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The PRESIDENT (Senator the Hon. Margaret Reid) took the chair at 12.30 p.m., and read prayers.

ESTIMATES COMMITTEES: MISLEADING EVIDENCE

Senator O’BRIEN (Tasmania) (12.30 p.m.)—by leave—On 14 March I spoke in the adjournment debate about the importance of the estimates committee process. I specifically referred to what appeared to be an inaccurate answer from the Director of CASA, Mr Toller, about legal drafting and the role of the Office of Legislative Drafting during the Rural and Regional Affairs and Transport Legislation Committee hearing on 7 February. However, I said in that contribution that if my advice proved to be inaccurate I would correct the record.

In that speech I referred to the presence at the 7 February hearing of a CASA officer, Mr Peter Ilyk. It appears that my advice on that point was not accurate, and Mr Ilyk was not present when Mr Toller responded to my questions. Mr Ilyk was therefore not in a position to correct the inaccurate answer immediately as I suggested. So, Madam President, I simply wish to correct the record on that point.

MANDATORY SENTENCING LEGISLATION

Suspension of Standing Orders

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate) (12.31 p.m.)—Pursuant to contingent notice of motion, I move:

That so much of the standing orders be suspended as would prevent Senator Faulkner moving a motion to provide for the consideration of a matter, namely a motion to give precedence to a motion to send a message to the House of Representatives requesting that that House give immediate consideration to the Human Rights (Mandatory Sentencing of Juvenile Offenders) Bill 1999. That bill was sent to the House of Representatives on 16 March, and there the bill remains.

The government refuses to deal with the bill. It uses its numbers in the House of Representatives to gag debate or any attempt by the opposition to have debate on the bill. It is one thing to use your numbers to prevent a bill from passing, but it is absolutely another thing to use your numbers to stop or silence debate on a matter altogether. So you have to ask yourself why the government insists on silencing debate on this issue. I suppose it could be because it is fearful of splits in its own ranks. It might be fearful of those government members who might have a conscience choosing to follow their conscience on an issue like this. But the Senate should not accept in any way the government’s intransigence on this issue. That is why the opposition proposes to suspend standing orders to give precedence to a motion this morning that will send a message to the House of Representatives requesting that that House give immediate consideration to the mandatory sentencing bill. We consider that this is a matter of such importance that, if the House does not respond to this message, the Senate will need to look at reinforcing that message in the days and weeks ahead.

It is true that the Senate has a range of options available to it to try to force a recalcitrant government to deal with an item of business in the House of Representatives, and I think all of the non-government parties in the Senate have been considering options available to them in recent weeks. As far as the opposition are concerned, we have assessed the options available to the Senate, both from the perspective of our views on the respective roles of the two houses of parliament and, of course, from our position as an alternative government. We do believe in the primacy of the people’s house, the House of Representatives, and we do believe that a government that enjoys the confidence of the
House of Representatives ought to be able to govern without unreasonable obstruction from the upper house. And, of course, we saw the best example of obstruction when a coalition dominated Senate acted in an unconstitutional and improper way in 1975. Some of the options that have been floated would take the Senate down that track. We do not think it is appropriate that the Senate should blackmail the House of Representatives by withdrawing cooperation on the legislation program or denying governments the sorts of essential procedural mechanisms which make this place run effectively, but it is appropriate that, with an issue of such significance as mandatory sentencing, this Senate remind the House of Representatives, on a daily basis if necessary, of the necessity and the importance of dealing with that Senate bill. I commend the suspension motion to the Senate.

Senator HILL (South Australia—Minis
ter for the Environment and Heritage) (12.37
p.m.)—The government opposes the suspension motion. Of course, for that motion the Leader of the Opposition has to make out a case of urgency and, in fact, if urgency is established, all he wants to do is to express the view that the particular piece of legislation which is before the House of Representatives should be treated as urgent. He can do that equally effectively through a press release. This change of attitude of the Australian Labor Party really is extraordinary. It was not long ago that the Australian Labor Party was referring to the Australian Senate as ‘unrepresentative swill’, in the terms of the then Prime Minister, Mr Keating. He referred to it as ‘unrepresentative swill’ but now, of course, as the numbers have changed, Senator Faulkner comes in here and says this ‘unrepresentative swill’ should be sending messages to the House of Representatives that it should treat matters as urgent whilst at the same moment he says, ‘Of course we, the Australian Labor Party, see the House of Representatives as the chamber of primacy in the Australian parliament.’ What a confusing muddle that is. It is not surprising that the Australian Labor Party at the moment is thrashing around, uncertain as to its direction.

Senator Robert Ray—Like the Queen-
sland branch of the Liberal Party; like the New South Wales branch of the Liberal Party; like the Victorian branch of the Liberal Party.

Senator HILL—There are interjections on the other side but here we are, halfway through a three-year term—the second term that the Australian Labor Party have been in opposition—and they still do not have any policies on any subjects of substance at all. They are still not presenting at all as an alternative government in this country to the Australian people, so what is left for them to do but to try to discover stunts and to get some coverage for such activities?

Senator Robert Ray—Like you and military bands some years ago!

Senator HILL—What is sad of course, Senator Ray, is that today’s stunt is in a circumstance where you have been hauled to it by Senator Bob Brown, so it is not even as if the Australian Labor Party of today are able to create their own stunts. When Senator Brown announces that he is going to do it, which he does of course quite often, the Australian Labor Party come in and accept their seniority to enable them to pull the stunt first. That is a sad reflection, I would suggest, of the once great Australian Labor Party. I would suggest that the ALP ought to be concentrating on turning themselves into an alternative government, turning themselves into an effective opposition and starting to demonstrate to the Australian people that they have learnt something from two defeats and are actually prepared to accept that judgment of the people and to start transforming themselves into an alternative government for their consideration.

Opposition senators interjecting—

Senator HILL—If that were the direction the ALP were taking, then there would be much greater community support for them within this parliamentary role.

Opposition senators interjecting—

The PRESIDENT—Order! Senator Ray! Senator Faulkner, Senator Hill listened to your contribution.
Senator HILL—Madam President, Senator Faulkner and Senator Ray know well the practice in this place. How often are private members’ bills passed? Quite often, and they go to the House of Representatives and the government of the day then decides whether to bring them on or not. Almost without exception, when the ALP was in government in the other place for 13 years, they chose not to bring them on.

Senator Robert Ray—But sometimes we did.

