

One of the dangers or potential costs associated with new plant varieties, particularly those derived from overseas plant varieties, is whether that plant variety has the potential to become an invasive species. There is nothing in the current act that requires an applicant to indicate whether the plant type has become an invasive species elsewhere and to set out the nature and results of tests of plant varieties conducted overseas. For instance, if a plant variety has become an invasive species in Florida, there is substantial reason to be concerned at the capacity of the plant variety to become a menace here also.

For too long we have underestimated the costs of invasive species in Australia. Recently at a conference in Perth on invasive species an Australian scientist made the statement that, in terms of habitat and species loss, invasive species were a significantly larger problem than salinity. It is, or should be, a basic precautionary approach to recognise that new plant varieties have the potential to become invasive species and the potential to become significant problems in Australia and that the costs associated with invasive species can be huge over the longer term. These amendments simply add a layer of caution should the application for a PBR represent the point at which a new plant variety may be introduced into Australia.

Amendment (13) amends section 42 of the act. It ensures that plant varieties derived from varieties that have developed over millennia by selective breeding or by way of traditional knowledge and innovation cannot be granted a PBR. The exception is when Indigenous communities give informed consent and are guaranteed to benefit from a PBR. The amendment also ensures that plants discovered on public or Aboriginal lands, regardless of the degree of selective breeding that takes place, cannot be granted a PBR. The purpose behind this amendment is to ensure that the plant varieties discovered on public or Aboriginal lands remain in the hands of the community where they were found. Currently, there is no provision for Aboriginal communities, for instance, to exercise any rights over new plant varieties

when the original variety was found on Aboriginal land.

Progress reported.

ADJOURNMENT

The PRESIDENT—Order! It being 3.45 p.m., I propose the question:

That the Senate do now adjourn.

Immigration: People-Smuggling

Senator KIRK (South Australia) (3.45 p.m.)—I rise to speak today to a petition that I tabled in the Senate on Tuesday, 12 November 2002. I was more than pleased to be able to present this petition to the Senate. The petition, signed by 220 of my constituents in South Australia, stated:

We request that the Senate call for a full independent judicial inquiry into the role of Australian Defence Force personnel and the Australian Federal Police in immigration-related activities including (a) the circumstances surrounding the sinking of the SIEV-X and (b) the people-smuggling disruption program in Indonesia.

As honourable senators are aware, on 23 October 2002 a report into such matters by the Select Committee on a Certain Maritime Incident was tabled. This report raised serious doubts about the government's role in the sinking of the SIEVX. The SIEVX departed Indonesia on 19 October 2001 with approximately 400 passengers on board. During the boat's journey it sank and, tragically, 352 people drowned. There were only 44 survivors, and these were picked up by an Indonesian fishing boat. The select committee found that the intelligence available to the government in relation to the SIEVX was insufficient and it also found there were several gaps in the chain of reporting of evidence. These gaps included, firstly, the failure to provide DIMIA with intelligence on the same day as it was received and expedited to Defence; secondly, the failure to raise the substance of that intelligence at the daily meeting of the People Smuggling Task Force on 20 October, even though it was directly related to the discussion; and, thirdly, Coastwatch's omission of the personal assessment of an AFP officer that overcrowding placed SIEVX at increased risk.

The committee thought it particularly unusual and disturbing that a human disaster of

such scale and magnitude could not only happen within a theatre of intensive Australian operation but also go undetected for a period of three days. It was also particularly disturbing that no agency that was involved conducted any review into the disaster of the SIEVX to discern what further steps could have been taken, until it was clear that there was public controversy regarding the tragic events. It is also unusual and disheartening that the interdepartmental oversight bodies, the Illegal Immigration Information Oversight Committee and the Operational Coordination Committee, did not take action to reveal whether or not this catastrophe raised serious questions about the government's procedures and about the relationship between intelligence and operations.

Our border protection measures must take into account the international and domestic obligations that Australia has to ensure safety of life. It is for these reasons that there is a growing community sentiment against the way the government handled the SIEVX problems, similar to the sentiment against the alleged 'children overboard' incident. The South Australians who signed this petition are angry about the problems which occurred last year leading to the relevant authorities being unaware of the SIEVX's overcrowding and its potential for disaster. They seek answers as to what the problems were and why there was no internal review after the sinking. A judicial inquiry would be a good, open and independent way of ensuring that the truth will be known about this incident so that such future tragedies can be prevented.

The other issue that this petition raises is the people-smuggling disruption program in Indonesia. The government believes that its disruption program has been the main reason that boat arrivals have stopped during this past year. According to Minister Ruddock, the government's disruption involves 'physically disrupting the work of people smugglers', although it is unclear exactly what this means and what activities happen on Indonesian territory. There are no costings, no legislative mechanisms and no accountability. Recently, a Federal Police informant, Kevin Enniss, admitted to Channel 9 *Sunday* reporter Ross Coulthart that he paid Indone-

sian officials to scuttle boats on four or five occasions. It is also claimed that he claimed to be a people smuggler, often taking money from asylum seekers.

