses are still up there, Bob. The brumbies are still up there—

**Senator BROWN**—We are talking about cattle.

**Senator Ian Campbell**—causing the same devastation as they did then. Have you seen a plan to get them out of the alpine national park?

**Senator BROWN**—We are talking about cattle grazing here.

**Senator Ian Campbell**—Have you seen a plan to get them out of the alpine national park?

**Senator BROWN**—I am asking you the question.

**Senator Ian Campbell**—You are very happy to stop anyone going into a national park unless they are a rabid green. You are happy to stop cattlemen, you are happy to stop cattle but you do not seem to be happy to address the very problem that Banjo Paterson described in his poem.

**Senator BROWN**—Would you have a problem with the Japanese declaring that whaling is a heritage and cultural pursuit in the South Pacific?

**Senator Ian Campbell**—Absolutely, yes.

**Senator BROWN**—You do not see any inconsistency with those two environmentally damaging pursuits, one being heritage the other not being heritage?

**Senator Ian Campbell**—Do you know what is interesting? The Japanese argue that cattle, sheep and kangaroos are comparable with whales and now you are arguing the same thing. So well done, Bob. You have screwed yourself right around. You have completed a convoluted circle and got yourself in a twist.

**Senator WONG**—Minister, I do not really want to have to sit tomorrow, but if we continue to have lengthy discussions about these issues, we will. So if it is possible, I am sure everyone would prefer to finish tonight. I just raise that plea. Has any disciplinary action been taken against this officer?

**Mr Borthwick**—The officer has been spoken to. I think that is between me and the officer concerned.

**Senator WONG**—I was not going to ask the detail of it.

**Mr Borthwick**—Not disciplinary action, no.

**Senator WONG**—So who will be providing the advice to the minister? Will that officer be part of that process or should they be excluded?

**Mr Borthwick**—No. That officer has been shifted to another division, but that was a decision which was quite separate from this particular episode.

**Senator WONG**—When was that decision taken?

**Mr Borthwick**—I think it was earlier this year. It was about two or three months ago.

**Senator WONG**—Was that decision the subject of discussion with the minister's office?

**Mr Borthwick**—No, it was not. In fact, I do not even believe I mentioned it. That is an issue for the internal workings of the department. I re-emphasise it had nothing to do with this particular incident. I regard the officer as a very worthwhile, good officer. It was really done in terms of career advancement and getting a balance of skills across the department.

**Senator Ian Campbell**—The officer is an extraordinarily good officer who is doing an extraordinarily good job in the role.

**Senator WONG**—Then you will no doubt listen to her advice—that the practice is highly inconsistent with the sustainable protection and management of its natural heritage values.

**Senator Ian Campbell**—The advice of the department is in that form, of course.

**Senator MARK BISHOP**—I want to shift the discussion to another part of the world—to some of the matters arising out of Gallipoli this year. For the record, Mr Borthwick, could we have an explanation of the law with respect to the nomination of overseas heritage sites to be listed.

**Mr Borthwick**—I will leave it to Mr Young to start off with that.

**Senator MARK BISHOP**—This is in the context of Gallipoli.

**Mr Young**—The opportunity exists under the Environment Protection and Biodiversity Conservation Act for any member of the public to nominate a place either in Australia or overseas for consideration by the minister for addition to the National Heritage List. There is

a difference, though, between nominations made for places in Australia and places overseas. That difference exists because essentially overseas nominations are matters of intergovernmental relations. Therefore, the statutory time frames in which government needs to consider an overseas nomination are not fixed.

**Senator MARK BISHOP**—Not fixed?

**Mr Young**—Not fixed. In particular, the minister, when he receives a nomination, may choose when to refer that matter to the Australian Heritage Council. The reason for that is in general terms to give the government an opportunity to consult and have a discussion with the foreign country in which the nomination is made. Once the nomination process is in train, it is basically a similar process to that for a domestic nomination. A decision can be made to place the overseas nomination on the list with the agreement of that overseas country.

**Senator MARK BISHOP**—Which list is that?

**Mr Young**—On the National Heritage List, I am sorry. So the government must secure the overseas country's agreement prior to making that decision. The final difference between the overseas nominations and domestic ones is that the penalty provisions of the EPBC Act do not apply except for Australian citizens in that overseas place—that is, we have no extraterritorial jurisdiction to protect a place in an overseas country except if an Australian citizen or permanent resident causes damage to that place. We can then take action under our own domestic law.

**Senator MARK BISHOP**—In a legal sense, does the EPBC Act have extraterritorial application?

**Mr Young**—To the extent that it regulates the actions of Australian citizens and residents whilst overseas, yes. But beyond that, no.

**Senator MARK BISHOP**—So only if an Australian citizen or permanent resident does happen to violate a heritage listed site overseas does the extraterritorial application come into being?

**Mr Young**—Correct.

**Senator MARK BISHOP**—The rest of the process is really a matter of the nomination, the listing, the consultation, the time, the time processes involved and the final consent from the foreign government and a listing by the Australian government. They are all domestic processes under a domestic act?

**Mr Young**—That is correct.

**Senator MARK BISHOP**—Do you recall that the Prime Minister said on 18 December 2003 in respect of committing to Gallipoli that it was 'the first nomination for inclusion on the National Heritage List'?

**Mr Young**—I am aware that the Prime Minister made that statement.

**Senator MARK BISHOP**—Can you give me now the chronology of action to implement that decision or directive of the Prime Minister? What has occurred since that time?

**Mr Young**—What has occurred?

**Senator MARK BISHOP**—Yes.

**Mr Young**—Basically in general terms the government has been in discussions with the Turkish government to canvass its views regarding that nomination and, in particular, what it might mean for Turkish sovereignty. Those discussions continued right up until the Prime Minister's recent visit to Turkey. It has been agreed that the discussions will continue after that visit.

**Senator MARK BISHOP**—We might just go back and get the time sequence correct for the record. When did the discussions commence after the Prime Minister's first public statement?

**Mr Young**—I think it is probably important to indicate that discussions commenced prior to the Prime Minister's statement.

**Senator MARK BISHOP**—Perhaps you might take me through the discussions, to the extent that you can, prior to, with the times involved, the people involved, the locations involved, the Prime Minister's statement and subsequent similar activity.

**Mr Borthwick**—I think we would prefer to take on notice that sort of detail. It is very detailed information. I do not think we would have that information readily available. As Mr Young indicated, there might have been some discussions going back to 2002. But there have been ongoing discussions at various levels. Exactly what we should release and what transpired over that period of time I think we would need to have a very good look at. It will not be all within our department's auspices. A lot of these discussions would have been undertaken by the Department of Foreign Affairs and Trade. For the most part, those discussions would not have been undertaken directly by officers of this department. So I think it best to take the question on notice and discuss it with the Department of Foreign Affairs and Trade and the Prime Minister's department and the Department of Veterans' Affairs and the War Graves Commission because those parties would have been involved to one extent or another.

**Senator MARK BISHOP**—That is fine. I would have expected that you would have started doing that detailed work for the Senate inquiry for 16 or 18 June, whenever it is going to be done, to give us an overview of the government's activity. It would be a very detailed listing of the government's activity, being such a prominent matter.

**Mr Borthwick**—But that will be well beyond the remit of our department. I think your question opens up a whole raft of issues which are beyond the question just of the national heritage listing. That is very pertinent, of course, but it does open up some broader issues.

**Senator MARK BISHOP**—It does open up a range of issues, Mr Borthwick; I do not quarrel with you there. As far as this department is concerned, the key point is the listing under the domestic act and the Prime Minister's involvement from very early days demonstrating his interest in that and his involvement recently within the last month in discussions with the Prime Minister of Turkey and the series of public statements he has made. So to the extent that your department has been involved in those prior discussions, I accept that we did not advise you tonight that we were going to be asking these questions, so you may not have the exact detailed chronology. But perhaps in that context, then, an overview of the discussions that have been held to which the department has knowledge because it has been involved might be the way through that issue.

**Mr Borthwick**—Yes. But we will have to talk to other departments because there have been ongoing discussions through our embassy in Turkey. We will have to go and check the chronology of events.

**Senator MARK BISHOP**—So is Mr Young able to offer any advice this evening, or are you directing him not to?

**Senator Ian Campbell**—We are saying it would be better, in terms of providing information, to take it on notice. You have already alluded to another committee process. I presume if multiple departments are going to be there, it might be more appropriate. I have obviously followed it since I have been the minister. A lot of the information about this issue is diplomatic traffic controlled by Foreign Affairs. The PM has had an interest, Foreign Affairs have had an interest and our department has had an interest. I am sure there would be one other department.

**Senator MARK BISHOP**—But a lot of that discussion that has been in the public arena of late does not relate to matters that are at all the responsibility of this department.

**Senator Ian Campbell**—No. We can be as idealistic as we want to be about getting the progress on a listing like this, but unless we got the diplomatic channels working properly and the support of the Prime Minister, in the process we are almost the last stop. When all that is sorted out, they say, ‘Okay, let’s go ahead and do it.’ We then send David over there.

**Senator MARK BISHOP**—That is an interesting comment. I accept that—

**Senator Ian Campbell**—It is a complicated thing.

**Senator MARK BISHOP**—I accept that Air Vice Marshal Beck, for instance, through the Office of War Graves, is heavily involved in a lot of the negotiations to do with work at Anzac Cove. His office is charged with that responsibility. But this department has the heritage perspective.

**Mr Borthwick**—But this matter is not easily disentangled. For example, Mr Young was over in Turkey only a few weeks ago just prior to the Prime Minister’s visit. But that delegation was led by a deputy secretary in the Prime Minister’s department. It involved Veterans’ Affairs and Foreign Affairs and Trade as well as our own department. So you cannot easily compartmentalise the heritage issue from all the other issues that we have been discussing with Turkey.

**Senator MARK BISHOP**—Let me ask you this question, Mr Borthwick: which, if any, is the lead department on this issue? Is it PM&C, Foreign Affairs, yourselves or Vets?

**Mr Borthwick**—PM&C of late has had the lead role. There was extensive questioning of PM&C only a day or two ago when they were before the estimates committee.

**Senator MARK BISHOP**—I did that questioning of PM&C at estimates involving Mr Metcalfe. You say PM&C is of late the lead department.

**Mr Borthwick**—They are the lead department because the issue cuts across the responsibility of a number of arms of government. When we are dealing with a foreign country—as was explained by Mr Metcalfe—with whom we have an extraordinarily good and fruitful relationship, it is customary for PM&C in those circumstances to make sure there is a whole-of-government position and that all the various arms of government are working

towards the one objective. So all I am saying is that in terms of the possible national heritage listing, it involved more than our department. I want to make sure that we have a proper integrated sequence of events.

**Mr Young**—I think it might be safe to say that there is a big difference between the way Mr Beck has worked and the way we have worked. We have worked with the channel of the ambassador in Turkey as our key person. So it is absolutely not our role to answer all those questions because those things have been dealt with by other departments.

**Senator MARK BISHOP**—But it is your job to answer questions about the processes of the heritage listing because that processes are vested in your department. In the final analysis, it would be the minister at the table who would make the final decision. The act vests that power with him.

**Mr Borthwick**—They are, but as Mr Young explained, that is subject to the agreement of Turkey. I think we just need to be very careful in terms of our relationships with Turkey that we have a look at exactly what transpired and take it under advice. I am very being very careful here because these things do need to be handled with some sensitivity.

**Senator MARK BISHOP**—So you are telling me that you will take the questions on notice?

**Mr Borthwick**—On notice.

**Senator MARK BISHOP**—Could you provide to this committee prior to the date of that Senate committee hearing a chronology of the events both prior to and after the Prime Minister's announcement on 18 December concerning the heritage listing. You are telling me that now necessarily involves a range of other departments that have to be consulted with. Is that question clear, Mr Young?

**Mr Young**—It is very clear, thanks, Senator.

**Senator MARK BISHOP**—Could you also in that answer advise us who was involved in the negotiations and the time and place of those negotiations and which officers were involved as well. Could you also tell us which departmental officials and on how many occasions they have visited Turkey to process the negotiations or the consultation in that time period as well across all of the relevant agencies. Could we have that a day or two prior to the committee hearing. Otherwise we will just have to go through it for hours on end at the committee hearing. Whilst we were in Gallipoli this year or shortly thereafter, our Prime Minister met with the Prime Minister of Turkey, not the President of Turkey, on this issue. Immediately prior to that or shortly afterwards, the Prime Minister of Turkey made a public statement to the effect that the Turkish government did not consent to the site being listed as a heritage site. Are you familiar with that, Mr Young and Mr Borthwick?

**Mr Borthwick**—I have not seen exactly what the Turkish Prime Minister said, but I think your characterisations are broadly right, yes.

**Senator MARK BISHOP**—I think that is right. Do we know why the Prime Minister of Turkey made that decision?

**Mr Borthwick**—I cannot really comment on that.

**Senator Ian Campbell**—I do not think the environment secretary should be asked to psychoanalyse the thinking of the Prime Minister of Turkey. Quite obviously—

**Senator MARK BISHOP**—I am asking for the public reasons. I am not asking him to go into his private mind. The Prime Minister of Turkey made—

**Senator Ian Campbell**—I see. He made a statement of reasons why.

**Senator MARK BISHOP**—The Prime Minister held a press conference, as I recall.

**Senator Ian Campbell**—He explained his reasons. That is a fair question. We should get a transcript of that press conference and then just have it tabled.

**Senator MARK BISHOP**—Mr Borthwick would be familiar with it.

**Mr Borthwick**—Clearly in our discussions with Turkey there has been an exchange as to what their views were. I have not seen the Turkish Prime Minister's statement. I take it from what you have said the statement largely speaks for itself. But I am quite happy to track that down.

**Senator MARK BISHOP**—But you would be familiar with the Prime Minister of Turkey's reasons. Your act requires your department to engage in certain processes. You might contract that out to our ambassador or to DFAT. The obligations upon you and your officials require the consent of the foreign government for the site to be listed under our act. The Prime Minister of the foreign government has made a decision. Our government has been informed. It is in the press. You would know, and you would have to know and you should know, the reasons for the decision of the government of Turkey.

**Mr Borthwick**—But the publicly announced reasons of the Turkish government are on the record. They are not for us to interpret.

**Senator MARK BISHOP**—I am not asking you to interpret them. I am asking you to outline them.

**Mr Borthwick**—It is not for me to outline.

**Senator MARK BISHOP**—It is for you to outline, with due respect.

**Mr Borthwick**—No, it is not.

**Senator MARK BISHOP**—It is your act. The obligation is upon you to seek the consent of the Turkish government.

**Senator Ian Campbell**—This is a matter that has been dealt with between the Prime Minister of Australia and the Prime Minister of Turkey. The advice that is being sought now is of a nature to do with international relations.

**Senator MARK BISHOP**—With due respect, it is not. I am seeking advice on the activities—

**Senator Ian Campbell**—What we can do, Mr Chairman, is get the statement of the Prime Minister of Turkey, if it will help the senator—we will try and track down a copy of it—and have it tabled for the committee. That answers the question.

**Senator MARK BISHOP**—No, it does not. I am asking Mr Borthwick about the activities of his department under the enabling act which he administers. Mr Young advised us early in

the proceedings that listing a foreign site under our domestic act, which I established, requires the consent of a foreign government. The consent of the foreign government in question has been denied. I am asking the secretary of the department to give us the reasons. It is your act, your department. You are officials.

**Senator Ian Campbell**—The senator has said that the reasons have been set out by the Prime Minister of Turkey in a statement. There may in fact be a transcript of that statement. The answer to the question would be contained in the statement.

**Senator MARK BISHOP**—You are evading your responsibilities.

**CHAIR**—I do not think so, Senator Bishop. He has made it fairly clear what the position is.

**Senator MARK BISHOP**—With due respect—

**Senator Ian Campbell**—The Labor Party made it clear they want to beef this up as far as they can for their own populist short-term political gain. We expect this game to be played. But it does not advance the cause. It does not advance the estimates process.