Senator HILL—Yes, I think three out of about 20—something like that. Almost without exception they chose not to bring them on. Of course that is reasonable because they were the government of the day and, to use the expression of Senator Faulkner, which I do not necessarily endorse, the other house is the house of primacy and therefore it has this choice. Then why not respect that choice and let the government of the day decide whether it wishes to take the matter further in the house in which it has the numbers? This is a very awkward issue for the ALP—I understand that. Senator Faulkner comes in here and says the government is divided but I thought Mr Gallop, the Leader of the ALP in Western Australia, was in fact supporting mandatory sentencing, so where are the ALP? No wonder they are uncomfortable about this issue. The ALP in Western Australia, was in fact supporting mandatory sentencing, so where are the ALP? No wonder they are uncomfortable about this issue. The ALP in Western Australia supports mandatory sentencing. Because they are not in government in the Northern Territory, they oppose mandatory sentencing. What do they do in this place? They would have us pass a motion saying that the House of Representatives ought to consider the matter. How pitiful that the ALP is responsible for this stunt here today. (Time expired)

Senator LEES (South Australia—Leader of the Australian Democrats) (12.42 p.m.)—If I may respond initially to Senator Hill’s comments: I think that to say, Senator, that this is some sort of stunt not only trivialises what is a very urgent issue but also suggests that this is something that has not been thought through. Indeed, three weeks ago, during the last sitting of the Senate, the Democrats and the ALP met to consider how we could point out to government that we have dealt conscientiously, bill after bill, with this government’s legislation and yet here we have one private member’s bill which the House of Representatives has decided it is not worth dealing with. Indeed, if we look at the statistics—and we looked at them with the Labor Party—we have actually got through 34 bills already in just a couple of weeks of sitting this year. If you look at this parliament—and this goes back to November 1998—we have dealt with 269 pieces of government legislation. All the Senate is asking is that you deal honestly with one of our bills—the only private member’s bill to be successful this year—actually give it time for debate without any gags or guillotines and at least allow a decent period of time for second reading speeches and a committee process. We acknowledge that, with the Prime Minister’s directive that no one can vote according to their conscience and that everyone has to line up behind him, it may go down, but the discussions with the Labor Party hinged around the issue of reasonable, fair treatment on behalf of the House of Representatives for our one piece of legislation that looks at the issue of mandatory sentencing. It is a nonsense to suggest that this is something that should be swept under the carpet and that we should not worry ourselves with any longer.

You need to look only at the statistics. The 1998-99 correctional services annual report from the Northern Territory—looking at this alone at the moment—indicates that juvenile detentions by remand have been rising at an exponential rate. Juvenile detentions have risen by 145 per cent since 1996-97. Remand commencements increased by 58 per cent since 1996-97. So, when the Northern Territory government suggest by way of some of their full-page advertising that this is an issue that is not affecting young people, that it is an issue that we should not be concerning ourselves with, I say to them that that is nonsense. The people of the Northern Territory voted to leave this parliament with considerable powers over their affairs; they chose not to opt for statehood. If you look at the impact on young Aboriginal people in particular, you see that in 1996-97 69 per cent of juvenile detentions were of Aboriginal young people and in 1998-99 it was bumped up to 75 per cent of juvenile detentions being of Aboriginal young people. If we in any way are con
cerned about the issue of reconciliation, this matter has to be dealt with as a matter of urgency. Last year one remote Aboriginal community contributed 20 per cent of all juveniles in custody in the Northern Territory.

If we look at the whole concept of mandatory sentencing—that people will understand and will know what lies ahead of them if they do these particular things—let us look at who is actually being locked up. For people to understand that they may get locked up, they at least need to have a reasonable level of education on the issue. They need to be able to read the literature and to have had some contact with the law. But if you look at who is actually getting caught, you see that 68 per cent do not speak English as their first language. Then we look at other problems that many of these young people have. In regard to substance abuse problems—problems related to alcohol misuse and also petrol sniffing—63 per cent have those issues yet to be resolved in their lives.

For the Northern Territory government to suggest that we are not catching first offenders, that these people always have a long history of offending, is itself nonsense. Twenty-six per cent of offenders had absolutely no contact with the law previously but are now locked up. If you look just at property offences—stealing the biscuits, the cordial or the towel off the line because the homeless person was cold—you see that offenders with no prior criminal history for property offences make up almost half: 46 per cent. So we see, just in these few statistics that I have had time to deal with in my five minutes, why this is an urgent issue that should at least receive reasonable treatment from the House of Representatives; in other words, it should allow debate, allow the issue to be fully discussed. And for those who believe it is working, let them put their case. (Time expired)

Senator CARR (Victoria) (12.48 p.m.)—I support the motion moved by Senator Faulkner on the question of sending a message to the House of Representatives concerning the Human Rights (Mandatory Sentencing of Juvenile Offenders) Bill 1999 which, as has been clearly pointed out to us, was passed by the Senate on 16 March. The primary focus of such debates is to demonstrate urgency. This has been a time-honoured tradition in this place. I think there could be no easier case to demonstrate in regard to such a measure than this particular one.

We have Senator Hill saying that no urgency applies. I think that this is a situation where we can clearly demonstrate that the bill was introduced to this chamber five months ago, was passed by this chamber and was presented to the House of Representatives, and there has been ample opportunity for the government to consider it. And, of course, it contains a matter of such urgency that it requires immediate government action. I think it is important for this parliament to intervene and to say that the time has passed when we can allow the deaths in custody of children in this country. We have a situation where the laws of various states and territories are forcing young people into incarceration for petty crimes and trivial offences and they are dying there as a result of that incarceration. I think the real tragedy here is that there is action that can be taken by this government to stop these deaths in custody. Action can be taken to ensure that these unjust actions are prevented by governments in this country. This is a matter of urgency.

The government say that this is an awkward question for the opposition. The truth of the matter is how awkward this really is for the Liberal Party. The really awkward question is determining what it is that the Liberal Party actually stand for in these matters. The Liberals across this country, with the exception of those in the Northern Territory and some in Western Australia, acknowledge that mandatory sentencing is unjust, that it is wrong. But by the same token they say, ‘Well, this is a matter to be resolved by the states and territories concerned.’ There is a clearly demonstrated proposition here where the government are showing no courage and no moral backbone and are demonstrating no commitment to stand up for what is clearly the correct position on such a matter.

This is a question that requires urgent action. We are entitled to ask just how long we have to wait before the government will see
the need to intervene and use the provisions available to it to provide for justice within this Commonwealth. We are entitled to ask how long it will be before this government will actually stand up to various politicians in this country who are prepared to see children jailed and placed in a situation where they lose their life. We are entitled to ask why it is that we are seeking around the world to present ourselves as the moral policemen, that we are able to say around the world that we have a superior record on human rights to that of most other countries, but, when it comes to a situation that has been clearly demonstrated within this country, no action is taken. This is a matter of urgency. It is important for us not just to hold ourselves up as a moral watchdog and as God’s police in the Asia-Pacific region but to actually demonstrate that we have done all that is within our capacity to ensure that all Australians have the protection of human rights legislation.

What this government has been seeking to do is to essentially operate in denial mode. It seeks to see itself as morally superior but it refuses to intervene in the state affairs of Western Australia and the Northern Territory. It seeks to deny the situation with regard to Aboriginal communities. It seeks to deny the stolen generation. It seeks to deny our appalling record with regard to the treatment of Aborigines in this country. As Australia enters this threshold period for the Olympic Games, it is increasingly going to be seen as being a country in the centre of international attention. Yet what are we doing to ensure that our reputation remains unsullied with regard to that? The government refuses to act.