Commissioner Keelty of the Australian Federal Police has also acknowledged that the AFP provide training, equipment and costs of travel to those who carry out disruption. The truth is that no-one can really know what happens or what does not happen in the Indonesian disruption program. It is only through a judicial inquiry that the truth can be found out about this program. We do know, however, that, firstly, government agencies have never sought legal advice on the activities; secondly, there are no legal mechanisms operating in the disruption program; and, thirdly, the Australian Federal Police acknowledge that they have no way of ensuring Indonesian authorities act in a proper way. As Commissioner Keelty has said:

We have to largely leave it in their hands as how best they do it.

Law professor Mark Findlay told Channel 9, regarding the supposed activities of Mr Enniss:

... under Australian law if he's a people smuggler it's a crime. If he's not a people-smuggler but purporting to be one, that's a misrepresentation. And to obtain a financial advantage as a consequence, that's a crime—you can't have it both ways.

Professor Findlay also claimed that there was little likelihood that Enniss would be covered under controlled operations legislation. Federal ministers have used carefully crafted words to deny that federal agencies are involved in sabotaging vessels, although they will not provide adequate answers to the questions of whether or not individuals working for federal agencies have undertaken such tasks. It is unknown whether any disruption occurred to SIEVX prior to the vessel leaving Indonesia. It is clear that the boat was low in the water and Indonesian police were forcing asylum seekers aboard what became a horribly overcrowded boat. It is also the case that the Australian authorities and the government were aware that a heavily overcrowded boat was leaving Indonesia. So many questions about this incident re-

main unanswered, particularly those in relation to the specifics of the disruption of boats leaving Indonesia.

The parliament and the Australian public do not know specifically what is involved in the disruption of boats departing Indonesia. We do not know what is and what is not acceptable, how much the exercise costs, whether or not the activities are illegal, what controls are operating and, most importantly, what consideration is given to the potential loss of life. The SIEVX tragedy is a painful reminder that the journey from Indonesia to Australia is incredibly difficult and could only become worse if the boats are being disrupted. These questions need to be put before an independent judicial inquiry, because at this stage there is so much Australians do not know and so many unanswered questions that remain.

I was pleased to present and support this petition to the Senate. It is an indication of the level of disenchantment felt by so many of my constituents in South Australia about the shady and unaccountable manner in which the government seeks to deal with unlawful arrivals to our shores. A judicial inquiry can only serve the interests of truth and justice. It has the potential of revealing to the Australian people the true state of intelligence and disruption, the legality of the policies and the improvements that are necessary. I commend the petition to the Senate.

Victoria: Bracks Government

Senator TCHEN (Victoria) (3.53 p.m.)—Mr President, it has been a long week and I am sorry to keep you back a little longer. In the other chamber, the member for Bendigo, Mr Steve Gibbons, earlier this week attempted to make a silk purse out of a sow's ear in referring to the Bracks Victorian Labor government's ineptitude, and that should not and cannot be allowed to go unchallenged. Given the nature of my topic, it is unlikely that the opposition would agree to let me incorporate this speech into *Hansard*.

When seeking proof of a claim, we can proceed in two ways: by demonstrating that the claim is true or by demonstrating that the contrary is false. Conversely, if it can be demonstrated that the contrary is actually

true, it follows that the claim has been disproved. Mr Gibbons makes some claims about the superiority of the Bracks government by citing a number of achievements, especially in the context of Bendigo, in the areas of health, education, job creation, provision of regional fast train services and economic management. On Wednesday night, I debunked the government's fictitious achievements, particularly in the context of Bendigo, in the areas of health and education. Today, I would like to go on to the other issues that Mr Gibbons raised. On the matter of job creation, it was indeed a very strange claim to come from Mr Gibbons, who has over the last three years consistently cried wolf over the loss of jobs or the expected loss of jobs in Bendigo. In my office, I have a whole file of newspaper cuttings of his claims. In fact, according to ABS employment statistics, unemployment in Bendigo has slowly but steadily been dropping. The examples that Mr Gibbons cited are actually very good support of that, because he has been counting only the losses and now he has discovered that there have been increases. Mr Gibbons attributed all these increases to Mr Bracks's good management, but he could not nominate a single state government policy or program that led to such jobs. I maintain that that job creation was as a result of good economic management on the part of the federal government, particularly the federal government's programs that support regional Australia and which flow on to regional Victoria.

Yesterday, Mr Bracks, as part of his election campaign, promised to create 150,000 new jobs in Victoria. Just how a state government creates jobs, and over what period, is not quite clear. As usual, Mr Bracks was short on practical details, but the disdainful expression on the face of the man standing next to him during the announcement—the man who really runs Victoria's economy, the Victorian Treasurer, Mr Brumby—really told the story. I invite senators to look at the picture in the *Age* newspaper of Thursday, 14 November. It is truly a case of a picture being worth a thousand words.

I move on to the fast rail, because this is a really good one. I am really surprised that Mr