**Senator WONG**—Get them to rave in the car park.

**Senator Ian Campbell**—As I have said, if the senator wants an answer to the question, we will happily, as a service to the committee, I suspect, ring Foreign Affairs and see if a transcript exists and have it tabled here.

**Senator MARK BISHOP**—Have you been advised of the reasons, Mr Borthwick?

**CHAIR**—The minister has offered a means of discovering the reason.

**Senator MARK BISHOP**—I have a different question.

**Senator WONG**—It is a different question.

**CHAIR**—The minister has offered a reason so why don't we go down that pathway.

**Senator MARK BISHOP**—And I have asked a different question. I will ask the questions. I have asked a different question.

**Senator Ian Campbell**—We are now doing what is called sawing sawdust. I think Senator Wong has given us good advice earlier. Rather than going on and playing cheap politics and having these long-winded things, I think Senator Wong is absolutely correct: we should move to questions.

**Senator WONG**—I am pleased to hear you are going to take that advice, Minister.

**Senator Ian Campbell**—Rightly.

**Senator WONG**—I think Senator Bishop was asking a question.

**Senator MARK BISHOP**—I am asking a different question. I am asking—

**CHAIR**—He is asking the same question in a different way, essentially.

**Senator MARK BISHOP**—I am asking the secretary of the department whether he has been informed of the decision of the Prime Minister of Turkey.

**Senator Ian Campbell**—The answer is yes to that.

**Senator MARK BISHOP**—And what are the reasons?

**Senator Ian Campbell**—The reasons are contained, as you have seen, in the Prime Minister's statement. I have said I will try really hard to get you a copy.

**Senator MARK BISHOP**—And Mr Borthwick knows the reasons now. He has received a brief from DFAT and our ambassador in Turkey and the Prime Minister's department. Everyone knows the answers and I am asking what the answers are.

**Senator Ian Campbell**—Those of us who care about Australia-Turkey relations and those of us who care about this process know intimately the views of the Turkish government on this. We have enormous respect for them. We have enormous respect for achieving a good outcome for both nations in this process.

**Senator MARK BISHOP**—What are the reasons?

**Senator Ian Campbell**—What we do not have respect for is people who beat it up for their own personal aggrandisement and their own personal cheap, petty political point scoring. That is what this is. I suggest we move to questions where we can actually do something constructive for this country.

**Senator MARK BISHOP**—We could do something constructive now if the secretary of the department would answer the questions.

**Senator Ian Campbell**—We have answered the question three times.

**Senator MARK BISHOP**—You have not answered it.

**Senator Ian Campbell**—We have answered the question three times. You know the answer. You are just playing games now. You are going down the same path that you did as one of the worst opposition spokesmen on veterans' affairs in the history of the country.

**Senator WONG**—Come on.

**Senator MARK BISHOP**—Has the department received advice—

**Senator Ian Campbell**—I am not going to sit here and cop this political tirade. If you want to play politics, I will play it straight back again.

**Senator MARK BISHOP**—Has the department received advice—

**Senator Ian Campbell**—Senator Wong is quite happy to have one of her comrades playing politics, but when the minister, who is also a politician, says, 'Well, two can play at that game', she gets a bit upset.

**Senator WONG**—I think it is an inappropriate thing to be commenting on someone's competence and performance—

**Senator Ian Campbell**—I will decide how I respond.

**Senator WONG**—that is all.

**CHAIR**—The minister has put a reasonable proposition to solve the problem.

**Senator Ian Campbell**—He does not want to problem solve. He wants to beat it up for as long as he can.

**CHAIR**—So why don't we accept that.

**Senator MARK BISHOP**—Okay. Let us move on, then. The Prime Minister has announced a new project to investigate the heritage and environmental issues following the meeting with the Prime Minister of Turkey. What are the terms of reference of that project?

**Mr Young**—There are two main components, the first of which was to investigate the historical significance of areas surrounding the Anzac Cove area itself and the roadworks. The second is to look more broadly at the historical significance of what is called the Anzac area as a whole. The terms of reference for those studies have not been developed as yet. As Mr Borthwick has referred to earlier, many parts of government are involved. In both those studies, the lead agency is the Department of Veterans' Affairs.

**Senator MARK BISHOP**—DVA is the lead agency? I did not quite understand you, Mr Young, I am sorry.

**Mr Young**—In taking forward those two particular studies.

**Senator MARK BISHOP**—The DVA will be the lead agency?

**Mr Young**—They are the lead agency.

**Senator MARK BISHOP**—Through the Office of War Graves or through the department itself?

**Mr Young**—I think you would have to ask the Department of Veterans' Affairs that. I do not know the details.

**Senator MARK BISHOP**—Has the membership of that committee been determined yet?

**Mr Young**—Not for those particular projects, no. There is an interdepartmental committee led by the Department of Prime Minister and Cabinet, which is looking at those.

**Senator MARK BISHOP**—So who is on the IDC?

**Mr Young**—A range of senior officials from—

**Senator MARK BISHOP**—No, which departments?

**Mr Young**—I do not have a list here. Again, it is a question you probably ought to direct to the Department of the Prime Minister and Cabinet.

**Senator MARK BISHOP**—Is your department on it?

**Mr Young**—Yes.

**Senator MARK BISHOP**—Is DVA on it?

**Mr Young**—Yes, I think so.

**Senator MARK BISHOP**—And PM&C is on it?

**Mr Young**—They chair it. I do not have the list of the committee members.

**Senator MARK BISHOP**—Have you seen the list of the committee members?

**Mr Young**—No. I think I have received an invitation to attend two meetings of that committee.

**Senator MARK BISHOP**—Did you attend those two meetings?

**Mr Young**—I was sitting here this afternoon for the second of those meetings so it was an apology.

**Senator MARK BISHOP**—The first meeting?

**Mr Young**—The first meeting I attended, yes.

**Senator MARK BISHOP**—And which other departments attended the first meeting?

**Mr Young**—There were a significant number of organisations around the table. I do not know off the top of my head all of the people or organisations.

**Senator MARK BISHOP**—The ones you do know. You knew some of the people in the room, did you?

**Mr Young**—Yes, I did know some of the people.

**Senator MARK BISHOP**—And were you introduced to the other—

**Senator Ian Campbell**—This is being run out of PM&C.

**Mr Borthwick**—This is a project that is run by another department. It is not for us to answer these questions.

**Senator Ian Campbell**—You should put a question on notice to the relevant department that is leading the IDC and say, ‘Dear Minister, please provide me with a list of the other departments on the IDC.’

**Senator MARK BISHOP**—I asked Mr Young whether he attended a meeting on behalf of his own department, and he said yes.

**Senator Ian Campbell**—Good.

**Senator MARK BISHOP**—Then I asked him who—

**Senator Ian Campbell**—Who else was in the room.

**Senator MARK BISHOP**—That is right. Who else is on the IDC.

**Senator Ian Campbell**—And he said he cannot answer because he does not have a list. If you want a list, put the question down at the appropriate committee.

**Senator MARK BISHOP**—How long will the committee meet for?

**Mr Young**—Again, it is a question you should direct to Prime Minister and Cabinet. I do not know the answer to that question.

**Senator MARK BISHOP**—Is the committee charged with pursuing heritage listing now that the government of Turkey has made its decision?

**Mr Young**—I think the committee is charged with looking at ways in which appropriate recognition of Anzac Cove can be achieved with the mutual consent of both governments.

**Senator MARK BISHOP**—Which may or may not involve heritage listing per se?

**Mr Young**—It may or may not; that is correct.

**Senator MARK BISHOP**—And the lead agency, you say, is PM&C?

**Mr Young**—That is correct.

**Senator MARK BISHOP**—I thought you said earlier that DVA were going to have a critical role in pursuing this now. I asked you whether it was DVA or the Office of War Graves and you did not know.

**Mr Young**—You asked a question about some particular studies. I referred to two studies which are to investigate the historical significance of two parts of the Anzac area in Turkey. Those two studies are to be led by the Department of Veterans' Affairs.

**Senator MARK BISHOP**—Understood. Thank you for clarifying that point. Does the IDC that has been established have a wider brief than those two issues charged to DVA?

**Mr Young**—Yes.

**Senator MARK BISHOP**—Does it have terms of reference?

**Mr Young**—Its broad mandate is to address the issues that came out from the meeting of the two prime ministers earlier this year.

**Senator MARK BISHOP**—And you described that a couple of minutes ago as finding ways acceptable to both governments of advancing the issue, which may or may not involve particular listing under your act?

**Mr Young**—That is correct.

**Senator MARK BISHOP**—If there is not to be any heritage listing, does your department have any basis under either the EPBC Act or the Australian Heritage Act for involvement?

**Mr Young**—Involvement in what?

**Senator MARK BISHOP**—In the process going forward, the broad terms of reference. The Prime Minister of Turkey has denied heritage listing to the site. Your agency is charged with heritage functions. If it is not to be a heritage listing under the act, what is the legitimacy of the continuing involvement of Environment and Conservation?

**Senator Ian Campbell**—My recollection of the Prime Minister's statement was that the two governments had agreed on a forward process. That does involve a range of activities in which this department has expertise.

**Senator MARK BISHOP**—That is fine. That is news to me. I thought that the role of the department was down the road of heritage and heritage listing. You are now saying that the department has another role. I am really asking what that other role is.

**Senator Ian Campbell**—Heritage listing is one of the functions of the department. We have a body of experts in the department who are expert on heritage issues. They are not all there to go around looking to list things. Sometimes people come to us and say, 'We're interested in doing something about this heritage. How can you help us?' St Mary's Cathedral in Perth is an example. We had heritage people look at the plans by the Catholic Church in Perth, who sought assistance, and I and Senator Ellison delivered it to them two Fridays ago. We would have people in the Heritage Division of this department that would make assessments about the merits, for example, of St Mary's Church and give the government advice on that sort of thing. I do not think we have any plans to list that particular cathedral.

**Senator MARK BISHOP**—Thank you. Thank you, Chair.

**Senator WONG**—Can you tell me what the current status of the National Heritage List is? How many sites have been nominated for full listing and how many sites have been nominated for emergency listing? How many sites have been accepted, how many have been rejected and how many are still being considered? Do you have to take it on notice or do you have that information here?

**Mr Young**—No, I probably do not need to take it on notice. There have been 84 nominations to the National Heritage List. There are eight places currently—

**Senator WONG**—Sorry, I missed the first one.

**Mr Young**—There have been 84 nominations to the list. There are eight places on the list. I am sorry, but could you repeat some of the other parts of your question, please.

**Senator WONG**—How many have been nominated for full listing?

**Mr Young**—Eighty-four.

**Senator WONG**—How many nominated for emergency listing?

**Mr Young**—I believe the answer is 26 as of this afternoon.

**Senator WONG**—That includes the alpine issue? That was nominated this afternoon. Is that right?

**Mr Young**—That is correct.

**Senator WONG**—Are they cumulative figures—84 and 26—or is the 26 included in the 84?

**Mr Young**—No, they are separate.

**Senator WONG**—Separate?

**Mr Young**—The 84 is the nominations for standard listing and 26 is the number for—

**Senator WONG**—And currently eight have been accepted. Is that right?

**Mr Young**—That is correct.

**Senator WONG**—How many have been rejected?

**Mr Young**—Five.

**Senator WONG**—So this is five out of the 110? I am trying to work it out.

**Mr Young**—Sorry, five out of the 84.

**Senator WONG**—What about of the emergencies?

**Mr Young**—Let me check my figures. Twenty-three have been rejected.

**Senator WONG**—Of the 26?

**Mr Young**—I am sorry, 25 have been rejected of the 26.

**Senator WONG**—Twenty-five?

**Mr Young**—I will start again. There have been 26, including the one today. Twenty-four have been rejected. One has been listed and one is pending.

**Senator WONG**—And the pending one is the one we spent some time on earlier?

**Senator Ian Campbell**—No.

**Senator WONG**—No?

**Mr Young**—Yes.

**Senator WONG**—On notice, could you give us a list—

**Senator Ian Campbell**—Was Kurnell the one that did?

**Mr Young**—Kurnell was the one that did.

**Senator Ian Campbell**—There has been a heritage listing of a part of it since. That is right. That is my recollection.

**Senator WONG**—The one emergency listing?

**Senator Ian Campbell**—It is Kurnell Peninsula, which we listed. Then we subsequently formally heritage listed a portion of the peninsula.

**Senator WONG**—Mr Young, on notice, I wonder if you could provide the actual places that comprise the various figures you have just given me—the 84, the 26 et cetera.

**Mr Young**—Under the legislation we are allowed to provide you the list of places that are nominated that have been referred by the minister to the council. I guess the answer to the question is most of them. But the act does not allow us to disclose nominations until they have reached a certain point in the process.

**Senator WONG**—Is there a prohibition on disclosure in the act or just an indication of when it is publicly available? Obviously an estimates hearings is a slightly different process to publication.

**Mr Young**—No. There is a prohibition. The information cannot be made available until the minister has determined that the nomination has been accepted.

**Senator WONG**—So you cannot give us a list of the 84 nominations?

**Mr Young**—I am not sure that you will get all 84, but you will get the overwhelming majority of them.

**Senator WONG**—If you could do that, I would appreciate that.

**Senator Ian Campbell**—You might get one or two, I suspect.

**Senator WONG**—And if you can indicate the basis of why others are not provided as well in the answer, I would appreciate that. Of those, how many sites were nominated more than 12 months ago? Of those which have not been placed on the list—let us exclude the eight, if we can do that—how many of the nominations were nominated more than 12 months ago?

**Mr Young**—I will have to take that one on notice.

**Senator WONG**—You do not have—

**Mr Young**—I do not carry that calculation in my head. I can get it for you.

**Senator WONG**—Why is that information not on the public record?

**Mr Young**—Any nominations for which the Heritage Council has requested an extension to the assessment period—and the statutory assessment period is 12 months—are published on the department's web site.

**Senator WONG**—When you do your list, can you give us the dates of the nominations as well?

**Mr Young**—Okay.

**Senator WONG**—Senator Bishop may have asked this, and I do not wish to re-canvass the Anzac Cove discussion, but is the nomination of Anzac Cove on the heritage web site?

**Mr Young**—No, it is not.

**Senator WONG**—Why is that?

**Mr Young**—I indicated to you that, until the minister formally initiates the nomination process, the process does not proceed. That gives the government a chance to negotiate with a foreign government. Until those negotiations have concluded, it does not proceed. Once it has agreed to proceed, then it goes on the web site.

**Senator WONG**—Remind me how many World Heritage sites we have.

**Mr Young**—Sixteen.

**Senator WONG**—How many of them are on the list?

**Mr Young**—How many World Heritage sites are on the National Heritage List? One.

**Senator WONG**—Which one is that?

**Mr Young**—The Royal Exhibition Building in Melbourne.

**Senator WONG**—So where are the other 15?

**Mr Young**—They are not on the National Heritage List.

**Senator WONG**—I seem to recall this debate in the Senate. Senator Brown can probably remind me. Wasn't there a six-month grace period to allow the transfer of some of these World Heritage sites on to the National Heritage List?

**Mr Young**—That is correct.

**Senator WONG**—When was that bill passed?

**Mr Young**—It took effect on 1 January 2004.

**Senator WONG**—So we are a fair way down the track. Why is it the case that only one out of 16 have been placed on the National Heritage List?

**Mr Young**—Because the provisions of the act to transfer them from the World Heritage list on to the National Heritage List were not enacted.

**Senator WONG**—Were not enacted?

**Mr Young**—Were not enacted.

**Senator WONG**—Were not passed into legislation?

**Mr Young**—The provisions in the act were not acted upon.

**Senator WONG**—Thank you. They were enacted but they were not acted on. Why weren't they acted upon?

**Mr Young**—Because at the time the advice the department had was that World Heritage properties could be placed on the National Heritage List at any time.