This is why I say that this is an urgent matter. It requires us, as a country, to demonstrate to the world and to each other that we have the compassion and concern to ensure that human rights protections are extended to all our citizens and that children do not land in jail as a result of trivial offences because it suits the political instincts of the groups in this country which are governing at the moment. It is time to stop the actions that are being taken by these governments in Western Australia and the Northern Territory. This is an urgent manner. It requires the House of Representatives to consider this bill and to ensure that action is taken to protect the human rights of all Australians.

Senator BROWN (Tasmania) (12.52 p.m.)—I firstly want to congratulate the Labor Party for bringing this urgent matter before the Senate in this way. It is showing greater forbearance than I would, but that is part of the responsibility that the Labor Party is showing, which is not being reciprocated by the government. The gag on the debate of this issue, as Senator Faulkner has outlined to the Senate, is abhorrent. It strikes at the very heart of democracy. It strikes at our bicameral system and at the Australian system of being able to openly discuss matters when they are difficult and when they have appalling ramifications not just for the indigenous people of this country but for our reputation in the international community. That is the situation we are in; this nation is in a spiral dive on the eve of the Olympics.

I cannot believe the irresponsibility of the statements from the Minister for Aboriginal and Torres Strait Islander Affairs about the stolen generation over the weekend. I wonder what the driving force is of this tragedy in the making for Australia. Let us be clear about this: this has gone beyond the tragedy of mandatorily sentencing children in the Northern Territory and Western Australia. Politicians are intervening at the judicial bench and overriding the traditional nous and right to judgment of judges and magistrates. We are now in a situation where the whole nation is coming before international attention on the eve of the Olympics, which we ought to be celebrating. And what do we see from the Prime Minister’s office in response to that? First, he sent out the Attorney-General to criticise judges who spoke up for proper jurisprudence in this country and spoke against mandatory sentencing. Then he sent out the Minister for Foreign Affairs to attack the United Nations and its committee system because it had found fault—as it should have—with mandatory sentencing, which has racist outcomes evident to anybody looking objectively at what is happening in Darwin and Perth. Now, compounding a potential worst outcome a hundred times, the minister for Aboriginal affairs insults and
provokes the indigenous people of this country over the stolen generation and the sadness and distress that they have had to live with. This government not only is turning its back on the issue and rubbing salt into the wounds of the stolen generation but is helping to create a jailed generation of young Aboriginal people. These young Aboriginal people are disproportionately jailed compared with the rest of the population at this time in our history, at the dawn of the 21st century.

I cannot believe this is happening to Australia. I cannot believe that we have lost leadership and that the Prime Minister has abandoned that leadership to Mr. Burke in Darwin and Premier Court in Western Australia. At least Premier Court has shown the ability to know that the words of Senator Herron on the stolen generation are menacing to our country and are destructive, cruel and heartless. The government is a misfit. The government is letting down our country, and yet it says that we should not debate this matter. The best the Prime Minister can do is stay in his prime ministerial office, send out his emissaries to rub salt into the wounds of the indigenous people and to add to the infamy in which Australia may be held as we approach the Olympics, and gag debate on the matter in the House of Representatives. As Senator Faulkner said, we cannot tell people how to vote, nor would we want to—this is a democracy. But when it comes to refusing to even debate an issue of national and international importance like this, the Prime Minister has lost his sense of responsibility and leadership, and the government has to consider his position.

Senator GREIG (Western Australia) (12.57 p.m.)—In the few remaining minutes, I would like to compliment the Labor Party and Senator Faulkner in particular. Roughly three weeks ago, Senator Lees, Leader of the Democrats, and I met with Senator Faulkner and Mr. Kim Beazley and put our proposal to them, explaining that we felt very strongly about the derisory way in which this bill was dealt with in the House of Representatives. We felt that some sort of formal protest ought to be made via the Senate, and I am very thankful that today the Labor Party has effectivley conceded that and embraced what was a Democrats initiative. The approach the non-government parties have taken all along in working cooperatively on this cosponsored bill has been an interesting and constructive exercise. I would also like to pick up on the point that Senator Hill made. He pointed out, quite rightly, that some years ago former Prime Minister Paul Keating referred to the Senate as ‘unrepresentative swill’. I do not know that it is a comment that Labor senators would today agree with—

Senator Faulkner—Read my speech at the time.

Senator GREIG—I shall look forward to that, Senator. If this motion were to succeed today, many Australians would enjoy a representative thrill, because today we have a Senate which is constituted by the will of the people. It represents the voting patterns of the people at the last election. We must also recall that the coalition recorded one of its lowest—if not its lowest ever—Senate vote at the last election. And yet, at the same time, we have a parliamentary democracy which is flawed. For example, in the election for the House of Representatives more than one million Australians voted for the Australian Democrats, and yet we are not represented in the so-called House of Representatives. But the voting patterns of Australian citizens are represented here in the Senate, so ironically the Senate is, in my view, the more representative house.

There are many who vote for the coalition and they are represented here. There are many who vote for Labor and they are represented here. A significant chunk vote for the Democrats and a smaller slice vote for the Greens. That is adequately reflected here in the Senate. So there is nothing inappropriate in arguing that the Senate has equal powers with the House of Representatives.

Having been over the issues time and time again, we know that both Western Australia and the Northern Territory are in breach of the UN Convention on the Rights of the Child and the International Covenant for the Elimination of Racial Discrimination. We know that both Western Australia and the Northern Territory breached the International Covenant on Civil and Political Rights be-
cause of the arbitrary nature of sentencing. While I note that mandatory sentencing in WA applies after three strikes and only after break and enter offences, this can range from stealing a biscuit to bashing the occupants, and there is no judicial review. The argument that mandatory sentencing in Western Australia and in the Northern Territory assists victims of crime—a very popular argument in support of mandatory sentencing—is false because it obscures the fact that those who go to jail simply end up in what is effectively the university of crime and often go on to become repeat offenders after their first or second jailing. The use of section 122 of our Constitution makes it very clear that the Commonwealth can legislate for the territories, and this bill takes that into account. Most recently, that was demonstrated with the voluntary euthanasia bill. There is a clear legal application of the external affairs powers over Western Australia on this issue. This was best demonstrated in 1982 with the Koowarta v. Queensland case dealing with the Racial Discrimination Act.

In summary, we know that Western Australia and the Northern Territory both breach international human rights treaty obligations. We know that this co-sponsored bill, the Human Rights (Mandatory Sentencing of Juvenile Offenders) Bill 1999, is constitutionally valid and that there is no solid legal, moral or social argument to separate the issues within Western Australia and the Northern Territory. So the upshot of all this is that the Senate, having debated at length a bill of critical importance to Australian citizens and, most importantly, many indigenous citizens, has been passed by the support of this Senate. I believe that the legislation that was passed by this chamber to overturn the Northern Territory’s and Western Australia’s unjust, expensive and ineffective mandatory sentencing laws was very good legislation and certainly worthy of consideration in the House of Representatives. Since the Senate passed the mandatory sentencing bill, the government has been trying, through using every means at its disposal, to avoid this debate, to silence its critics, including probably critics within its own ranks in the House of Representatives. Of course, the Prime Minister and his very faithful servants have gone to extraordinary lengths to try to achieve this objective. On 16 March the government was successful in silencing the Leader of the Opposition in the House of Representatives. Its motivation for doing that was pretty clear. It was fearful of what Kim Beazley would say. It was fearful that if such an important issue was debated in the House of Representatives, the Prime Minister would not be able to control dissidents in his own party; he would not be able to control his backbench. The Prime Minister was afraid of what might happen if government members were able to vote on
conscience. Even though this was an issue of clear and profound national importance, the Prime Minister’s paranoia about his own standing within the government parties and the conservatives’ fear of a vote on this issue ensured that the bill was not debated in the House.

While the government has succeeded in the House in hiding from a debate on the Senate bill, it is not able to hide from the shame of its treatment of Aboriginal people. It has not been able to hide from its shameful response to the stolen generation report. It is not able to hide from its abysmal record on reconciliation. Most certainly the government, in the end, will not be able to hide from its gutless and immoral approach to the issue of mandatory sentencing. Maybe the government can run, but it certainly cannot hide on these issues.

In the processes of silencing debate, I think we all know that the Prime Minister has collected a couple of key scalps. We know that the Prime Minister sent off the silent senator, Senator Heffernan, to do a little bit of kneecapping and number crunching around this issue. Apparently, we are told, the Prime Minister was successful in roping in the wets in the Liberal Party. Not only were the wets roped in but they were hung out to dry by the Prime Minister. What a performance from these people such as Senator Hill on this particular issue.

You have got a government in office whose cup runneth over with lawyers. These lawyers and the government appear to have shown an absolutely appalling and hopeless grasp of law and justice on this important issue. Would you believe that 11 out of the 17 cabinet ministers considering this issue are lawyers? Seven out of the nine ministers we have here in the Senate are lawyers.

Senator Robert Ray—Thirty-four in the party room are lawyers.

Senator FAULKNER—Would you believe, Mr Acting Deputy President, that 34 in the party room are lawyers, according to my colleague Senator Ray—

Senator Carr—Who is a well-known expert on lawyers.
arrogant as to assume that we can automatically receive a positive report from the United Nations Committee on the Elimination of Racial Discrimination. But why should we receive such a glowing report card when we have done so little to deserve it in recent years, during the life of the Howard government?

Australia cannot afford to be selective in its implementation of international obligations or selective in the amount of respect it accords to the committees of the United Nations. If we choose not to respect our international obligations to eliminate racial discrimination, could another country just as easily choose not to respect our intellectual property rights? Would we say that our obligation to eliminate racial discrimination is of lesser importance than our obligation to protect foreign patents or copyright? If every country chose to accept only the benefits of international treaties, there would be very little progress on many of the difficult issues that face the world community. What would become of the treaties that deal with mundane things like safe air travel, fair trade, cooperation in taxation matters and the like?

It is the strong view of the Labor Party that the rights of people are more important than so-called states rights. It is our strong view that mandatory sentencing is wrong in principle and tragically wrong in its consequences. Punishment should never be blind to the person it is being applied to and the circumstances of the person it is being applied to. The abolition of mandatory detention would not result in the elimination of detention as a sentencing option for juvenile offenders. That option would still be available in circumstances where it is warranted and there are no appropriate alternatives, but it would be subject to the exercise of judicial discretion and the requirement that the severity of the penalty be proportional to the seriousness of the offence. It would also be subject to the requirement that the detention of juveniles shall be a measure of last resort, a fundamental principle under international human rights law.

As far as the opposition is concerned, we support the principle of the punishment fitting the crime. It is our strong view that mandatory sentencing is unjust, that it is expensive and that it is ineffective. As I said, it is wrong in principle and tragically wrong in its consequences, and it is appropriate that the Australian parliament—not just the Senate but both houses of the Australian parliament—has an opportunity to debate this issue.

There has been much public discussion about what might be an appropriate course of action for the Senate to follow, given that Mr Howard has gagged debate on this issue in the House of Representatives. A range of options have been put forward and notices of motion on this particular matter will be dealt with later today in this chamber. Over the past few weeks, a lot of senators have been assessing the options that are available to the Senate. As I said in a speech earlier today, the Labor Party looks at these issues from the perspective both of our views on the respective roles of the two houses of government and also of our position as the alternative government in this country.

Senator Hill chose earlier to sling off at my remarks about the primacy of the House of Representatives—the people’s house—and Labor’s long standing view that the government enjoying the confidence of that House should be able to govern without unreasonable obstruction in the Senate. The same Senator Hill, of course, was silent during the constitutional crisis of 1975. He does not speak much in here about the actions of the coalition majority in the Senate at that time causing the wrongful dismissal of an elected Labor government that had the confidence of House of Representatives or about the actions of the coalition in this chamber in relation to the blocking of an elected government’s budget. We do not hear much from Senator Hill about Senate obstruction in 1975, but the Labor Party recalls what occurred at that time causing the wrongful dismissal of an elected Labor government that had the confidence of House of Representatives or about the actions of the coalition in this chamber in relation to the blocking of an elected government’s budget. We do not want to see the Senate come down with a response to the mandatory sentencing issue that would take us down the track of unreasonable obstruction in this chamber. The Labor Party will not counte
nance that sort of response. We do not believe it is appropriate that the Senate effect-
ively blackmail the House of Representa-
tives by withdrawing its cooperation on leg-
islation or denying the government the es-
sential procedural mechanisms it depends on
to get its business dealt with in the Senate.
What we do think is appropriate is that the
Senate request the House of Representatives
to urgently consider this bill, just as the Sen-
ate is expected by the government to deal
with a raft of legislation that has passed the
House of Representatives. But the Labor
Party is not willing to declare a guerrilla war
on legislation or government business in the
Senate. While the coalition is in govern-
ment we are not going to adopt the tactics the con-
servatives used in 1975 or during the Hawke
and Keating governments. We are not going
to be hypocritical about that matter, but we
are willing to say that the Senate should have
a strong response to the situation that faces us
now.

We do not want to delay or filibuster the
work of this chamber, and we will not. But
we do believe it is appropriate that the gov-
ernment in the House of Representatives be
asked to deal with this issue. It is not good
enough to gag and silence your critics. Bring
the debate on. If there is a majority in the
House of Representatives to defeat the bill,
so be it. We will see where we go at that
point. The Labor Party has nailed its colours
to the mast and will fight long and hard to see
this bill carried in the House of Representa-
tives. My colleagues there are very commit-
ted to that course of action.