**Senator WONG**—So the department's legal advice was wrong?

**Mr Young**—Correct.

**Senator WONG**—When did you discover this?

**Mr Young**—I do not know the exact date, but it was earlier this year.

**Senator WONG**—Which was after the six-month period had passed, in any event?

**Mr Young**—Substantially past that date.

**Senator WONG**—My recollection of the debate may be hazy, but I seem to recall it being a subject of discussion in the Senate that the six-month grace period would enable efficient listing of the World Heritage areas.

**Mr Young**—I was not party to those debates. I was not with the department at that time.

**Senator WONG**—Are you telling me that the department did not understand what the legal position was and delayed for over a year before they worked out from their legal advice that they had to go through the whole process of listing again?

**Mr Young**—That is correct.

**Senator WONG**—When was that legal advice sought that said, 'Oops, you have made a mistake?'

**Mr Young**—As I have said, earlier this year. I do not have the precise date in front of me.

**Senator WONG**—Do you have it, Mr Borthwick?

**Mr Borthwick**—No. I do not know the date of that. Mr Young might be able to provide a clarification. I think it was known about that six-month provision. But I think our understanding was that it did not have the consequence in terms of transferring World Heritage properties to the national list after that six-month period. That is not that the six months was not operative but that it did not have any consequences in terms of us transferring—

**Senator WONG**—There are two issues, aren't there, Mr Borthwick?

**Mr Borthwick**—Let me just finish the point. So there was clearly a misunderstanding in the department as to the act's meaning. That, quite frankly, is a problem. I am not trying to dodge that. It should have been done. Our understanding of the legislation is that the legislation was not what we thought it was. But in terms of the priorities of getting things on the National Heritage List, the direction that the department and the council have been taking is to give priority to those things that were nominated by the public—the 84 nominations. That is where the effort was being put. The World Heritage properties already have a very high level of protection by dint of the fact that they are World Heritage properties. The emphasis was putting on those things that, one, came from the public and, two, did not have

that level of protection. So there was a misunderstanding in the department of the legal provisions at the time, and that is unfortunate.

**Senator WONG**—Aren't there two issues? The first is that the parliament set out a time frame for the transfer of World Heritage listed areas on to the National Heritage List, which the department appears to have ignored?

**Mr Borthwick**—No, it has not ignored it.

**Senator WONG**—Well, you did not do it in the six months.

**Mr Borthwick**—No, because our understanding of the legislation was that we could do it beyond that six-month period. The intention was to focus on those areas which did not have the protection of the World Heritage areas.

**Senator WONG**—I heard that part of your answer. But my point is that there are two issues. One is you were given six months and you did not comply with it.

**Mr Borthwick**—No, no, no.

**Senator WONG**—Let me finish the question. The second is that you acted on a misunderstanding, which is a very understated way to put it, of what the legal position is.

**Mr Borthwick**—That is right.

**Senator WONG**—Can you provide me with an indication of when the legal advice was sought?

**Mr Young**—When, did you say, Senator?

**Senator WONG**—I am sorry?

**Mr Young**—Did you say when?

**Senator WONG**—Yes. When was the legal advice sought?

**Mr Young**—Earlier this year.

**Senator WONG**—On notice, can you find the date for me, please.

**Mr Young**—Certainly.

**Senator WONG**—By whom? Was that by Mr Borthwick or by your section?

**Mr Young**—That was by my division.

**Senator WONG**—And what precipitated that?

**Mr Young**—I think the desire to start to populate the National Heritage List with the World Heritage places.

**Senator WONG**—So you sought advice a year and a bit after the act was passed. Is that right?

**Mr Young**—That is correct.

**Senator WONG**—Was it December 2003 when the list was launched?

**Mr Young**—The new act came into effect on 1 January 2004.

**Senator WONG**—So you think you sought advice some time earlier this year?

**Mr Young**—Yes.

**Senator WONG**—Was that the first advice you had sought about moving World Heritage areas onto the National Heritage List?

**Mr Young**—The first legal advice, yes.

**Senator WONG**—Had you done anything on moving the World Heritage areas prior to seeking that advice, Mr Young?

**Mr Young**—Not that I am aware of.

**Senator WONG**—So what is the consequence of this? Again, I am sure my recollection of the debate might be wrong, but my recollection was that the six-month process was because that would mean that the formal investigation assessment process that the act requires would not be required in relation to the World Heritage areas. Is that not correct?

**Mr Young**—There are two answers to the question. One is that in a statutory protection sense there are no consequences for the protection of the World Heritage areas at all. They are afforded the same and full protection of the law without national heritage listing as they would be with it. In terms of the desire to get the places on to the list, as the law currently stands, we have to go through the process of standard nomination and assessment.

**Senator Ian Campbell**—They are well within the law.

**Senator WONG**—Which is a far more laborious task than would have been if you had done it in the first six months?

**Mr Young**—Correct.

**Senator WONG**—Are you seeking, or have you been provided with, additional resources by government to do that?

**Senator Ian Campbell**—We can amend the law. That is the other thing.

**Senator WONG**—Fix up the mistake by amending the law?

**Senator Ian Campbell**—Absolutely, yes. That is a very simple thing to do.

**Senator WONG**—So roll it up to the Senate and say, ‘Oops, we forgot to do it. Could you please give us more time, a year and a half later?’

**Senator Ian Campbell**—I remember my only conversation with Paul Keating was when he sat next to me on a plane and said, ‘Those bloody Senate committees.’ I think he said something worse than ‘bloody’. I said, ‘Well, if you have your legislation in those Senate committees, they fix up a lot of mistakes and save you a lot of trouble coming back and fixing all your legislation.’

**Senator WONG**—I hope you remember that.

**Senator Ian Campbell**—Governments do make mistakes. Senate committees in those days used to sit for one day on a Friday and return the legislation within a day.

**Senator WONG**—When the minister has finished his Senate processes lecture, I will proceed with the next question.

**Senator Ian Campbell**—You should have a look at how many laws come back for fixing up in the Senate. It is not an unusual thing to do.

**Senator WONG**—Yes, I recall the ASIO legislation.

**Senator Ian Campbell**—The department, quite properly, gave precedence to properties that had no heritage protection.

**Senator WONG**—Don't get aggressive. Your department has not acted for over 12 months on listing World Heritage areas. It only sought legal advice this year. I appreciate they have other things to do but it is a pretty big miss.

**Senator Ian Campbell**—No, it is not.

**Senator WONG**—This is in a situation where I really think you should be charging—

**Senator Ian Campbell**—The department has put its energies into listing new properties that have been nominated by members of the Australian community and that have no heritage protection at the moment. If I were asked this a year ago and was told, 'Here, Minister, are the choices we've got with the resources of the Heritage Division of your department. You can either put effort into listing 84 new sites that have no heritage protection or spend six months transferring World Heritage listed properties that have full protection', only an idiot would suggest to them that they would spend six months doing that when they have time to do this. They have the judgment absolutely right.

**Senator WONG**—When you are finished, I think the point is that they have now caused themselves work. Leave that to one side.

**Senator Ian Campbell**—No. They are going to write a bill that will be about a page long and it will go into the Senate. Hopefully, sensible people will vote for it. But I am sure one person will make it a big debate and say, 'Oh, everyone stuffed up. The department is a disgrace and the government is in chaos.' We will have a big debate when it takes a one-line amendment. But in the meantime they have been doing terrific work listing heritage properties nominated by the people of Australia.

**Senator WONG**—Eight.

**Senator Ian Campbell**—Yes.

**Senator WONG**—Eight out of 110.

**Senator Ian Campbell**—Eight very important—

**Senator WONG**—Eight out of 110.

**Senator Ian Campbell**—Yes. They have a very diligent process.

**Senator WONG**—What are you doing about ensuring the rate of listing—

**Senator Ian Campbell**—Let us just list the whole lot. Let us not have a diligent process. Let us just list the whole lot. Let us give them a tick.

**Senator WONG**—I am for diligent process—

**Senator Ian Campbell**—Wake up.

**Senator WONG**—but do not sit here and say your heritage legislation has created some fantastic outcome. Not only have you missed the World Heritage areas for over a year but you have eight out of 110.

**Senator Ian Campbell**—They are World Heritage listed, Senator.

**CHAIR**—They are listed.

**Senator Ian Campbell**—They have the highest level of protection of any piece of Australia available. Instead of looking at new properties and listing those 84 properties, you are saying to go and list something that is already listed. Well, your priorities are absolutely stupid.

**Senator WONG**—I think they should have done it in the first six months—

**Senator Ian Campbell**—Well, your priorities—

**Senator WONG**—which is what the Senate decided—

**Senator Ian Campbell**—are absolutely stupid.

**Senator WONG**—and what your government put up as legislation. That is all. But moving on—

**Senator Ian Campbell**—The department has done the right thing. We will seek to amend the legislation and there will be no consequential problem.

**Senator WONG**—Are you going to keep talking all night?

**Senator Ian Campbell**—I presume so. It is marvellous. I am planning it.

**Senator WONG**—So the full process of investigation that you discuss, Mr Young, presumably given how many have actually been listed and how many are nominated, is reasonably labour intensive?

**Mr Young**—It requires us to do a thorough assessment. If you will just hear me for a second, internationally, countries such as the United States typically list between 10 and 20 places per year. The reason for that is that national lists include necessarily the most important places in those countries.

**Senator WONG**—Absolutely.

**Mr Young**—In addition, the assessment processes that this legislation has set out for us do require us to look very closely at the nomination that is made and then take into consideration all of the consequences that might occur from listing, including, of course, consulting with a wide range of interested parties.

**Senator WONG**—Thank you, Mr Young. Have you sought or been provided with any additional resources in order to get through the significant backlog that appears to exist in relation to heritage listing?

**Mr Young**—My understanding is when the legislation was announced there was a package of funding called the Distinctively Australian funding which was provided explicitly for that purpose.

**Senator WONG**—So there has been no addition to that?

**Mr Young**—No addition to that.

**Senator WONG**—When was the minister advised of this legal problem?

**Mr Young**—When it became known to us earlier this year.

**Senator WONG**—Was the status of the World Heritage areas the subject of any advice to the minister in the past year?

**Mr Young**—Can you clarify what you mean by status.

**Senator WONG**—I mean in terms of the National Heritage List.

**Mr Young**—Sorry, but I am not clear on the question.

**Senator WONG**—Was the fact that the World Heritage areas were not on the National Heritage List the subject of advice to the minister prior to the legal advice being provided?

**Senator Ian Campbell**—I was aware of what was on the register two days before I became minister. The first function I had as minister was to launch the first two listings. I had a thorough brief on the whole process.

**Senator WONG**—So you were aware at that point that the World Heritage areas were not on the list?

**Senator Ian Campbell**—The first one I listed was a World Heritage area. It is called the Royal Exhibition Building in Melbourne.

**Senator WONG**—It is the one you have done.

**Senator Ian Campbell**—I correct the record. The first ones I listed were the stampede and the Aboriginal traps down at Budj Bim. We listed the Exhibition Building on Australia Day.

**Senator WONG**—Thank you for that. Have drafting instructions been issued in relation to the amendment that the minister talks about?

**Mr Young**—No.

**Senator WONG**—I am sorry?

**Mr Young**—No, they have not.

**Senator WONG**—Mr Young, I think you said you have eight so far listed out of the 84. Would you anticipate on your current resource level that the rate of listing will increase, or do you anticipate that it will remain about the same?

**Mr Young**—The rate of listing is dependent on, I guess, two things. One is the rate at which they are assessed. The second one is the number of nominations received.

**Senator WONG**—The rate of determination, I should say.

**Mr Young**—The rate of decisions on nominations?

**Senator WONG**—Decisions.

**Mr Young**—A significant number of the 84 nominations were in the first six months after the legislation was passed. They are now reaching their statutory deadline. There is certainly a peak in workload at the moment to process those assessments. But we are making good progress through them.

**Senator WONG**—How many staff in your area are working on this issue, Mr Young?

**Mr Young**—There are around 90 staff in the division.

**Senator WONG**—How many work on national heritage listings? All of them?

**Mr Young**—No.

**Senator WONG**—Well, what proportion?

**Mr Young**—Probably about 50 per cent work on the EPBC amendments.

**Senator WONG**—Are you aware of criticisms by the head of the National Trust, Professor Mulvaney, who described the National Heritage List as abysmal, saying that the credibility of the government's heritage system is in question thanks to the grinding halt in protecting places of significance?

**Mr Young**—I am aware of his comments.

**Senator WONG**—Do you agree with him?

**Mr Young**—No.

**Senator WONG**—I remember Senator Bishop mentioned St Mary's Cathedral. Did he actually ask any questions about that?

**Senator Ian Campbell**—No. I raised that.

**Senator WONG**—Did the government seek the advice of the Australian Heritage Council on the funding of \$5 million for St Mary's Cathedral and the church of St Mary's Star of the Sea?

**Mr Young**—No.

**Senator WONG**—Why is that the case?

**Mr Young**—That is something you would have to ask the government.

**Senator WONG**—Is there a publicly available document which sets out criteria against which this funding was assessed?

**Mr Young**—I just wish to clarify. You asked a question in respect of the Australian Heritage Council. I think you asked whether the advice of the Heritage Council was sought.

**Senator WONG**—Correct.

**Mr Young**—My answer was no. The reason for that is that it is not within their statutory remit to consider such things.

**Senator WONG**—Can I go to my next question, then, or do you want me to repeat it?

**Mr Young**—If you would, please.

**Senator WONG**—Were there criteria or was there a government strategy document for heritage against which this funding decision was made?

**Mr Young**—There may have been. I am not aware of them.

**Senator WONG**—You are not aware of it?

**Mr Borthwick**—There has been a history of the government funding restorative work in cathedrals prior to the budget announcement that there would be \$5 million involved.

**Senator WONG**—I am sorry. I was distracted, Mr Borthwick.

**Mr Borthwick**—My recollection is that there has been a history of the government providing grants for the restoration of cathedrals prior to the \$5 million—I think it was \$5 million—being announced in the budget context. This is not a new activity for the Commonwealth government.

**Senator WONG**—There was \$5.6 million in the 2005-06 budget for Australian Heritage Council functions. What are these functions and what is that funding for?

**Mr Young**—Basically, it is to enable the Heritage Council to carry out assessments of nominations under the EPBC Act.

**Senator WONG**—Who has control of the funds?

**Mr Young**—The department does.

**Senator WONG**—Is there any formal agreement between the council and the department for the provision of the services you describe?

**Mr Young**—No.

**Senator WONG**—Why is that?

**Mr Young**—Because it is outlined in the legislation what the role of the council is. It is also outlined in the legislation what the role of the department is. If the department carries out its functions, that enables the council to carry out its functions. If we provide the research and analysis on nominated places to the council, they are then able to make their assessments.

**Senator WONG**—So who actually undertakes the work? Is it the AHC, or is that done by DEH officers?

**Mr Young**—DEH officers carry out the research and the analysis. The council considers that and makes decisions and seeks further advice if necessary.

**Senator WONG**—Is the \$5.6 million also taken up, therefore, with the time your staff spend doing work to support the AHC and to provide them with that research?

**Mr Young**—Correct. Yes, it is.

**Senator WONG**—So it is basically paying yourselves?

**Mr Young**—Significant amounts of it support the staff, who in turn support the council.

**Senator WONG**—What proportion of the \$5.6 million is for DEH staff?

**Mr Young**—I would have to take that one on notice. I do not have that off the top of my head.

**Senator WONG**—Is it the case that the core heritage funding decreases from \$24½ million to \$22.9 million in the 2005-06 budget?

**Mr Young**—There is a reduction. I believe the reduction is from \$23.417 million to \$22.210 million. I may be incorrect on that.

**Senator WONG**—I have here core heritage funding. I am not sure what that means in my brief. Which page of the PBS are we on?

**Mr Young**—Page 44. Output 1.4 is the conservation of natural, indigenous and historic heritage. Sorry, it is \$22.912 million to \$22.210 million.