But why doesn't the Prime Minister have
the intestinal fortitude to bring the matter on
for debate? Bring it on: let us have the de-
bate. Let us canvass the issues not only in
this chamber but also in the House of Repre-
sentatives. That is an absolutely reasonable
response for this chamber to make. We be-
lieve it is appropriate on a matter as impor-
tant as the issue of mandatory sentencing that
the Senate remind the House of Representa-
tives on a daily basis, if that is required, of
the necessity to deal with this important leg-
islation. That is why, on behalf of the oppo-
sition, I have moved:

That a message be sent to the House of Repre-
sentatives requesting the immediate consideration of the Human Rights (Mandatory Sentencing of
Juvenile Offenders) Bill 1999.

It is a considered, sensible and strong—per-
haps unprecedented—response and I com-
mend it to the Senate.

Senator COONAN (New South Wales)
(1.24 p.m.)—It might seem passing strange to
those who are following this debate in the
media and elsewhere that it has taken some
years for this matter to get into the Senate for
a discussion. As we know, in Western Aus-
tralia the laws were passed by the Carmen
Lawrence Labor government and the laws
have been in force in the Northern Territory
for some years. Where were those now sup-
porting this legislation when those laws were
passed? Where was the Labor Party then? It
is obviously a very difficult issue for the La-
bor Party.

We on this side of the chamber do appreci-
ate that the Labor Party is practically turning
itself inside out on this issue, with Dr Gallop
in Western Australia vigorously opposing any
intervention by the Commonwealth and vig-
orously opposing any suggestion that the
mandatory sentencing laws there should be
repealed. In the Northern Territory, whilst I
think the Leader of the Opposition, Ms Clare
Martin, has gone on record as saying that she
would like to see some modifications to the
laws, she is also against any action being
taken by this parliament to intervene. It is a
very extraordinary situation that we have in
this chamber, with the Labor Party hopelessly
divided as to how it is going to approach this
matter, willing to fly in the face of what its
state opposition wishes to do in Western
Australia and, in fact, willing to overrule the
wishes of the opposition in the Northern Ter-
ritory. It really is a most extraordinary issue.

I have gone on record—and I am certainly
prepared to say so again—as saying that I do
not personally support mandatory sentencing.
It stands to reason, if you think about it for a
very short time, that it has the potential for
very disproportionate outcomes. As I have
been brought up, and in my long legal career,
I have always thought it appropriate for the
punishment to fit the crime. Whilst I think
there have been some instances where very
trivial offences have been inappropriately punished, I do not think that is so in the majority of the cases that come before the courts in Western Australia and the Northern Territory, as evidence given to the Senate inquiry showed. The evidence showed—I think it is relevant to say—that a first-time offender in the Northern Territory is charged with an average of five property offences and a second-time offender on a sentencing occasion is charged with an average of eight property offences. It may happen—although I think it is rare—that someone who appears to be charged with something very trivial has no other antecedents in their background and is really a genuine first offender. However, I do think it relevant to say that I would encourage both the Western Australian and Northern Territory governments to introduce as much discretion as possible into the sentencing process and, if their chief justices were so minded, to try and introduce some uniformity in sentencing so that there might be some restoration of community confidence in the judicial system and confidence that those who do repeatedly offend will be appropriately punished. I think the key word is ‘appropriately’—appropriately punished.

I totally reject Senator Faulkner’s criticism of the Prime Minister, because the Prime Minister has issues to consider well beyond simply that of mandatory sentencing. As has been well publicised, this matter was ventilated in our party room and every member of the government was in a position where they could have either supported or not supported, as the case may be, a private member’s bill that would have dealt with the harsher laws in the Northern Territory and the numbers were not there. Whatever you would like to make of that, I think it is inappropriate to say that the Prime Minister has simply not shown any leadership on the issue. The Prime Minister went out of his way to facilitate this debate in the party room and that is the way it should be done.

The issue that we have to get our heads around in the motion currently before us is whether there is any basis at all on which we should support a debate on a bill that seeks for the Commonwealth to intervene now to override the mandatory sentencing regimes in both the Northern Territory and the Western Australian legislation. There has been a good deal of publicity about the fact that the regimes are very different regimes. In fact, the Western Australian legislation has now got to a point where judges, on appropriate occasions, have been able to find their way, even on a third strike offence for a serious matter, to impose a conditional release order on a young person so that that person gets the benefit of being able to have, in effect, a diversionary program rather than facing a term of incarceration. The Northern Territory has also tempered the laws in that Territory from what they were when they were originally implemented.

I think it is only fair to say that the Northern Territory has tempered its laws quite significantly, because the current regime of the Territory’s laws—as no doubt most people who have taken a close interest in this debate would know—now affects children between the ages of 14 and 16 who, on a third offence, will definitely get a mandatory sentence. They may get a mandatory sentence on a second offence, although, once again, there has been a range of diversionary programs introduced to allow those children to be given a different opportunity from going to jail. That, of course, is simply an appropriate way to deal with it. Diversionary programs are at the very coalface of juvenile justice systems in most rehabilitative models and it is important that these diversionary programs be put in place and that they be allowed to develop and to prosper.

It is also important to note that putting in place a diversionary program in the Northern Territory is a little different from putting in place a diversionary program in what have been called the ‘leafy suburbs’ of Sydney, Melbourne, Brisbane, Adelaide or any other major metropolitan centre. The Northern Territory has very scattered populations, and by their nature indigenous communities are themselves scattered, so it is often very difficult to have a diversionary program that is actually going to work to the benefit of a young offender and to the benefit of a community in which people are entitled to safety at work and on their property. The difficulties of diversionary programs are pointed up
when you understand that one size simply does not fit all. The programs can be implemented only if there are trained counsellors who go out to communities and who work through a problem with a community to find a model that actually works.

The great difficulty of being able to identify a family support system for some young offenders is illustrated very graphically in the case of the much publicised but very tragic death of the young Aboriginal, Johnno, in the Don Dale Detention Centre. A few things should be put on the record about this poor, unfortunate person because, if there had been a diversionary program in place, one wonders how it would have worked. While this young boy was in the Don Dale Detention Centre, he found himself alone and without any family support at all. He was an orphan—these facts are well known—and any connection he had to anyone close to him had evaporated with the death of an aunt at the time the child was in the centre.

Something to note is that the community in which this boy lived had brought the charges against him, and he in fact had a number of charges against him at the time that he was sentenced. There was a report that the boy was a repeat offender, having had some 20 or more brushes with the law at the time of his sentencing. I think the saddest thing of all is that the record shows that when the magistrate was about to sentence Johnno, he asked whether there was anyone who could vouch for the boy’s character or anyone into whose care the boy could be committed—and there was no-one. This boy was about as alone as you could be. A diversionary program for such an individual is something that would be very difficult to put in place; but what is a community to do with such a habitual offender?