**Senator WONG**—What is the basis for the reduction? Is that the efficiency dividend?

**Mr Young**—It is a composite. But the main cause of the decline is the end of the Cultural Heritage Projects Program, which is a lapsed program in 2002-03, for which there have been some ongoing liabilities which have been fulfilled.

**Senator WONG**—I have nothing more on Heritage.

**CHAIR**—Thank you. I believe we do not have anything for Corporate Strategies Division. Our plan now is to go to Policy Coordination and Environment Protection.

**Senator Ian Campbell**—Can I just make a late statistical change to the answer given by David Young in relation to the number of listings. We should add two to it which David was not aware of when he gave the answer.

**Senator WONG**—So it is 10?

**Senator Ian Campbell**—Yes, 10.

**CHAIR**—Do you wish to name them?

**Senator Ian Campbell**—No. We will be announcing them shortly, but they have been formally listed.

[8.31 pm]

**CHAIR**—We will go to the Policy Coordination and Environment Protection Division and then come back through Industries, Community and Energy; International Land and Analysis; Land, Water and Coasts; Marine; and the Natural Resource Management Programs division.

**Senator WONG**—I will seek some advice over the break to see if we will require all of those.

**CHAIR**—We will call Policy Coordination and Environment Protection.

**Senator BROWN**—I have some questions on Recherche Bay. The Australian heritage advisers were to report and the minister was going to perhaps consider this on 2 June. Is the heritage listing for the Recherche Bay forest in southern Tasmania on track?

**Senator Ian Campbell**—The national heritage listing of it?

**Senator BROWN**—That is right.

**Mr Young**—What is the question?

**Senator BROWN**—The Australian Heritage Council was going to report to the minister by 2 June. Has that report on the heritage values of the north-east peninsula of Recherche Bay arrived? If not, is it going to arrive by 2 June? Will a determination be made then?

**Mr Young**—The Australian Heritage Council is extremely aware of its statutory deadline.

**Senator BROWN**—I am too. Are they going to produce a document by then?

**Mr Young**—The council is very aware of the statutory deadline.

**Senator BROWN**—Will they meet the statutory deadline? Have they indicated that they will meet it?

**Mr Young**—We are confident that that will happen.

**Senator BROWN**—And what happens when that advice comes to you? When will it be made public?

**Mr Young**—That is a matter for the minister.

**Senator BROWN**—I want to ask one question about land clearing in New South Wales. If I get it out of the way, it will expedite things later in the proceedings.

**CHAIR**—We do come back to International Land and Analysis Division. Is that where that should be? There is Land, Water and Coasts.

**Senator WONG**—I have one question on that.

**CHAIR**—We actually circle back to that if you can just wait. We are going down to the bottom and then coming back.

**Senator BROWN**—I think it is going to be a long wait.

[8.35 pm]

**CHAIR**—It is the decision of the committee to do that. That was our plan. We are now proposing to go down to Policy Coordination and Environment Protection and then come back down the list. Other people have questions in that area. We now have Policy Coordination and Environment Protection. Who is leading there?

**Senator WONG**—I have a set of questions about the measures set out in the budget relating to the Marine and Tropical Sciences Research Facility. As I understand it, the actual facility will not commence until 2006-07. Is that right?

**Mr Tucker**—The budget papers have a transition year next year with it coming fully into effect the year after.

**Senator WONG**—What is the transition, the \$4.8 million for 2005-06? What is that supposed to fund?

**Mr Tucker**—There is more material in some of the budget documents and the Environment budget overview. Essentially, \$3 million of that \$4.8 million is to fund a transition year with the two CRCs—the reef one and the rainforest one—to move the research on to a new basis as determined by the government. Early in the day you might recall that the Great Barrier Reef Marine Park Authority had some funding for it.

**Senator WONG**—I think I was in the Human Services estimates then, Mr Tucker.

**Mr Tucker**—The transitional arrangement is to make sure that the CRC can keep good quality staff to move over to the new arrangements. We are in the full year to begin moving the research program within the lines of the new program as announced by the government. That will allow them to complete projects that they had begun under their current guise. So that is the majority of the money. The remaining funds are for the department to administer the program to establish the guidelines and to get it up and running and fully functioning.

**Senator WONG**—So I do understand that the \$4.8 million in large part will be to retain the staff from the two CRCs?

**Mr Tucker**—That certainly is one of its objectives. The other one is to move to some of the research programs that we expect under the new guidance of the policy.

**Senator WONG**—Is it the case that all the staff currently at the CRCs would be retained under that funding, or is it proposed to make some people redundant?

**Mr Tucker**—I do not think that is actually a matter for us. It is actually a matter for the people running the CRCs.

**Senator WONG**—It is your funding.

**Mr Tucker**—It is our funding and it will go to do some work. I imagine they have staff turnover all the time and they will make some decisions on who they believe to be the most appropriate people to conduct the work.

**Senator WONG**—I am not asking about an assessment of staff capability. I am asking about the funding measure. Does the funding measure provide for the maintenance of all the staff in the two CRCs for the period 2005-06?

**Mr Tucker**—Sorry, I misunderstood your question. Our understanding—and we have been in regular discussions with the CRCs—is that that brings their funding level commensurate to what they have to date. Therefore, in theory, yes, they could retain the staffing levels they have there.

**Senator WONG**—But, obviously, yes, the staffing decision is ultimately for them but not as a result of funding. That is what you are saying?

**Mr Tucker**—That is my understanding, yes.

**Senator Ian Campbell**—We are very keen to make sure there is a seamless transition to the new institution. That is what it is there for.

**Senator WONG**—And the reason for that would be if you did not have the \$4.8 million, presumably there would be a hiatus in the funding for the two with staff?

**Senator Ian Campbell**—We would lose people. They would go off and find other jobs in other parts of the world. They are highly respected scientists and we want them to keep doing work on our Great Barrier Reef and other parts of our environment.

**Senator WEBBER**—I want to clarify something with the Chair before I embark on another topic. What time are we proposing to have a break?

**CHAIR**—We are thinking of having a break at 9 o'clock.

**Senator WEBBER**—We will start with this, then. Thank you for that. It will come as no great surprise to you that I want to have a bit of a chat about the grants to voluntary environment and heritage organisations. Could someone advise me what the key recommendations of the 2003 review of the grants program were?

**Mr Keefe**—That review had a range of recommendations that particularly covered the need to recognise the importance, as I recall it, of administrative funding for conservation and heritage organisations; the desirability of focusing more clearly on on-ground practical works

to benefit the environment; and contextualising the process by which environment and heritage organisations receive funding from new sources, such as Envirofund and various NHT programs. That is it in general terms. It recommended changes to smooth the administration of the program.

**Senator WEBBER**—Was that review ever released?

**Mr Keeffe**—No. It was not released by the previous minister.

**Senator WEBBER**—And that was the minister's decision?

**Mr Keeffe**—Yes.

**Senator WEBBER**—Were those recommendations from the review used to shape the 2005 restructuring of the program?

**Mr Keeffe**—In part. But they were also used in 2003-04. The information was used in shaping the 2004-05 year.

**Senator WEBBER**—As I understand it, the former minister, Dr Kemp, wrote to a 2004 grant recipient:

The ... program has proved expensive to administer and I decided that eligible environment groups would now be funded at three grant amounts depending on the size of the organisation and the geographic area covered.

If that is the case, will the program now be available for up to 100 organisations, increasing the administrative costs and taking the opposite approach to what Dr Kemp outlined? What is the story?

**Mr Keeffe**—The program changed considerably from—

**Senator WEBBER**—From Dr Kemp to the current minister?

**Mr Keeffe**—Yes.

**Senator Ian Campbell**—I think it is fair to say that one of the number of recommendations we picked up from the review that had been done was to make funding available on a three-year cycle. That will ensure that the administrative load for smaller organisations, who often really struggle, will be much lower. So it will be a good outcome from the department. We will have less admin. It will be good for continuity for those organisations who have been living from year to year in the past.

**Senator WEBBER**—In making these changes, was advice sought from the department as well as having a look at the recommendations from that review?

**Mr Keeffe**—Yes.

**Senator Ian Campbell**—Says the department. Which department did you go to?

**Mr Keeffe**—Yours, minister.

**Senator WEBBER**—And that advice was accepted by the minister, or did the department think that there was another way of doing this?

**Senator Ian Campbell**—There are many ways of doing it. Ultimately, the department and I came to a view.

**Senator WEBBER**—Why did it take so long to announce—

**Senator Ian Campbell**—It might be worth putting on the record if Mr Keffe has it, but the applications we have received are a reflection of the decision I made. I think we have nearly doubled the number of applications, which I think is tremendous.

**Mr Keffe**—There have been 164 applications received to date compared to some 101 that received funding previously. Ninety per cent of those are from smaller community organisations, the majority of them new applicants. So it is a very different program.

**Senator WEBBER**—That is probably what is causing some of the agitation.

**Senator Ian Campbell**—The trouble is you only hear about agitation with these things. Only a small number of groups have agitated. But there are many, many other organisations that are incredibly pleased with the decision. Unfortunately, with the way the world works in our game, you do not tend to get a story in the paper when someone rings up and says, ‘Wow, this is terrific. We really like it. Congratulations to Senator Campbell.’

**Senator WEBBER**—Why did it take so long to announce the 2004-05 funding?

**Mr Keffe**—They have not been announced yet.

**Senator WEBBER**—Why not?

**Mr Keffe**—The process of assessment against the new criteria has not been completed. We hope to put advice very shortly to the minister. We refuse to make—

**Senator WEBBER**—When is ‘very shortly’? We are fast getting to 2005-06.

**Mr Keffe**—We are quite—

**Senator WEBBER**—We are very fast getting to it, I can tell you.

**Mr Keffe**—I accept the fact that there have been delays in developing the new guidelines. The extent of the changes to make it multiyear and make capital funds available and focusing on the ground allowing smaller groups in has taken time to work through.

**Senator WEBBER**—So what is going to happen to currently funded groups that budgeted for 2004-05 funding?

**Mr Keffe**—Decisions to budget on 2004-05 funding before receiving a grant would not have been a sensible course of corporate planning for them. There has never been a guarantee explicitly in the guidelines. It says that it is not recurrent funding. That was confirmed in a letter from the previous minister in November 2003, if I recall.

**Senator WEBBER**—So for organisations that may have thought they had a reasonable prospect of being funded—it is nearly the end of that year anyway—it is too bad, so sad?

**Mr Keffe**—It is not too bad, so sad. I would not characterise our attitude as that. I do recognise, and the department recognises, the importance of this untied administrative funding to organisations. We would rather have been able to process the grants earlier and gotten them out in February, as is normally the practice. But the changes required us to do a lot of work in order to get it right. It is not good.

**Senator Ian Campbell**—We have been trying to get it right for three years, though. It is definitely going to be that problems are caused right at the moment. But the good thing is that

many of these organisations will be successful in getting three-year funding for the first time so they will not have to go through this ever again.

**Senator WEBBER**—Is it envisaged once we have embarked on this three-year process that we are going to have to review it again?

**Mr Keeffe**—No.

**Senator WEBBER**—So organisations may get three years of funding and then have to wait almost another year?

**Mr Keeffe**—When an organisation gets three years of funding, the program is changed to make that recurrent for a triennium.

**Senator WEBBER**—But at the end of that three years, is it envisaged that we are then going to go through another review process?

**Mr Keeffe**—We have not planned a review process that far ahead, no.

**Senator Ian Campbell**—What I will do as the minister is look at how successfully this has worked. We have put a lot of energy into trying to get this to be a much-improved program. I will look at how successful it is. We will look at it once we have announced the grants for this year, which have not come to me yet. But we will process them quickly. We recognise that people need that certainty. I will make my own evaluations with the support of the department. That does not mean another whole-blown review, but I am prepared to challenge what has occurred and have it challenged. A number of times I have preconceptions about things which have proved wrong in practice. I am not averse to changing my mind if I get it wrong.

**Senator WEBBER**—When these organisations are finally notified, is that actually therefore going to be funding for 2005-06, or are they going to be given their 2004-05 funding and have to spend it in a month?

**Mr Keeffe**—They will be given their 2004-05 funding and they can use it against the same costs or invoices that they would have used it for anyway.

**Senator WEBBER**—And that will be the first year of their funding. So then in July they will get more?

**Mr Keeffe**—Not necessarily July.

**Senator WEBBER**—Or whenever. So they will get a year's funding backdated yet they have not been able to do anything because they are dependent on this money.

**Mr Keeffe**—For those organisations successful in getting multiyear funding, the processing of that will be relatively straightforward. They will get their second annual instalment, if you like, in, we hope, September. They will be able to get on to a triennial, strategic, more secure footing overall.

**Senator WEBBER**—Is there going to be any flexibility—they will get their 2004-05 funding, but there will only be about a month of 2004-05 left—in terms of how they account for that? They will not have been able to conduct many activities. They will not have known they were going to get the funding.

**Mr Keeffe**—This is correct. The department will look at each case on a specific basis. Where we can be flexible and assist, we will certainly try to do so.

**Mr Tucker**—It is not unusual for money to be paid in one financial year for activities in another. We have programs such as Envirofund, which is a small community grants program. We have a round out. At the moment, successful applicants have been notified. They are coming forward now with their agreements to receive their funding this year. They have 18 months to spend that money. So not unusual for it to work this way.

**Senator Ian Campbell**—This is the first time this three-year type funding has happened. Of course, it has been lost in the political wash of the larger Conservation Council being very upset with the outcome for them. The good thing is that some of these smaller groups can now hire someone for the first time, or they can buy computer equipment. They can buy equipment for the first time. They can now get their own computer or get a photocopying machine, pay for an Internet connection and communicate with all their members. There is a lot of upside in this for organisations. But the good thing is that they will have this certainty for three years. They might be able to put on a part-time person to do the communication with their group and be able to say to that person, ‘We have three years of funding’, so you can have really good outcomes.

**Senator WONG**—Did you explain why the decision was made to exclude advocacy and government liaison and raising community awareness?

**Mr Keeffe**—In terms of the guidelines, we have always sought to focus on on-ground activities. I would have to look back into previous years to find how we worded that. In this year—

**Senator WONG**—Previously, the administrative funds were able to be used for community activities and projects about protecting the environment and heritage; raising community awareness and understanding; being effective advocates and expressing the community’s environment and heritage concerns; and liaising with governments and industry bodies on environmental issues. Those activities have been excluded.

**Mr Keeffe**—We focus on actual support for on-the-ground work to provide the administrative component of that. But costs that cannot be funded are salaries for campaign staff, consultants or staff employed to undertake project work, fundraising expenses, donations to other organisations and political advocacy expenses. That does not mean that organisations cannot carry out advocacy work. It means that this competitive program is not for those purposes.

**Senator WONG**—What is political advocacy as opposed to advocacy?

**Mr Keeffe**—This relates to other programs also, but in general terms organisations, in raising awareness and educating the community about issues of concern, have received funding and support for that. They have used GVEHO funds for that without any problem. But it is particularly to avoid the use of taxpayers’ funds for political party purposes in particular.

**Senator Ian Campbell**—So you would say, ‘Let’s advocate to save the building’, but you could not advocate to say, ‘Vote for the Liberals because they are going to save the building.’

**Senator WONG**—As I understand it, the current definition of on-the-ground environment protection does not include being advocates and expressing the community's concerns. What you are doing, Minister, is cutting the funding to organisations who have been critical of your environment policies. That is what you are doing.

**Senator Ian Campbell**—That is just a cliché. That is a slogan. It is not what we are doing at all. We will be funding a lot of organisations that are critical of this government.