We have heard a lot of criticism about mandatory sentencing and precious little about how there could be better programs and better ways to stop young kids getting into trouble in the first place, particularly for indigenous communities dealing with kids mucking up. It is a very serious issue because, whilst I personally do not think that mandatory sentencing works very well—there is not much evidence to suggest that it is a deterrent; it is very expensive and, at the end of the process, all that happens is that the offender is released back into the community—what are other citizens and indigenous communities to do if they have somebody running amuck in their community? This is why I have thought that better outcomes are achieved by more constructive ways of working through these problems with both the Western Australian and Northern Territory governments. I have absolutely no reason to believe from what I have heard from Mr Burke, who has been very vocal since this debate got under way, that he would not welcome some assistance from the Commonwealth to properly assess these programs, to properly resource them and to look at models that might be more effective in dealing with this very difficult problem, which in many ways is unique to the Territory because of the scattered population, because of the indigenous population, and because of the difficulties of doing the more traditional things that you would do in a rehabilitative juvenile justice system.

So I am of the view that, by simply using the coercive powers of the Commonwealth to overturn a law, very little is achieved—apart from a divisive community—and that there is very little assistance to the people who need it, that is, the young people, to enable them to have a different opportunity in life, to be diverted from the court system and to be shown more appropriate ways to live in communities without becoming habitual offenders.

It has been said that we have to look at the causes of all this rather than the end result, and I certainly think that is true. However, we have to be very vigilant in our efforts to assist both the Western Australian and Northern Territory governments to look at some very immediate programs. One of the suggestions made, for instance, in the Senate report was that 17-year-old offenders treated as adults in the Northern Territory should be given diversionary programs and that the so-called children’s scheme should be extended to 17-year-olds. That seems to me to be something that is not difficult to achieve and something that would at least quarantine this group of people from 14 to 17, who are, after all, pretty young
and vulnerable, and that would then enable them to access appropriate programs.

The more you look at this problem the more it is simply misunderstood. Mandatory sentencing is a blunt instrument, but the coercive powers of the Commonwealth are also pretty blunt. Surely, as parliamentarians we have a duty to try to get a constructive outcome. It is not as simple as ‘winner takes all’ on either side of this debate, because there are problems with both arguments. Yet there is a possibility of picking a path through this. It is possible to build bridges so that there can be much more constructive outcomes to deal with the real problems. The operation of these laws is confined to a particular state and a particular territory, and we have to acknowledge that the particular state and territory, namely, Western Australia and the Northern Territory, do have some right to pass their own laws and to deal with the problems the way they see it in their communities so long as they are democratically supported. It is not for us to be second-guessing other democratically elected governments, particularly when these laws are quarantined in operation to that state. It is not as if there is some push for mandatory sentencing to be applied in every state in Australia. From the point of view of the Commonwealth, at least, we are looking at laws that are restricted in their operation to particular jurisdictions.

It has to be said that many people in Western Australia and the Northern Territory strongly favour the intention that underwrites this legislation that some in this chamber would seek to have debated, and ultimately overturned if they had the numbers in the House of Representatives. I think the coercive powers of the Commonwealth must only be used to override legislation as an absolute last resort after all available processes of consultation and attempts at consensual resolution of the difficult issues in this matter have been explored. This time has certainly not yet come, even if Australia is in breach of its international obligations—and I do not accept that. Clearly it is arguable, but I do not think it is conclusive. Even if Australia were thought to be unequivocally in breach of international obligations, overriding laws—in other words, Commonwealth intervention to bring some recalcitrant state into line—are to be used as a last resort. Before that, the procedures that would be required include negotiating with the state or territory to try to identify what practices are said to be in breach and looking at how some of these practices might be brought into conformity with the United Nations obligations. Then, as a last resort, the Commonwealth would look at whether or not there would be any justification for coercion. Clearly this is not the case here. If we were to look at how we can get a better outcome, those who sincerely oppose mandatory sentencing would be much more satisfied than if we intervened at this stage and simply left the whole scrambled omelette—or the cracked egg—without any solutions.

This is not to say that more determined efforts should not be mounted in both of these areas. It is simply trite to say that good government dictates that citizens should both support and understand legislation that results in others and particularly juveniles going to jail or losing their liberty. But it would be entirely wrong to conclude that the Australian public, including those in Western Australia and the Northern Territory who presently support mandatory sentencing, will not, in appropriate circumstances, yield to persuasion rather than coercion. Surely it is our duty to do that. It would be an insult to the honestly held beliefs of those persons to conclude that we can only get reform by being coercive. A lot has been said about leadership in this debate, and nothing I have said should be read as in any way advocating abdication of the parliament’s function, where necessary, to lead public opinion in the appropriate direction. But the legislative supremacy of the Commonwealth should stand as only the last resort where there is a genuine difference of opinion. The parliament’s initial task is to educate, to persuade and to consult. It is reprehensible that this debate is raging without much reference to the facts and with almost no regard to what would be a better outcome in this matter.

Senator LEES (South Australia—Leader of the Australian Democrats) (1.42 p.m.)—There are two matters at issue here. There is the core problem of mandatory sentencing but
there is also the issue of the Senate’s request that the House deal appropriately with this matter by giving it a fair hearing—by giving it a reasonable period of time for the debate, for second reading speeches and for the committee process to take place in the House without the threat of the whole thing being gagged after an hour and put in the too-hard basket.

I need to spend most of my time, though, looking at the issue of mandatory sentencing and why it does not work. Indeed, it is worse than ‘it does not work’. It is actually counter-productive. It is damaging the lives of young people particularly and it is not achieving what the then minister said it would achieve—a reduction in housebreaking, largely in the northern suburbs of Darwin. In fact, the Northern Territory Correctional Services have admitted in a report:

The evidence is clear that the more access juveniles have to the criminal justice system the more frequently and deeply they will penetrate it. What happens in many cases is that detainees learn from their fellow inmates about how to become more effective in committing crime.

We are putting young offenders together in the university of crime. We know what the likely outcome is when you put young people together who are having a range of personal difficulties and are already at odds with the law. Whether you look at Western Australia or the Northern Territory or whether you look at the United States, where on any one day there are some two million Americans locked up, you see the impact of mandatory sentencing. In many instances, it just helps people to refine their habits. It simply sends them out with a completely wrong message. All available evidence says that, particularly for young people, imprisoning them is what we should not be doing. What we should not be doing is putting them into this sort of situation. In the Northern Territory, mandatory sentencing sends young first offenders—17-year-olds—straight to detention. This also increases the contact between the young offender and the older offenders in those institutions.

Senators from the Liberal Party have suggested in this debate and in previous debates—and we have just heard from Senator Coonan again—that to step in at this point in time is an excessive use of Commonwealth powers. We have been waiting for the review of this process to happen in the Northern Territory, to be listened to and for something to be done. But this has gone on and on. Even the Chief Minister himself, I am sure, must see quite clearly that what they set out to do is not happening: the crime rate has not reduced.

If you look at comments by the then Chief Minister, Mr Shane Stone—when he was referring to home invasions and car theft, another major problem in the Northern Territory—he claimed that this was what the laws were directed towards: the serious offenders. He said:

We are not talking about the poor lad who broke into a house because he wanted a feed. We are talking about people who break into residences and absolutely trash them, defecate everywhere and destroy possessions that have taken a lifetime to collect.