**Senator WONG**—I note there are quite a number of organisations which have very large cuts as a result of the policy change. The Conservation Council has—

**Senator Ian Campbell**—Name one organisation that has been cut.

**Senator WONG**—That will not get the same funding level?

**Senator Ian Campbell**—Virtually none of them have had the same funding level.

**Senator WONG**—Including the state conservation councils?

**Senator Ian Campbell**—They are the main groups that are the losers in this policy. There is no doubt about it.

**Senator WONG**—Why are you targeting peak conservation groups?

**Senator Ian Campbell**—Ask me some questions about the winners. Do you want me to go through all the groups that are getting funding?

**Senator WONG**—I am sure you can do that through your press releases, and you will. But why are you targeting peak conservation councils?

**Senator Ian Campbell**—I am not targeting them. I am actually trying to make sure we get value for money out of this program.

**Senator WONG**—You do not think they provide value for money?

**Senator Ian Campbell**—No. Otherwise I would have kept the program as it was.

**Senator WONG**—What do you say—

**Senator Ian Campbell**—I think we can get a lot better value. It has to be about getting benefit for the Australian environment.

**Senator WONG**—What do the conservation councils do that you do not like?

**Senator Ian Campbell**—I work with them. They do a lot of good things. The Conservation Council gets \$80,000 a year. You could give \$8,000 a year to 10 other organisations or \$4,000 to 20 other organisations.

**Senator WONG**—They are a peak organisation.

**Senator Ian Campbell**—Yes. Environment Victoria said, 'This is a tiny part of our funding and it makes no difference to us.' These are multimillion-dollar operations. Some of them are.

**Senator WONG**—I am not sure that the Conservation Council in South Australia would agree.

**Senator Ian Campbell**—The Conservation Council in South Australia comply with the goals. I think they do on-the-ground work. But if I were a betting man, I would bet money on the fact that they would probably get some money.

**Senator WONG**—So what are the examples of environmental groups engaging in party political activities, Minister, to which you refer?

**Senator Ian Campbell**—I have not referred to any of them. We are just saying we want this money to go to organisations that are doing on-the-ground work. There are lots of organisations around Australia, when you get out and roam around this beautiful wide land of ours, that have so much work to be done. One of the constant themes is ‘We cannot get money to run the effort. We cannot find someone to send out the notices to the monthly meeting of the ornithological society’ or ‘We cannot find someone to help do this coast care group.’ This is to help them. It is an incredibly legitimate device to help them with those sorts of expenses. They say, ‘We have an old computer. We need a new one. It takes too long to download off the Internet.’ For the first time in Australian history, you have a fund that will actually pay for that.

**Senator WONG**—What are the examples of multimillion-dollar conservation councils to which you refer?

**Senator Ian Campbell**—Let us run through the Conservation Council of South Australia. That is a very good idea.

**Senator WONG**—Minister, I just asked you a question.

**Senator Ian Campbell**—I was just going back to the one about the Conservation Council of South Australia.

**Senator WONG**—I have just asked you a question. What are the examples of multimillion-dollar conservation councils to which you refer?

**Senator Ian Campbell**—Environment Victoria is certainly one.

**Senator WONG**—Multimillion. Who else?

**Senator Ian Campbell**—I think they are over \$1 million. The Wilderness Society is one. The Conservation Council of South Australia has received—

**Senator WONG**—If you would like to table it. I have not asked this question. I would quite like to move on.

**Senator Ian Campbell**—The Conservation Council of South Australia received grants from the South Australian department of \$63,000, another one for \$15,000 for a conference, another one for—

**Senator WONG**—Minister, I am really happy for you to table this if you want.

**Senator Ian Campbell**—Another one for bush birds of \$100,000.

**Senator WONG**—If you are able to let me finish these questions, we can all have a break and I will finish this section.

**Senator Ian Campbell**—I will just give you a global figure. I am happy to table this because it will inform the debate. There are hundreds and hundreds of thousands of dollars of

grants in one year, many of them from the Commonwealth for a range of different programs, to that one organisation. The grant program you refer to would be a tiny percentage of the money that they get from the state and federal government. It looks to me that they get far more money from the federal government than the state government. They would have received around \$80,000 in GVEHO. They receive hundreds of thousands through a whole range of other Commonwealth programs. So a very small percentage is that particular program. If you like, I will table that list of all the grants to the Conservation Council of South Australia. It does terrific work.

**Senator WONG**—Shall we break now? I will not finish before 9.00 on this issue.

**CHAIR**—If that is your wish, we will take a break.

**Proceedings suspended from 8.59 pm to 9.19 pm**

**Senator WONG**—Mr Keeffe, there is a provision in the guidelines we have been discussing whereby higher amounts of funding can be provided in circumstances of demonstrated need. Is that right?

**Mr Keeffe**—Yes.

**Senator WONG**—What are the circumstances of demonstrated need? What sorts of circumstances are we talking about?

**Mr Keeffe**—It is up to applicants to make a case in their application about matters that they consider to be exceptional circumstances and demonstrate a need. It would be considered from the standpoint of what they provide as reasons to make exception to the general approach outline, which would otherwise have an expectation of a \$10,000 per annum maximum grant.

**Senator WONG**—So there are no criteria as to what demonstrated need would involve?

**Mr Keeffe**—It will be dependent on the content of the application and the arguments they make.

**Senator WONG**—I appreciate that there are no criteria associated with the words ‘demonstrated need’.

**Mr Keeffe**—We have not defined that any further down.

**Senator WONG**—Is it also the case that the guidelines indicate that they are only matters which the minister may take into account and that he may consider other priorities as he determines?

**Mr Keeffe**—The advice we put up to the minister will only be considering these particular issues and the applications made according to the guidelines. I cannot say what else the minister may consider when he makes his decision.

**Senator WONG**—I appreciate that. But can you tell me whether it is the case that the guidelines say themselves:

Grants will be decided by the Minister and may take into account any or all of the following issues ...  
including—

other priorities as determined by the Minister.

**Mr Keffe**—That is correct, as I recall it.

**Senator WONG**—In other words, the minister has an unfettered discretion to consider any other priorities that are not set out in the guidelines?

**Mr Keffe**—My expectations are that the minister, should he take other considerations into account, would do so at the time of making a decision. We do not know what they would be. That would be provided in the description of the decision.

**Senator WONG**—But it is open under the terms of the guidelines for the minister to take into account matters entirely outside the guidelines?

**Mr Keffe**—No. I would need to take advice on this and the detail. My understanding is that, in order to ensure fairness in the consideration of applications, the minister would have to take all the matters under consideration, which is what we provide advice on, according to the guidelines. Whether he takes another issue into consideration is unknown.

**Senator WONG**—I am having trouble matching the evidence you are giving with the terms used in the guidelines. As I understand it, it is stated that the minister may take into account these guidelines or other priorities as determined by the minister.

**Mr Keffe**—I cannot find that in my copy of the guidelines.

**Senator WONG**—Can you provide me with a copy of the guidelines, because I have excerpts here?

**Senator Ian Campbell**—Did you want it now?

**Senator WONG**—Yes, please. I can promise not to look at the notations, if you want.

**Mr Keffe**—I have the same problems that you are having. I do not have a clean copy, which I am sure you would like to have. I have one that is tagged.

**Senator Ian Campbell**—I scribbled on his.

**Senator WONG**—I can undertake to ignore the minister's scribble.

**Mr Keffe**—I do not think we are able to supply you with a clean copy right at this moment, but we could get one up to you or table it or get it to you tomorrow.

**Senator WONG**—The point is I would like to actually ask you questions from it so I can point you to the bit that I am talking about. I am happy to hand it back. I just want it for the purposes of the discussion. It is page 10 of the document.

**Mr Keffe**—You have the only copy in the room.

**Senator WONG**—Somebody has very kindly sent me a link. I will see if it works.

**Senator Ian Campbell**—Go to our web site.

**Senator WONG**—Maybe Senator Webber might want to start something else while I try and find this. This is the only copy in the room. Is that right?

**Mr Keffe**—That is correct. We are getting another copy run up. I apologise for my lack of foresight.

**Senator WONG**—That is fine. Perhaps I can ask this: minister, was the decision to change the guidelines a decision by yourself or was it a matter that went to cabinet?

**Senator Ian Campbell**—No, by me. I take full responsibility.

**Senator WONG**—Was there any external advice or consultation with other parties external to government regarding the decision to change the guidelines?

**Senator Ian Campbell**—I think it was just a process that I initiated with the department. I had to get approval from the Minister for Finance to get to this three-year, multiple year grant, and that is just not sort of a tick and a flick. I regarded that as quite a breakthrough for the conservation groups.

**Senator WONG**—I am sure they would agree with you. I appreciate that is your opinion.

**Senator Ian Campbell**—The need for it really did come from my time, relatively short as it is, in the portfolio moving around the country a hell of a lot and meeting a lot of these smaller groups who are really struggling.

**Senator WONG**—Page 10?

**Mr Keeffe**—Yes, I have that now. Thank you, Senator, for your patience.

**Senator WONG**—That is fine.

**Senator Ian Campbell**—To answer the question about other consultations, I did informally. They probably did not know what they were talking about, but I did talk to lots of small conservation groups around Australia over the months before the election and after the election. I spoke to people like that. You are saying I did not consult with other people, but I did.

**Senator WONG**—What about the peak organisations, the larger environmental organisations?

**Senator Ian Campbell**—I think they all lobbied me to get on with the decision and give them their money. They lobbied me for three-year funding.

**Senator WONG**—The paragraph begins:

Grants will be decided by the Minister and may take into account any or all of the following issues ...  
and—

other priorities as determined by the Minister.

I do understand from that that the guidelines are optional in the sense that the minister can make a funding decision determined on priorities which are not set out in the guidelines.

**Mr Keeffe**—The advice that the department supplies to the minister will consider all of the issues. As above, it says:

Eligible applications will be ranked and prioritised by examining each of those.

We will provide advice on those. Once we have gotten through the eligibility criteria, we will be looking at those other issues of an even spread of funds—state, territory, regional, maximum benefit per Australia's natural environment and historic heritage. Should the

minister determine that there are other priorities—and that is what the guidelines say, as they said last year—

**Senator WONG**—And the determination of those priorities would not be the subject of advice from the department? Is that what you are saying?

**Senator Ian Campbell**—They could give me advice on it.

**Mr Keefe**—The minister could indicate to us some other priorities that he wanted considered in the applications, perhaps.

**Senator WONG**—Do the guidelines leave it open for the minister to determine an application without reference to the guidelines on the base of these other priorities?

**Mr Keefe**—Not on my reading of the guidelines.

**Senator WONG**—Is that your understanding, Minister?

**Senator Ian Campbell**—Could you repeat the question. I was just reading.

**Senator WONG**—Does that discretionary aspect of the guidelines there indicate it is open for you to determine an application for a grant on matters other than those in the guidelines?

**Senator Ian Campbell**—I think what it does, on my reading of it—and I have not focused on it before this—is that it would give me flexibility should other priorities emerge during the process. I am only hypothesising here. It may be that amongst 100 plus applications a theme emerges. Let us say because Australia is drought affected, you might just find that the arid parts of Australia, which are getting bigger at the moment, might become some sort of priority over and above some of the others. I do not have anything specifically in mind. I think it is to allow us some flexibility should circumstances move. I think Mr Keefe has said that is a standard clause copied from previous guidelines.

**Mr Keefe**—That is right.

**Senator Ian Campbell**—But I will be accountable for this. All of the organisations that get grants will be announced. You will be able to assess whether you thought I met the guidelines and whether it is clear that I have focused on some other priority. You will be able to—

**Senator WONG**—You will let us know.

**Senator Ian Campbell**—Yes. You will be able to judge my decision-making against those priorities.

**Senator WONG**—Thank you, Mr Keefe.

[9.33 pm]

**CHAIR**—We will go now to Industry, Communities and Energy Division, including the Australian Greenhouse Office.

**Senator WONG**—Mr Bamsey and Dr Wright, we could not let an estimates go by without talking to you. The decision was announced last year to bring you into the department. I may have discussed this at the last estimates. Was this decision the subject of advice either from the AGO or from the department?

**Mr Bamsey**—I can speak only for the AGO at the time. It was not the subject of any advice.

**Senator WONG**—No advice was sought from you about your abolition?

**Mr Bamsey**—No.

**Senator WONG**—What about from the department?

**Senator Ian Campbell**—The senator said abolition. The only person who thinks the AGO is abolished is one of your environment spokespeople in the Labor Party. It has not been abolished. It has not even been moved. It has stayed in exactly the same place. It is an administrative arrangement.

**Senator WONG**—I am sorry, but I cannot actually see the AGO anywhere in the chart that has been handed up.

**Senator Ian Campbell**—If you want to go to the AGO, we will get you an invitation to have morning tea with Mr Bamsey tomorrow at the AGO, which is in exactly the same place as it was this time last year.

**Senator WONG**—This is the Industry, Communities and Energy Division? The Australian Greenhouse Office is an independent office. Do you exist anymore?

**Mr Bamsey**—As the secretary explained earlier, we still retain the identity of the AGO within the department. So you see before you representatives of the two divisions that constitute the AGO.

**Senator WONG**—Mr Borthwick, was advice sought from the department prior to the decision in October 2004—the minister wants me to use a different term—to cease the AGO's existence as an independent office and bring it into the department?

**Mr Borthwick**—No. The matter was announced by the Prime Minister as part of administrative arrangements. It was post the election. It is a normal process for the Prime Minister and the government of the day to change the administrative arrangements orders to reflect their priorities.

**Senator WONG**—I am aware of that. The question was whether advice was sought from the department on this issue.

**Mr Borthwick**—Dr Shergold had discussions with secretaries and sought their input. I offered him my views.

**Senator WONG**—What were they?

**Mr Borthwick**—That is between me and Dr Shergold.

**Senator WONG**—So the advice was the discussion between you and Dr Shergold?

**Mr Borthwick**—I gave him advice as to what I thought was best. But the decision is one of the Prime Minister.

**Senator Ian Campbell**—That would be the normal process—

**Mr Borthwick**—That is the normal process.

**Senator Ian Campbell**—of a new government coming in. You do administrative arrangements orders. There are generally rearrangements at that time.

**Senator WONG**—Page 152 of Budget Paper No. 2 reports \$2 million in administrative expenses. Are you able to tell me what that will comprise.

**Mr Bamsey**—We are in the process of figuring those amounts into our business plans for next year. I am not aware at this stage that we have completed that. But I would ask Dr Wright and Mr Carruthers, if they have any further information, to let you know it.

**Dr Wright**—The efficiencies on page 152 of Budget Paper No. 2 are general efficiencies through the integration with the department which relate to both corporate support and other synergies between programs. As Mr Bamsey says, we are factoring those into our business plans, but really they are across-the-board efficiencies. So that quantum will be prorated across our programs.

**Senator WONG**—In other words, you have to go and find these savings?

**Dr Wright**—As I said, they are general efficiencies through the integration of corporate support.

**Senator WONG**—Just remind me—before the AGO was abolished, how many staff were there?

**Senator Ian Campbell**—The AGO has not been abolished.

**Mr Bamsey**—To be sure of the accurate figure as at 22 October, we would have to check. My recollection is that at that time the number of active staff was something like 165 or thereabouts. But we would have to check, to be precise. It is best to check.

**Senator WONG**—Is 165 around the mark?

**Mr Bamsey**—The number of staff on the spot on that day may have been about 164 or 165. The question of how many staff we had for the previous financial year in full-time equivalents would probably have been higher. I think it would probably have been about 175. But there is not much difference.

**Senator WONG**—So you will take that on notice?

**Mr Bamsey**—Yes.

**Senator WONG**—And as a result or consequent upon the restructure which was announced, were there any staff who no longer continued to be employed by DEH?

**Mr Borthwick**—The answer is no.

**Senator WONG**—So all the 165 from the AGO were then employed into the DEH?

**Mr Borthwick**—There have been no staff reductions as a consequence of the AGO joining the department.

**Senator WONG**—Or consequent upon?

**Mr Borthwick**—Consequent upon, no.

**Senator WONG**—So all 165 or 175 AGO staff are now employed by the department?

**Dr Wright**—That is correct.

**Senator WONG**—And where are they employed, again? Are they all in your division, Dr Wright?

**Dr Wright**—They are in the two divisions—mine and Mr Carruthers's division. These are the divisions that constituted the Australian Greenhouse Office prior to its absorption within the department. So very little has changed.