So the message he sent to the community was: these are really serious, nasty offenders we are chasing. But, as we will see in a moment when I go through some further information, this is not what is happening. I think that, by and large, these laws were set up in an experimental framework. But this is not the framework we see it in. The Northern Territory government and the Western Australian government have become entrenched in their positions. They are not listening to any of the evidence presented to them by their own departments. They are not looking at the figures of what it now costs to incarcerate people or at the rates of reoffending.

The stated reasons for mandatory sentencing, particularly at the time it went through in the Northern Territory, were that it was to deter serious offences like breaking into houses; it was to satisfy the public that offenders were being punished severely; it was to make people feel safer in their homes and to protect their property; and it was to prevent crime by selectively incarcerating some of those people who were seen as the main offenders. Basically, none of that is actually happening. People are still looking to mandatory sentencing as a solution. But, if we look at the results—and you can go
through the evidence, whether it is reported crime rates, whether it is the crime clear-up rates, whether it is the cost of imprisonment or whether it is the day-to-day imprisonment rates—it does not matter which of the markers you pick to check the evidence, this simply is not happening.

One of the things we have to do if a person is to respond in any way to mandatory sentencing—'We will lock you up if you do that'—is to make them aware of the penalty so that they actually understand what is going to happen—that is, action A will result in penalty B. Secondly, people have to have some realistic expectation that they will get caught, and they have to be actually thinking rationally. They have to be looking at the offence and saying, 'Gee, if I do that I know I'm going to get locked up; therefore, I'd better not do that.'

But if we look at who is actually offending—and I mentioned this when I spoke before on the urgency of this whole issue—we can see that people with an educational level of less than year 8 make up over 60 per cent of those people. Also, people with substance abuse problems make up about the same level—that is, 60-odd per cent of those people who are offending. People from remote communities, the bulk of whom do not have English either as a first language or as a commonly used language, comprise three-quarters of those people who are locked up. They are not from Darwin, not from the suburbs of Darwin where there is a real problem of housebreaking. They are from remote communities, where the crime clear-up rate is often close to 100 per cent because the community works together. The community is actually intent on sorting out the problems with its young people only to find now that, instead of having something sorted out, those young people are simply detained. We are talking here, generally, about people under the age of 24 representing about 80 per cent of those getting caught. A huge number of them have drug-related problems, have very little education or do not speak English as a first language. You cannot fit that with the actual understanding of what you have done wrong, what is wrong and what the consequences will be.

The Northern Territory's Correctional Services annual report indicates that the recidivism rate has remained about the same as it was prior to the introduction of mandatory sentencing. If we look at the statistics on property crime we can see that they fluctuate but, again, that they are roughly the same. There has been no real impact whatsoever. From all of the evidence, I think we have to conclude that increasing penalties does not impact on the crime rate.

I listened with interest to Senator Coonan's comments. She argued that, basically, there needs to be appropriate treatment. This is exactly what we are arguing. We are saying that the penalty must fit the crime. We are not suggesting that these young people get away with it. We are not suggesting that they get a tap on the wrist and get sent off. We are saying that they must be put into a range of other programs. In fact, New South Wales is among those that have one of the most successful programs of conferencing. They sit young people down at the same table as those whom they have offended against, with their support—perhaps it is family or someone from their communities—and with the police there as the convenors of the conference. They actually make young people face up to what crime is, to see that what they have done is wrong and look at a range of programs, including community development programs, that will move young people in the right direction.

If we look at a range of other penalties, again I support Senator Coonan's comments about a range of other things that should be available. They include community service orders and would include parole. But, no, we have a system where the judge does not have discretion, where the magistrate does not have any discretion. It is simply a fixed penalty and one, as I have said in many cases, that the young person was not aware of. Comments were also made during the first debate we had in this place, as well as today, that somehow these people really are deserving of being locked away, that the penalty is appropriate and that they are continuous offenders.

Let us look at some of the people who are being locked away. A man from a remote
Aboriginal community north-east of Darwin stole a packet of biscuits and some cordial, worth $3. I would suggest that in most places he would not even have been charged. In most places the police would have simply spoken to him on the spot, perhaps taken him to the station for cautioning, or used some other mechanism of simply passing the message on that this was not appropriate. But he was locked up for 12 months, and that is at a cost of over $53,000 to the community. Imagine if that sort of money were actually used in community development for that remote Aboriginal community.

A homeless man living in Darwin stole a $15 beach towel from a clothesline—and I have read some information on that case pointing to the fact that he was homeless man looking for something to keep him warm—and the towel was returned. Again, this is something that, in my home state, may have meant a reprimand from the police but it would not have meant any further action. He was sentenced to 12 months in detention. A 34-year-old man in a remote community broke the aerial off a car after an argument, and he received 14 days. An 18-year-old living in a remote community, who stole a can of soft drink worth $1.50 from a school coolroom, received 14 days. A 16-year-old Aboriginal who borrowed a bike from a friend and went for a ride, but, unbeknown to him, the bike was stolen, received 28 days—and that was in an adult jail. And the list goes on.

Let us look at some of the cases that are currently before the courts. They are hardly issues that, in the rest of Australia, would actually make it to court. A 36-year-old teacher’s aid, a mother of three, was involved in a neighbourhood argument about what her kids were up to. She went to the neighbour’s house to apologise for what had been happening, but the neighbour refused to answer the door and have any discussions with her. She was angry and, on the way out, threw some gravel at a parked car which scratched the car. She has been charged. The argument is that the scratches are hardly visible to the naked eye, but it seems that she is going to be part of this process and is going to be locked up. A 23-year-old man kicked an A-frame sign outside the Victoria Hotel during an argument with a security guard—something that, unfortunately, occurs from time to time in my home state with the bouncers in some of the nightclubs. Generally no charges are laid; however, he was charged. The screw that fell out was valued at only $2.50 but, if you look back at the previous cases, this is going to be another person who is locked up under the mandatory sentencing rules. And I could go on.

The fact is that, contrary to the public advertising by the Chief Minister in the Northern Territory, who argues there are all sorts of checks and balances and that these cases never get through to court, they do get there. Cases like this are rarely withdrawn. Indeed, it is the policy of the office of the Director of Public Prosecutions in the Northern Territory not to withdraw any charges where mandatory sentencing is part of the option. Where imprisonment is a possibility, the process says that charges are not going to be withdrawn. This policy reduces any discretion that prosecutors might have to look at the cases in front of them and say, ‘We simply will not proceed.’ They go ahead with them. Commonsense goes out the window. You cannot actually make a rational decision, and the decision of the prosecutors themselves cannot be reviewed. So you have this constant and ongoing parade of people through the courts who would have never been put through that process in states other than the Northern Territory and Western Australia.