**Senator WONG**—So International Land Analysis Division and Industry, Communities and Energy?

**Dr Wright**—That is correct.

**Senator WONG**—And how many in your division, Dr Wright?

**Dr Wright**—About 108.

**Senator WONG**—And yours, Mr Carruthers?

**Mr Carruthers**—About 64, I think.

**Senator WONG**—What I am not clear about is whether the AGO also reported to the industry minister.

**Mr Bamsey**—Yes, that is correct.

**Senator WONG**—Prior to the election but no longer?

**Dr Wright**—That is correct.

**Senator WONG**—Just to this minister?

**Dr Wright**—Yes.

**Mr Bamsey**—We will check. I think I am correct in saying that there are more staff now working in the AGO than there were on 22 October because our staffing has increased to enable us to implement the provisions that related to greenhouse within the energy white paper.

**Senator WONG**—Just in terms of—

**Mr Borthwick**—I want to add to that. There have been some changes in the organisation between the department and the AGO to better fit functions. So some staff that were in the AGO now work in other parts of the department. Some people who were in the department or functions are now in the AGO. That is a separate point from the point that Mr Bamsey has made about how many people are in the AGO. But departmental organisations are not static. We have also used the opportunity to get better functional fits across the department.

**Senator WONG**—In terms of the functions that were previously undertaken by the AGO, I am not clear, Dr Wright, what your division actually does.

**Dr Wright**—Sorry, could you repeat the question.

**Senator WONG**—What does your division do?

**Dr Wright**—My division is responsible for domestic policy and programs for greenhouse across the industry sector, energy and communities. So most of the domestic programs reside in my division, whereas Mr Carruthers covers science, international, measurement.

**Mr Carruthers**—Rural and regional Australia.

**Senator WONG**—So are there any functions the AGO used to undertake or any programs which are no longer being undertaken by those two divisions?

**Dr Wright**—As Mr Borthwick said, there have been some minor changes. The team that has worked on synthetic gases and ozone is integrated with another division now. Equally, the teams that are responsible for sustainability and triple bottom line reporting have come down to my division. But they are small changes.

**Mr Carruthers**—And the communications staff from the AGO administratively were placed with the communications staff of the department. But physically they are still located with the Australian Greenhouse Office. So at a practical working level there is no operational change.

**Senator WONG**—What are the implications of not reporting to the industry minister?

**Dr Wright**—I think that is probably a question better placed to the secretary and the minister. However, a number of the programs that were announced in the energy white paper are as a decision of government still jointly the responsibility of both ministers.

**Mr Bamsey**—We continue to work very closely with the industry department. It is my opinion that that has not substantially changed.

**Senator WONG**—I did not think public servants were supposed to have opinions, Mr Bamsey.

**Mr Bamsey**—It is my professional opinion that that has not substantially changed since the change in status of the AGO. We have a working relationship with that department that is very close and satisfactory.

**Senator WONG**—A budget measure on page 155 concerns the Photovoltaic Rebate Program extension. I think the \$5.7 million is to be met from existing resources for the GGAP.

**Dr Wright**—That is correct.

**Senator WONG**—Does that mean there is nothing left in GGAP? What is the status of that?

**Dr Wright**—Most of non-committed GGAP funding—some \$130.3 million—was used to offset the new suite of greenhouse programs in the last budget.

**Senator WONG**—Yes. I remember.

**Dr Wright**—A quantum of up to \$20 million was provided for round three of GGAP, which was in the process at the time. The remaining funds were fully committed.

**Senator WONG**—So what does that mean? Does that mean the \$5.7 million makes it fully committed?

**Dr Wright**—The \$5.7 million can be offset because of the reduction in the scale of one particular GGAP round one project.

**Senator WONG**—Funds which you thought were committed which ended up not being paid?

**Dr Wright**—That is correct.

**Senator WONG**—So after the two lots of \$5.7 million over the next two financial years, there will be no more funds available from reprioritising or reallocating GGAP programs?

**Dr Wright**—That is also subject to the finalisation of GGAP round three, for which we are currently in final stage negotiations with the proponents which the minister has signed off as best meeting the criteria.

**Senator WONG**—What is the intention over the forward estimates after the next two years of funding?

**Dr Wright**—The intention for GGAP?

**Senator WONG**—Sorry, for the PVRP.

**Dr Wright**—PVRP has been extended as a bridge to the Solar Cities program. We are currently in the process of ramping that program up. What happens in two years time would really be a decision for the government of that time.

**Senator WONG**—But the intention is that program would end and it would be taken up through Solar Cities?

**Dr Wright**—One of the intentions of Solar Cities—it is a broad based program—is to facilitate the uptake of PV in Australia by reducing market barriers so that the industry can commercially stand on its own two feet. We would anticipate, subject to that program being successful, that the need for a program like PVRP will be considerably less. But we will not know until that time.

**Senator WONG**—I am not sure if I understand the answer. At this stage there is no additional funding beyond 2006-07 for PVRP?

**Dr Wright**—The funding is as in Budget Paper No. 2, yes.

**Senator WONG**—And thereafter, the Solar Cities program will take over, possibly?

**Dr Wright**—It is a different type of program. But one component of the program is pitched at supporting the solar industry in Australia, as is PVRP as a program.

**Senator WONG**—You mentioned Solar Cities. Have we got the tender process for that under way? I remember when we had the energy white paper discussions we had a long discussion about the tender process.

**Dr Wright**—We are out in the market for expressions of interest. If you would like the documentation, I brought a set with me.

**Senator WONG**—Aren't you wonderful.

**Dr Wright**—The expression of interest process closes on 8 July.

**Senator WONG**—That is 8 July?

**Dr Wright**—There are 10 copies.

**Senator WONG**—Go to the top of the class. So when were these sent out?

**Dr Wright**—In April.

**Senator WONG**—Have any funding decisions been already made under this program?

**Dr Wright**—No funding decisions associated with consortia for the trials, but, yes, funding decisions associated with the process of going to market—so probity advisers, consultancy, those sorts of things, legal advice.

**Senator WONG**—Has there been any funding allocated or decision on funding for Adelaide as a trial site for this program?

**Dr Wright**—No. What you have with you is the statement of challenges and opportunities and the program guidelines. What is happening is that two parallel competitive processes will be run. There will be a within-Adelaide process because of the announcement to fast-track Adelaide and a process for the remainder of Australia. So the same set of guidelines will apply to both processes.

**Senator WONG**—Does that mean South Australia is guaranteed?

**Dr Wright**—It has its own process but it is still a competitive process.

**Senator WONG**—You are not going to compete against Victoria, are you?

**Dr Wright**—No. But there are a number of interested parties within Adelaide. They will be competing against the same guidelines as the rest of Australia.

**Senator Ian Campbell**—So everyone in the rest of Australia will have the same guidelines as Adelaide. If they all want to compete in Adelaide, they will have the same set of rules.

**Senator WONG**—But Adelaide—

**Dr Wright**—Adelaide is one process and there is another.

**Senator WONG**—So Adelaide will get a result?

**Senator Ian Campbell**—Yes.

**Senator WONG**—Will get funding, whoever it may be, with your dual process?

**Dr Wright**—Provided it meets the guidelines, yes.

**Senator WONG**—Provided they meet the guidelines. We have had quite a number of discussions over too many estimates, Dr Wright, about GGAP. Was \$130 million of the \$400 million in 2004-05 allocated to other programs? Is that right?

**Dr Wright**—That is correct. It was \$130.3 million.

**Senator WONG**—Did you give me a document on the last occasion which showed me where the \$130 million went?

**Dr Wright**—I cannot recall.

**Senator WONG**—If you did, could I have it again.

**Dr Wright**—We can get you a copy.

**Senator WONG**—Thank you. Was there an analysis of the greenhouse outcomes or gains from any of the GGAP programs?

**Dr Wright**—Each of the projects under GGAP has an assessment in order to meet the criteria under the guidelines of how much abatement will come from that project. The program is targeted at abatement in the 2008 to 2012 period. A proportion of the program funding is retained in order to monitor the outcome of all those projects in that period to assess the amount of abatement that is actually delivered.

**Senator WONG**—So has it actually delivered any abatement to date?

**Dr Wright**—There is one project—the refrigerant project—which has already been completed and delivered the required amount of abatement, yes.

**Senator WONG**—That is the only one?

**Dr Wright**—That is the only one. But our expectations are not that there would be significant abatement prior to 2008 because that is the target window for the program.

**Senator WONG**—What was the abatement on the refrigerant?

**Dr Wright**—If you can bear with me, I will try and find that for you. I might need to take that on notice because the figure I have on my table is for the total project. It is 84,000 tonnes from September 2001 to April 2004.

**Senator WONG**—What was the cost of that project to government?

**Dr Wright**—There are two components to that project. We have confirmation that it is \$280,000.

**Senator WONG**—It was \$280,000?

**Dr Wright**—That is correct.

**Senator WEBBER**—Can we turn to the issue of greenhouse emissions and projections. I am a lot newer to this than Senator Wong so you may have to take me back over some of it. Perhaps we could start. Could you advise me on what action the Commonwealth government, as opposed to state governments, is taking to cut greenhouse emissions so it will avoid an increase by 2020?

**Mr Bamsey**—The government has a comprehensive program that has been operating for a long time in its major components from 1997. The most recent announced in the budget and the energy white paper last year was a comprehensive strategy with total funding of about \$1.8 billion committed across a number of different parts of the economy. Probably the best way to give you a picture of that is to provide you—I do not have it on the spot—with some of the summary publications we have available that describe in detail the various measures that the government has taken over that period.

**Senator WEBBER**—Are there any particular measures that stand out? I would appreciate that, Mr Bamsey.

**Mr Bamsey**—Certainly. We have just been discussing one of the major measures the government took, which was the Greenhouse Gas Abatement Program. Another important measure, in a sense, another flagship measure, has been Greenhouse Challenge, which has now been relaunched quite recently as Greenhouse Challenge Plus. That is a program involving about 800 organisations, most of them companies across Australia. I am searching through my papers for the list of measures from last year. Dr Wright has assisted me in this. I will run quickly through them. Another important and successful program was the mandatory renewable energy target. There were a number of programs to support renewable energy in other ways.

I will move to the measures that Mr Carruthers is now responsible for. There is the development of a world-leading carbon accounting system; and the production, just announced by the minister on Monday, of our new inventory but of an electronic information

system, which is interactive. I believe Mr Carruthers will confirm that it is also a world-first. We have a number of international initiatives underlining the government's determination to provide leadership in finding an effective global response to climate change. We have some measures which encourage local greenhouse action. If I can put it this way, Australia is the world champion in the program Cities for Climate Protection. There are many measures.

**Senator WEBBER**—It has been put to me that, even with measures like that, emissions will actually increase by 23 per cent by 2020 and that we are not actually doing enough. So is there anything else we should be doing or is there anything else we are going to do?

**Mr Bamsey**—The government has committed itself to meet a target of constraining Australian emissions to 108 per cent of 1990 levels through the period 2008 to 2012.

**Mr Carruthers**—In the energy white paper there were a whole series of major measures announced by the government in June 2004 for essentially agendas which are focusing on technology change for the longer term, particularly in the energy sector. At this stage, the emission savings over the long term that might come from those programs are not factored into the emissions projections. We are waiting to see how those programs shape in terms of their detail. As we have heard, Solar Cities is at the going-to-market stage. It is only at the point where we have concrete ventures in cities around Australia that we can start to get numerics on the emissions savings that will result.

**Mr Bamsey**—The government's objective in this most recent iteration of its climate change strategy last year is to constrain Australian emissions while maintaining a dynamic and growing economy, to reduce Australia's greenhouse signature while maintaining a dynamic and growing economy.

**Senator WEBBER**—How dependent is our current achievement of Kyoto protocol targets by 2012 on land clearing controls introduced by the New South Wales and Queensland governments?

**Mr Carruthers**—Of all the greenhouse measures that have been introduced in Australia to date that are delivering emission savings over the emissions target period of 2008 to 2012—they are a mix of Commonwealth only measures, they are a mix of joint measures between the Commonwealth, states and territories, and there are some measures which are state and territory only—the total effect of those measures over the emissions target period will be annual savings each year of 94 million tonnes. Compare that to, for example, the transport sector. It would be equivalent to taking all vehicles off Australian roads, to give that some physical sense. The contribution of the Queensland and New South Wales legislation enacted in the last year or so, in that 94 million tonnes total, is 24 million tonnes.

**Senator WEBBER**—So it is a significant contribution?

**Mr Carruthers**—It is significant.

**Senator WEBBER**—We might have struggled to get there if they had not taken that initiative.

**Mr Carruthers**—The government all along has taken the view that we need a comprehensive approach across all sectors from business, the community, the Commonwealth and the states. This represents an important mix. Remember that land clearing emissions

constituted in excess of 20 per cent of the 1990 emissions baseline. So unless we were to achieve significant savings out of the land clearing sector, we would have mightily struggled to reach the target.

**Senator WEBBER**—Has the department actually considered possible situations where—

**Senator Ian Campbell**—Could I just add that we at the Commonwealth level regarded what both those governments have done in relation to land clearing as incredibly important. In New South Wales I think we have provided around \$45 million—I think a lot of it is adjustment packages and so forth—to help achieve that land clearing success in New South Wales. We also offered \$75 million to Queensland, which was rejected in the end for a range of reasons. But we support that. We are supporting significant reductions in Tasmania and obviously working in a range of other ways. So the Commonwealth does work in partnership with the states on these issues.

I am currently looking at taxation measures—I have not had a win on this yet, but I am hoping—for example, to create incentives for planting, for example, oil mallees for carbon sequestration. Currently there are—I guess you would call them incentives—tax treatments for planting plantations, as you would have seen in the south-west of Western Australia if you want to grow blue gums and chop them down in 20 years. The proposition I will be putting forward, hopefully successfully—I may not win this one, but I am going to try—is to offer a similar tax regime to people who want to plant trees to leave them in the ground for 100 years to sequester carbon. So we are working cooperatively with the states on many of these measures.

**Senator WEBBER**—Pleased to hear it. Has the department considered any possible situations where Australia may not meet its Kyoto targets?

**Mr Bamsey**—The government is committed to meeting that target. Our projections show that we are on track to meet it.

**Senator WEBBER**—So we have not in any way given any consideration to the fact that we may not get there?

**Mr Carruthers**—The government is receiving regular advice from the Australian Greenhouse Office as to how we are situated. Every year a comprehensive national greenhouse gas inventory is produced of the emissions trends from 1990 to the present. As the minister has already mentioned, the national greenhouse gas inventory for 2003 was released just this week. Similarly, the government receives a comprehensive set of projections of future emissions levels based on the underlying trends and the performance of the measures. All of this is published each year.

**Senator WEBBER**—Perhaps we can look at it another way. If those annual reviews and projections come in at a level that was not expected by the government—if it was, say, a bit lower or what have you—does that in any way cause you to re-jig what you are doing and think of new initiatives?

**Mr Carruthers**—For example, in the press release made by the minister earlier this week, he has made it very clear that to reach the target will require a continuing strong effort and hard work by all levels of government, business and the community. Clearly, the minister has his close eye on these matters.

**Senator WONG**—With regard to the Productivity Commission inquiry into energy efficiency, was there involvement by the department in the drafting of the terms of reference?

**Dr Wright**—The terms of reference were circulated by the Treasury department. There was input from relevant agencies. But they are the Treasurer's terms of reference.

**Senator WONG**—So they were the Treasurer's. So the AGO did not have an involvement in drafting them?

**Dr Wright**—We commented on the terms of reference that were circulated basically to all the agencies who had been involved in the energy task force.

**Senator WONG**—As a result of your comments, were there any alterations to the terms of reference?

**Dr Wright**—Not to my knowledge. We were comfortable with the terms of reference that were circulated to us.

**Senator WONG**—You would not describe those terms of reference as being quite narrow?

**Dr Wright**—The terms of reference have an economic flavour to them. I am not an economist and not well-placed to comment on the narrowness or otherwise of them.

**Senator WONG**—Did they enable the commission to examine the full range of options to improve energy efficiency?

**Dr Wright**—Productivity Commission inquiries always have scope to go beyond the terms of reference to explore other issues that they see relevant.

**Senator WONG**—But the terms themselves did not extend to the full range of options to improve energy efficiency?

**Dr Wright**—I am sorry, but I do not have the terms of reference with me.

**Senator WONG**—You do not have them with you?

**Dr Wright**—I do not have them with me.

**Senator WONG**—Do you recall if they actually acknowledged and dealt with the environmental benefits of efficiency?

**Dr Wright**—I would need to have the terms of reference in front of me.

**Senator WONG**—Have you been asked to provide any advice in relation to the commission's report?

**Dr Wright**—The commission does not have a report as yet. It has a draft report which the department will be providing comment on. The final report is due out on 31 August.

**Senator WONG**—So have you been asked to provide advice on the draft report, Dr Wright?

**Dr Wright**—The department is preparing a submission and AGO is providing input to comments on the draft report, which is normal practice.

**Senator WONG**—Are you involved in that, Dr Wright?

**Dr Wright**—Yes.

**Senator WONG**—Did the commission examine the public benefit of the imposition of the mandatory energy efficiency standards?

**Dr Wright**—It is quite a detailed report. If you have a specific comment, we could take it on notice. It is a substantial report. There are many conclusions drawn and comments made by the Productivity Commission.

**Senator WONG**—I presume the funding for the Productivity Commission would come out of Treasury portfolios. The energy white paper talked about an examination of the full range of options to improve energy efficiency. Is the government proposing to conduct such an inquiry?

**Dr Wright**—The government, through the energy white paper, has put forward a range of initiatives on energy efficiency. They are currently being implemented. They were agreed by the Ministerial Council on Energy in December last year for stage one. When that is complete, stage two of the national framework on energy efficiency will be looked at.

**Senator WONG**—What does that mean?

**Dr Wright**—Could you repeat your question.

**Senator WONG**—What does that mean?

**Dr Wright**—It means that there is a broad range of actions on energy efficiency being undertaken as a result of the energy white paper. Many of them are done in conjunction with the states and territories.

**Senator WONG**—Has the AGO or the department done any analysis of the benefit of energy efficiency standards proposed by the Building Code of Australia for commercial buildings?

**Dr Wright**—All standards, whether they are minimum energy performance standards or building code standards, are subject to a full risk analysis and cost-benefit analysis before being accepted.

**Senator WONG**—These are proposed standards, as I understand them. Is that correct?

**Dr Wright**—That is correct. All proposed standards are subject to a full analysis.

**Senator WONG**—Does that mean the AGO is going to analyse them and provide some information to the minister or elsewhere?

**Dr Wright**—With the building codes standards, the analyses are facilitated through the Australian Building Codes Board.

**Senator WONG**—Has any advice been sought from the divisions which now comprise the AGO?

**Dr Wright**—We provide input through our work with the Australian Building Codes Board. We are responsible for that part of the program, which is a joint program with the states.

**Senator WONG**—Is it the case that the standards would deliver significant CO<sub>2</sub> abatement?

**Dr Wright**—Energy efficiency is the most cost effective form of abatement. There is a lot of documentation and literature to that effect.

**Senator WONG**—Is that recognised in the Productivity Commission's draft report?

**Dr Wright**—As we discussed earlier, the report is still only a draft and we will wait to see the final report.

**Senator WONG**—I hope you will put your views through your minister on that issue. Thank you very much, Dr Wright, Mr Bamsey and Mr Carruthers.

[10.15 pm]**CHAIR**—We now go to land, water and coasts.

**Senator WONG**—Mr Borthwick, I think I might have neglected to ask a question of the heritage division. Was I advised when I came in that the Daintree—

**Mr Borthwick**—Yes.

**Senator WONG**—Is that this division or heritage?

**Mr Borthwick**—No. Heritage division covers the Daintree.

**Senator WONG**—Apologies for that. I was so taken by the legal advice issue. What is the allocation of funding for the Daintree, which, as I understand it, has come out of the biodiversity hot spots program but is administered through you? I do not quite understand how this issue is in heritage.

**Mr Young**—The reason it is in heritage is that the Daintree initiative is basically funding to the World Heritage area, and the Heritage Division handles all the Commonwealth relationships with state managed World Heritage areas.

**Senator WONG**—Is this funding allocated out of the biodiversity hot spots program but administered through you?

**Mr Young**—That is correct.

**Senator WONG**—How much funding?

**Mr Young**—It is \$6 million.

**Senator WONG**—Over what period of time?

**Mr Young**—Three years.

**Senator WONG**—Is that \$2 million a year or \$6 million a year?

**Mr Young**—In 2004-05 it is \$1.665 million; in 2005-06, it is \$2.65 million; and in 2006-07, it is \$1.685 million.

**Senator WONG**—Is there any specific funding under that for the buyback of properties?

**Mr Young**—The funding is split into two components: \$1 million for a cassowary recovery program; and a \$5 million program which will involve purchase of land for adding to the protected area network, a revolving land fund, conservation covenanting and land stewardship programs.

**Senator WONG**—I am sorry; purchasing of land—this is the \$5 million—revolving land fund?

**Mr Young**—A revolving land fund, conservation covenanting and land stewardship.

**Senator WONG**—The other \$1 million was for a recovery program, I think you said.

**Mr Young**—For the cassowary; it is a bird.

**Senator WONG**—Can we go to the \$5 million?

**Mr Young**—Yes.

**Senator WONG**—Is that broken down over the three years that you are talking about, or can you break that down?

**Mr Young**—Yes, it would be. I would have to take that on notice separately.

**Senator WONG**—Is there allocation between those four activities or four purposes?

**Mr Young**—There are broad allocations for those purposes, but the intent is to provide flexibility. As has been discussed previously, land acquisition opportunities come up at different times and the objective is to gain the best biodiversity outcome. There will be some flexibility between those areas.

**Senator WONG**—Please could you provide those allocations on notice.

**Mr Young**—Yes.

**Senator WONG**—What guidelines or criteria have been developed in relation to that \$5 million?

**Mr Young**—There is a very extensive agreement in place between the department and the Australian Rainforest Foundation. This initiative is part of a wider partnership with the Queensland government and the Douglas Shire Council. So it is three tiers of government where each part of government has a contribution to this program. The funding to the Australian Rainforest Foundation is covered by a very comprehensive agreement for their part of the project.

**Senator WONG**—What is their part of the project? Does that relate to the \$5 million?

**Mr Young**—Yes. The total initiative is intended to be \$15 million—\$5 million from the Commonwealth, \$5 million from the Queensland government and \$5 million from the Douglas shire.

**Senator WONG**—Does the agreement set out the criteria or the guidelines under which funding will be allocated?

**Mr Young**—Yes. The main mechanism is that the Wet Tropics Management Authority will provide advice on strategic priorities for acquisition of land and for the revolving fund, and those acquisitions will need to be consistent with that plan.

**Senator WONG**—Have they developed those?

**Mr Young**—It is being developed at the moment.

**Senator WONG**—And they have to be signed off by—was it federal government, state government and the council? Were they the three tiers?

**Mr Young**—No. With the plan from the Wet Tropics Management Authority, the Wet Tropics Management Authority is a body established under both Queensland law and

Commonwealth law, so it is effectively a Queensland-Commonwealth body. They will produce the plan, which will guide the investment.

**Senator WONG**—Can we just go back? Remind me who is providing the funding—\$5 million from the Commonwealth. How much from the state?

**Mr Young**—It is \$5 million.

**Senator WONG**—The third is?

**Mr Young**—The Douglas shire.

**Senator WONG**—The Wet Tropics Management Authority is developing the strategic priorities for the allocation of the funding?

**Mr Young**—That is correct.

**Senator WONG**—And all three tiers of government have to sign off on that?

**Mr Young**—I would have to take that on notice. Certainly the Queensland government and the Commonwealth government, but I am not sure whether Douglas shire has to formally sign off; probably not.

**Senator WONG**—Are these strategic priorities the criteria under which the funding—any funding requests or applications would be assessed?

**Mr Young**—That is correct.

**Senator WONG**—And they are not finalised yet?

**Mr Young**—No.

**Senator WONG**—When do you anticipate that will happen?

**Mr Young**—I understand there is a working draft which is being used to guide the thinking at the moment. I will have to take that on notice, but again it is something the Wet Tropics Management Authority is conducting on behalf of the Queensland and Commonwealth governments.

**Senator WONG**—Then who makes the decision on funding applications or tenders?

**Mr Young**—All land acquisition approvals will need to be approved by the Commonwealth government for the \$5 million of Commonwealth funds.

**Senator WONG**—Presumably the state look after theirs?

**Mr Young**—Yes, that is correct.

**Senator WONG**—And the Commonwealth government's assessment will be in accordance with the strategic priorities that the Wet Tropics Management Authority have developed?

**Mr Young**—That is correct.

**Senator WONG**—You mention the Rainforest Foundation. Where do they fit in?

**Mr Young**—The Australian Rainforest Foundation was established by the Wet Tropics Management Authority. It is a not-for-profit organisation and it is administering the \$5 million Commonwealth contribution to this initiative.

**Senator WONG**—When was that decision made?

**Mr Young**—Agreements were signed with the Australian Rainforest Foundation on 18 February for the \$1 million cassowary project and on 8 April for the \$5 million for the buyback and revolving fund.

**Senator WONG**—This year, presumably.

**Mr Young**—That is correct.

**Senator WONG**—Was any tender process associated with that decision?

**Mr Young**—No.

**Senator WONG**—By whom was that decision made?

**Mr Young**—That was signed off by the minister.

**Senator WONG**—On what basis was it determined that this would not go to tender and would just be allocated to this organisation?

**Mr Young**—It is a partnership between the Queensland government, the Commonwealth government and the shire, and the Commonwealth contribution was to be delivered through the Australian Rainforest Foundation.

**Senator WONG**—Why was the decision made to distribute it through the Australian Rainforest Foundation.

**Mr Young**—That is perhaps a question for the minister.

**Senator WONG**—Who is the Australian Rainforest Foundation? You say they are a not-for-profit organisation established by the wet tropics management board.

**Mr Young**—That is correct.

**Senator WONG**—Who are they?

**Senator Ian Campbell**—We could table a list of their board members.

**Mr Young**—Yes, if you want the constitution and the objectives we can get that for you.

**Senator WONG**—On whose initiative was the decision to give them \$5 million? Did they come and see government and say, ‘We want to do this’ or did government say, ‘We want to administer it through you’? How did that work?

**Mr Young**—It is my understanding that the whole idea, the joint initiative between the three tiers of government and the involvement of the Australian Rainforest Foundation, was developed up by the parties and put to the Commonwealth government.

**Senator WONG**—By whom?

**Senator Ian Campbell**—I think it was an agreement between the state, the federal government and the local council that decided that this would be the appropriate way to do it, find an appropriate body that could represent the interests of all three.

**Senator WONG**—The state and local council funds are administered through the foundation as well?

**Mr Young**—No.

**Senator WONG**—It is only the Commonwealth?

**Senator Ian Campbell**—I think originally it was going to be and then there were some local political disagreements. That is my recollection.

**Senator WONG**—I think my question still stands: prior to the decision was it a request by the foundation to be the administrator of the funds or did the Commonwealth simply make a decision to seek the foundation's assistance for the administration of the funds?

**Mr Young**—I think the minister indicated that the original proposal came up from the three tiers of government. Subsequently it is only the Commonwealth funding that has gone to the Australian Rainforest Foundation.

**Senator WONG**—When was the proposal from the three tiers of government that the foundation administer funds received?

**Senator Ian Campbell**—I think it was earlier. I think it was before I became minister and by the time I had become minister there had been stress in the relationship and I tried to basically find a way forward that got the results on the ground for the environment and I think everyone is happy now.

**Senator WONG**—Is the answer to the question that the foundation approached government prior to the minister becoming the minister for the environment?

**Senator Ian Campbell**—I am happy to correct this and I will take it on notice, but my recollection is that the process had commenced through a consensus that this would be a good body for all of the parties, which I think included the relevant local council, the state government and us, to invest in the Daintree rescue package, I think it was called. Subsequently, due to what I could only call disagreements, and perhaps a little bit of local politics as well, the local and the state decided they wanted to do it themselves. Through a period of a few months we tried to create a compromise and a consensus and, as I understand it, the local council, the federal government and the state government are all happy with the outcome. This organisation had been engaged for some time in developing packages and developing investment plans and I think they have some developed expertise in delivering this.

**Senator WONG**—But the Queensland government and the local council have chosen not to utilise their services?

**Senator Ian Campbell**—In the end they did, yes.

**Senator WONG**—I think you were going to provide me with some information—

**Senator Ian Campbell**—If there is any discrepancy in what I have said and what happened I will give you a supplementary answer.

**Senator WONG**—I think you said you were going to provide on notice some information about the personnel and the constitution of the foundation, and also the question as to when the request for funding for the foundation was first made and when the decision was made to allocate funding. Do I understand this, and this is probably more a question for you, Mr Slatyer, under the biodiversity hotspots program we have two allocations of funding, the Mount Lofty ranges and the Daintree? Is that right?

**Mr Slatyer**—Yes.

**Senator WONG**—They are the only two finalised funding packages?

**Mr Slatyer**—Announced, yes.

**Senator WONG**—Yes, we have finalised that others are not announced that you do not want to tell me about. Is that right?

**Mr Slatyer**—As I said before, those two initiatives have been finalised and announced.

**Senator WONG**—Just remind me, one other has been finalised but not yet announced; is that right?

**Mr Slatyer**—I think I said there were two other initiatives that were yet to be announced.

**Senator WONG**—Yes. I think you actually told me that one of them was finalised. Is that right? I am not asking what it is.

**Senator Ian Campbell**—It is not finalised until it is announced, from my perspective.

**Mr Slatyer**—Yes.

**Senator WONG**—Contract negotiations were final—is that right?

**Mr Slatyer**—Yes.

**Senator WONG**—In relation to the two that have been announced, there was no tender process for those was there?

**Mr Slatyer**—Mr Young has described the Daintree arrangements, and in relation to Mount Lofty, as I said before, there were not.

**Senator ABETZ**—And there was no tender process in relation to either of the two contracts we have been discussing?

**Mr Slatyer**—Yes, there were no tender processes.

**Senator WONG**—There is always trouble when there is a double negative isn't there?

**Senator WEBBER**—Turning now to the issue of water, how much money has the federal government allocated to on-the-ground projects under the National Water Initiative?

**Mr Slatyer**—The National Water Initiative funding is administered by the Prime Minister's department, except for \$200 million which is administered by our department through the Natural Resource Management Programs Division, which is yet to appear. That is for the communities fund program.

**Senator WEBBER**—So, even though you are land, water and coasts, you do not do water?

**Mr Slatyer**—We do water policy and we administer a range of national programs funded from the National Heritage Trust.

**Senator WONG**—Just not the big money.

**Senator WEBBER**—Just not the big money.

**Mr Borthwick**—I will clarify that: all the policy development work for that \$200 million fund was primarily carried out in Mr Slatyer's division. But our Natural Resource Management Programs Division—

**Senator WEBBER**—Then administers or implements the policy that Mr Slatyer has developed.

**Mr Borthwick**—Yes, they administer the NHT, the NAP et cetera, and they are very good at processing all of that and dealing with community groups. It was felt to be more efficient, rather than reinventing the wheel in Mr Slatyer's division, to have a division doing it which was very experienced in the operational aspects of program delivery.

**Senator WONG**—What is the proportion of funding that is for you to allocate under the National Water Initiative, Mr Slatyer?

**Mr Slatyer**—The Department of the Environment and Heritage has \$200 million allocated—

**Senator WONG**—But it is the other division?

**Mr Slatyer**—It is the other division. We can assist you if you are interested in the origins of that program, but questions about the current administration of the program should be directed to that division.

**Senator WONG**—Have you been asked to provide any advice in relation to any allocation of funds under the Australian water fund?

**Mr Slatyer**—The Department of the Prime Minister and Cabinet should answer questions about that program generally, but this department is involved in inter-departmental discussions with that department on arrangements for the programs that they administer.

**Senator WONG**—So you have been asked to provide advice in relation to the allocation of funds under the National Water Initiative?

**Mr Slatyer**—In, I think, a fairly routine matter of practice for the department's involved in water—the three main departments—ourselves, DAFF and PM&C. The Prime Minister's department has consulted us about arrangements for the Australian water fund programs. I should clarify that the formal administrative responsibility for those programs is with the National Water Commission, as opposed to the Prime Minister's department. In the Prime Minister's department the responsible minister is the same, being the Prime Minister.

**Senator WONG**—Ms Pearce, which bit are you? I do not think you are on my bit of paper—natural resource management?

**Ms Pearce**—That is right.

**Senator WEBBER**—Excellent; so you can answer my questions about this?

**Ms Pearce**—Specifically about the community water grants, yes.

**Senator WEBBER**—The \$200 million?

**Ms Pearce**—Yes.

**Senator WEBBER**—Tell me about the \$200 million.

**Ms Pearce**—What would you like to know about the \$200 million?

**Senator WEBBER**—How much has been spent and what on?

**Ms Pearce**—At the moment we have had approved about \$1 million worth of expenditure for this financial year. We are in the process of developing the guidelines, application forms and other aspects of the program in order to open the first call of applications in the near future.

**Senator WEBBER**—The near future is?

**Senator Ian Campbell**—Very near.

**Ms Pearce**—Very near.

**Senator WEBBER**—Excellent.

**Senator WONG**—Is this another two-day one, Minister?

**Senator Ian Campbell**—No; within a week, I think it is fair to say. It depends on my schedule, which is a moving feast, but very soon. This is the launch of the next—yes.

**Senator WEBBER**—The \$200 million—is this an annual amount of money you are going to have to give to community organisations?

**Ms Pearce**—Yes, it is spread over five years.

**Senator WEBBER**—Evenly spread?

**Ms Pearce**—Approximately evenly spread from next financial year. Would you like me to give you the—

**Senator WEBBER**—Yes, absolutely.

**Senator WONG**—Is it in the PBS?

**Ms Pearce**—I do not think—

**Senator WONG**—I do not think it is disaggregated.

**Ms Pearce**—It is in the PBS, but it is spread across administration and departmental funds. We are looking in total at \$6.3 million this financial year, rising to \$53.9 million, \$54.9 million, \$54.9 million and \$30 million—that is in 2008-09.

**Senator WONG**—So \$6.3 million is for the current financial year.

**Ms Pearce**—That is correct.

**Senator WONG**—Of which you have allocated \$1 million.

**Ms Pearce**—That is right.

**Senator WONG**—So you will rephrase.

**Ms Pearce**—No.

**Senator WONG**—You will not?

**Ms Pearce**—No. Part of that is departmental funding for the set-up of the program.

**Senator WONG**—So what proportion of the \$250 million is administered appropriation—the proportion of departmental funding? How much will go to people and how much is for you to do your jobs?

**Ms Pearce**—Some \$176.881 million is expected to go to people, to grants.

**Senator WONG**—So it is about \$25.4 million; is that right?

**Ms Pearce**—It is \$23.1 million or thereabouts.

**Senator WEBBER**—What is it envisaged that these grants will be for?

**Ms Pearce**—The objectives of the community water grants initiative are to promote a culture of wise water use through community engagement and awareness about saving and conserving water, encourage best practice measures and demonstrate water wise solutions adapted to local needs and problems, and provide the support and means for community groups to undertake on-ground projects under three areas of activity: water saving/efficiency, water reuse and recycling, and surface and groundwater health.

**Senator WEBBER**—Who will determine which community groups get the money?

**Ms Pearce**—Ultimately the minister is the decision maker—and Minister Macdonald.

**Senator WEBBER**—Are we going to have the same kerfuffle about the guidelines as we have had with the other programs, or will they be quite precise in terms of what you can get funding for?

**Mr Tucker**—Perhaps I can add to that. Prior to moving here, I have recently been running the division that Ms Pearce is acting in now.

**Senator WEBBER**—That is why I got confused on my chart earlier today.

**Mr Tucker**—So I have some of the history.

**Senator WEBBER**—I accused you of being in a different section.

**Mr Tucker**—Yes. The guidelines are currently under development, but the \$1 million that Ms Pearce talked about are for demonstration projects at the moment. That is funding 27 demonstration projects, which have been publicly announced. We have used that process to help us refine what we think the guidelines might need to be for the fuller program and Ms Pearce's people are in the process of finalising those for the minister's consideration—and for the consideration, I should add, of Minister Macdonald as well; it is a co-administered program between the two ministers.

**Senator WONG**—I assume the Mackay wastewater recycling project is PM&C?

**Mr Tucker**—I believe so. I think that is a large—

**Senator Ian Campbell**—If it is over \$50,000.

**Senator WONG**—It is \$29 million—just a little bit over! That is not allocated out of this department, is it?

**Senator Ian Campbell**—No.

**Senator WONG**—What about the Murray River?

**Senator Ian Campbell**—Which bit of it?

**Senator WONG**—The bit you visited; all of it is important.

**Mr Slatyer**—There is a separate agreement arising from the same COAG meeting that adopted the National Water Initiative and separate funding allocations to DAFF for a range of Murray River activities.

**Senator WONG**—Do you administer any funds towards delivering additional environmental flows to the Murray?

**Mr Slatyer**—We do not directly administer those funds but, as members of the Murray-Darling Basin Commission, we are involved in decision making.

**Senator WONG**—So who has money—DAFF?

**Mr Slatyer**—The Department of Agriculture, Fisheries and Forestry.

**Senator WONG**—I have a brief question about Ramsar. Is that you, Mr Slatyer?

**Mr Slatyer**—Yes.

**Senator WONG**—How many referrals have been received under the EPBC Act in relation to Ramsar listed wetlands?

**Mr Slatyer**—I will have to take that on notice.

**Senator WONG**—Is that something Mr Early can help me with?

**Mr Slatyer**—Just bear with us.

**Senator WONG**—While that is being searched for, can you tell me whether you have officers specifically identified for work on Ramsar?

**Mr Slatyer**—Yes, we have.

**Senator WONG**—How many? Are they all in your division?

**Mr Slatyer**—It is very hard to get down to the detailed duties of individual staff members, many of whom do a bit of Ramsar work and other things too. But I would say there would probably be three or four staff members who are dedicated primarily to Ramsar related work in my division.

**Senator WONG**—Have we had any luck in searching?

**Mr Early**—There have been 296 referrals where Ramsar has been looked at as a possible controlling provision. That does not mean, of course, that there have been 296 controlled actions because of Ramsar, but that is what has been looked at.

**Senator WONG**—In the last?

**Mr Early**—That is from 2000 to I think the end of 2004. It is the first four years.

**Senator WONG**—I go back to the Murray River. You are on the Murray-Darling Basin Ministerial Council—sorry, not the ministerial council: the commission.

**Mr Slatyer**—The minister is on the council.

**Senator WONG**—You are on the commission, aren't you, Mr Slatyer?

**Mr Borthwick**—The secretary is a commissioner and deputy secretary O'Connell is a deputy commissioner.

**Senator WONG**—Was there a report presented in March last year which suggested that, if a business as usual approach was taken, you would actually see a prudential reduction in river flows of around 2,000 gigalitres after 20 years?

**Mr Slatyer**—I am not sure which report that would be. Could you be more specific?

**Senator WONG**—My briefing note says March 2004.

**Mr Slatyer**—The commission receives regular briefings on flow scenarios for the system.

**Senator WONG**—What is the government doing to address the risks associated with a business as usual approach? The concern is, as I understand it, that unless we do something significant we will actually be going the wrong way in terms of environmental flows down the river. What action is being taken through the commission, from your perspective?

**Mr Slatyer**—The primary initiative has been the \$500 million intergovernmental agreement to find water savings in a range of ways to service the needs of some specified environmental outcomes down the river.

**Senator WONG**—What additional environmental flows have resulted from the initiatives so far?

**Mr Slatyer**—As of today, the first of those investments is yet to be made.

**Senator WONG**—None?

**Senator Ian Campbell**—No, but I think we should go through the process. We actually have an investment process. At the last meeting, I think, which was held six or eight weeks ago, we listed the first series of investments. There were about eight or 10 investments totalling some hundreds of millions of dollars, which now allow governments to invest in all of these projects, which will in fact achieve that.

**Mr Slatyer**—Decisions have been made on which projects to invest in and negotiations are in train with the states on those projects.

**Senator Ian Campbell**—Could we run through those projects for the record? It is a very impressive—

**Senator WONG**—If you want to table it, Minister, that is fine.

**Senator Ian Campbell**—I think we will table it. The bottom line and the takeout really is that, if the report was written back in 2004, it is certainly not business as usual. Business is happening on the Murray, and I think it is very impressive.

**Senator WONG**—You do not disagree with Mr Slatyer's evidence that no additional environmental flows are currently being enjoyed by the river, or people dependent on it, as a result of government policy?

**Senator Ian Campbell**—Right now?

**Senator WONG**—Yes.

**Senator Ian Campbell**—No, but the people who take a close interest know the process it is going through. You are looking at hundreds and hundreds of millions of dollars worth of work which will deliver enormous amounts of additional flow for the environment. These are massive projects.

**Senator WONG**—Can we have a very short set of questions to the marine division—was that formerly the Oceans Office?

**Mr Borthwick**—It involves the Oceans Office but it also involves a couple of other branches as well.

**Senator WEBBER**—Mr Cresswell, were you previously Oceans Office?

**Mr Cresswell**—I was previously in the wildlife division.

**Senator WEBBER**—What happened to the Oceans Office? Are you the Oceans Office now?

**Mr Cresswell**—The question I was asked was about where I was previously.

**Senator WONG**—Mr Oxley, you are Marine Conservation Branch?

**Mr Oxley**—That is correct.

**Senator WEBBER**—Mr Cresswell, you are obviously the person to talk to about this. As I understand it, the National Oceans Office is now part of the Marine Division of the department. Is that correct?

**Mr Cresswell**—That is correct.

**Senator WEBBER**—We will not get into another fight about abolitions. Was any advice sought from the department about the proposed shift of the National Oceans Office into the department?

**Mr Borthwick**—As I indicated to the AGO, Dr Shergold sought my advice on possible administrative arrangement orders. I do not want to indicate the nature of my advice to him.

**Senator WEBBER**—I understand that. But that was all part of the one discussion?

**Mr Cresswell**—Yes.

**Senator WEBBER**—So it all happened at the one time.

**Senator Ian Campbell**—You can still visit the National Oceans Office in Hobart. It is still in Hobart; it has not shifted. There is a big sign on the front.

**Senator WEBBER**—I am pleased to hear that Hobart has not shifted at all; otherwise, I would really worry.

**Senator Ian Campbell**—Nor has the office.

**Senator WEBBER**—With the shifting of the office into the department, has there been any impact on staff numbers, budgets or outputs in terms of oceans policy?

**Mr Cresswell**—No.

**Senator WEBBER**—Is it business as usual? Is this a bit like the Greenhouse Office, where it is all the same people with all the same desks and chairs but you are just part of the department now?

**Senator Ian Campbell**—Both of the offices are doing better work than ever.

**Senator WONG**—Do you have the same staff complement as you did before?

**Mr Cresswell**—Yes, we do.

**Senator WONG**—So there were no staff changes as a result?

**Mr Cresswell**—No.

**Senator WONG**—And the reporting arrangements?

**Mr Creswell**—We report to the head of the Marine Division and through that to Conall O'Connell.

**Senator WEBBER**—What were the previous reporting arrangements? Was it direct to the minister?

**Mr Creswell**—The previous National Oceans Office, as the executive agency, reported through to a board of management and through that to a ministerial board.

**Senator WEBBER**—Through the National Oceans Office it would be fair to say that Australia was seen as a world leader in oceans policy, wouldn't it?

**Mr Creswell**—Yes, and it still is.

**Senator WEBBER**—So what initiatives are we taking currently?

**Senator Ian Campbell**—That is a good quote, Senator Webber—I'll use that.

**Senator WEBBER**—Who says I'm not generous!

**Senator WONG**—We like the Oceans Office.

**Mr Creswell**—We are continuing with regional marine planning, which is about planning how we utilise the marine environment in an ecologically sustainable way. We are continuing with the broader remit of oceans policy. We now share that across several of the branches within the Marine Division, to make sure that marine protected areas and regional marine planning are done in concert.

**Senator WEBBER**—So they are the two main focuses?

**Mr Creswell**—We also have a major science program under the National Oceans Office, so we continue work in exploration. We have a cruise underway at this very moment in the Arafura Sea, which is discovering new species that have never been found in Australian waters before.

**Senator WONG**—Can I ask a question about administrative expenses. You might have been here earlier for the questioning of the AGO, where there has been a \$2 million reduction as a result of savings in administrative expenses due to their integration into the department. Was there any such savings measure in relation to your integration?

**Mr Borthwick**—No, there were no savings taken from the National Oceans Office as a result of their integration into the department. But funding for the National Oceans Office actually lapsed at the end of this financial year and the government has decided to fund them afresh to the tune of about \$9½ million.

**Senator WONG**—How does that compare with the previous level of funding?

**Mr Creswell**—It is the same.

**Mr Borthwick**—It is the same.

**Senator WONG**—So why did the AGO get a \$2 million cut on integration—not that I am at all suggesting that the Oceans Office should have a cut!

**Mr Creswell**—Thank you.

**Senator WONG**—I am more asking why the AGO had to have a \$2 million cut.

**Mr Borthwick**—The Oceans Office was a relatively small agency, and so it was felt that it was not worthwhile in terms of the additional administrative efficiencies, because it was still located down in Hobart et cetera. In terms of the AGO, it was thought that there was scope for efficiencies—for example, by bringing corporate services and the like together. So that was a decision that the government took.

**Senator WONG**—So you were spared.

**Mr Cresswell**—There are minor administrative changes relating to who pays the bills, but it is all the same money paying for the same phone bills or whatever.

**Senator WEBBER**—Can you tell me about these new creatures you have discovered up in the Arafura Sea?

**Mr Cresswell**—We can certainly provide you with some information. We have some scientists on board who are providing information direct to us. It is a cruise that is done with three partners: Geoscience Australia—

**Senator WEBBER**—I will be talking to them next week.

**Mr Cresswell**—They would love to tell you about it, because they want more cruises. CSIRO, Geoscience Australia and the National Oceans Office, DEH. We are funding a certain number of days. Geoscience Australia is interested in hydrocarbon seeps for potential resource possibilities, and we are interested in new creatures in the deep. Previously some of the cruises have found things like new coral reefs up in the Gulf of Carpentaria, which we did not know were there. So very exciting marine science is being undertaken.

**Senator WEBBER**—Can you get me some information on that?

**Mr Cresswell**—I certainly will.

**Senator WEBBER**—Geoscience Australia might not be as well-informed as you are about creatures of the deep.

**CHAIR**—That concludes the examination of the Environment and Heritage portfolio. I thank the minister and officers for their attendance. I thank the committee secretariat. I remind the minister and departmental officers that the deadline for answers to questions on notice is Friday, 5 August.

**Committee adjourned at 10.57 pm**