I want to leave a few minutes before question time for Senator Brown, so I will conclude by saying that we cannot let the House of Representatives simply put this issue in the bottom drawer and hope that it will go away. This is a matter that is impacting on the lives of young people, particularly young Aboriginal people, in both the Northern Territory and Western Australia. They are running out of chances to get any sort of rehabilitation or community support if they are taken away and locked up in inappropriate circumstances. Indeed, as all the evidence here and overseas says, once they enter the university of crime—once they are locked up in detention centres and jails—they are more likely to stay in the criminal justice system and they are more likely to reoffend.
community is expending a huge amount of money for extremely negative results.

Senator BROWN (Tasmania) (1.57 p.m.)—I support this motion to ask the House of Representatives to immediately debate mandatory sentencing. As I said earlier, I see the nation's kudos in a spiral dive at the moment, when you take together mandatory sentencing and the appalling comments made in the last few days by the Minister for Aboriginal and Torres Strait Islander Affairs regarding the stolen generation. At the outset, I want to take umbrage with the government's representative, Senator Coonan, for her statement regarding the gag on the debate in the House of Representatives. She said, 'The Prime Minister went out of his way to facilitate this debate in the party room, and that is the way it should be.' What a reflection on democratic principle. If there is one thing I, as a Green, object to about the drift away from democracy in our nation, it is that decisions should be made by the executive or the caucus of the party, behind closed doors, away from public scrutiny and without the ability of the public to have input. That is what the parliament is for. I think Senator Coonan has put her finger right on a very precious indeed—and muddle-headed and wrong. It is an insult to the country that the Prime Minister should say, 'The real debate is in the party room; the House of Representatives does not matter.' Of course it does. It is the house of the people and it is the engine of government. The public has a right to see the government not only speak out about mandatory sentencing, because the Prime Minister says he does not agree with it and his ministers say they do not agree with it, but defend their indefensible position that it should not be debated in the House of Representatives.

Where are we at when the government believe that a private discussion behind closed doors is what they were elected to engage in? That is cheating the people of Australia, defrauding democracy, and pulling the rug from under the core democratic principle that we are elected to bring debate into these chambers—the Senate and the House of Representatives—to have them scrutinised by the people who elected us, and to be responsive to the people in important debates like mandatory sentencing. The government have got it wrong and the Prime Minister has got it wrong, and it is time he returned debate on this issue to the House of Representatives, where it should be debated.

QUESTIONS WITHOUT NOTICE
Aboriginals: Stolen Generation

Senator CROSSIN (2.00 p.m.)—My question is directed to the Minister for Aboriginal and Torres Strait Islander Affairs, Senator Herron. Given the disparate claims as to how many indigenous Australian children were separated from their families by way of government or church agency intervention, why has the minister contested the use of the term ‘stolen generation’? What percentage of separations would the minister consider necessary before the use of the term ‘stolen generation’ was acceptable to him? What would the minister say to Audrey Kinnear, who claims the minister is ‘trivialising a whole era of children being removed from their families’?

Senator HERRON—I do not wish to trivialise anything that occurred in the past—far from it. I think we have to acknowledge the facts of the past and make amends for events that occurred, and I believe that is what we are doing today. I thank Senator Crossin for the question because it gives me the opportunity to restate the government’s strong commitment to those indigenous Australians affected by past practices of separation. The Howard government is committed to reconciliation and has taken an approach to achieving practical reconciliation by targeting those areas of most disadvantage in the priority areas of health, housing, education, employment and economic empowerment.

The period of family separations represents a very sad phase in the history of indigenous and non-indigenous relations in this country, and nobody in this chamber would suggest otherwise. The government’s position has not changed since I announced the $63 million package to address the consequences of those many Australians affected by family separation. These initiatives reflect an important step along the road to true rec
conciliation. In developing these initiatives, our primary aim was to address the fundamental concern that lies at the heart of this issue: family separation and its consequences. It is this issue that the report itself insists is the most important of all. I will quote from the Human Rights and Equal Opportunity Commission report. On page 347 it says, ‘Assisting family reunions is the most significant and urgent need of separated families.’ You cannot go back and change the past; however, we have acknowledged the wrongs of the past and are seeking to address those problems that now exist. We fully accept that we of this generation have an obligation to address the consequences of those past actions.

Our $63 million response to the report has been practical and realistic, and we empathise completely with the 535 people who either put in written submissions or gave oral submissions for the Human Rights and Equal Opportunity Commission report. As well as giving our first priority to measures that will assist separated families to reunite, we have sought to help individuals and families to cope with any emotional and psychological damage inflicted by previous policies. The $63 million package involves $16 million for 50 new counsellors to those going through the reunion process, $11.25 million to establish a national network of family link-up services to assist individuals locate and be reunited with their families, a $9 million boost to culture and language maintenance programs, $17 million to expand the network of regional centres for emotional and social wellbeing—

**Senator Faulkner**—Madam President, I rise on a point of order. My point of order is that the minister was asked a three-part question from Senator Crossin: why he has contested the use of the term ‘stolen generation’; what percentage of separation he would consider necessary before the term ‘stolen generation’ was acceptable; and I think he was asked to make some comment on Ms Kinneear’s claims. He has been given nearly three minutes to make a general statement from his prepared text. I think he could now be directed to answer the specific question asked of him by Senator Crossin.

**The PRESIDENT**—There is no point of order.

**Senator HERRON**—I responded to the third part of Senator Crossin’s question first and now I am responding to the others in a general sense. In relation to the percentage, nobody actually knows the precise number, and that is stated in the Human Rights and Equal Opportunity Commission report. One child forcibly separated in today’s contemporary time is unacceptable, but that is occurring today, Senator Crossin. It is occurring in New South Wales, where a child can be taken from its family under present criteria that are used. We cannot project ourselves back into the past and understand the attitudes of those at that time, so it is impossible to quantify. The Australian Bureau of Statistics did a survey of 5,000 people and asked them whether they had been taken from their families, and 10 per cent of those 5,000 people said that they were. That is also mentioned in the Human Rights and Equal Opportunity Commission report, where a figure of 10 per cent is mentioned and then a figure of one in three who may have been affected by it, but that also includes people who may have been taken away for reasons quite legitimate both then and now. So it is hard to know exactly how many were directly taken at that time for whatever reason. (Time expired)

**Senator CROSSIN**—Madam President, I ask a supplementary question. Has the minister contacted the Western Australian Premier, Mr Court, to discuss their differing definitions of what constitutes a stolen generation?

**Senator HERRON**—I was on a radio program this morning where I accepted Premier Court’s statement. I have never said that it did not occur, and I concurred with him in that. I think it is important that we get this aspect in context, and I table a progress report on the initiatives that we have taken in relation to the Bringing them home report.

**Indigenous Australians: Student Literacy and Numeracy**

**Senator EGGLESTON** (2.06 p.m.)—My question is addressed to the Special Minister of State, representing the Minister for Education, Training and Youth Affairs. Will the
minister outline to the Senate how the Howard government is improving the literacy and numeracy skills of indigenous students?

Senator ELLISON—That is a very important question from Senator Eggleston, who has had a good deal of experience with Aboriginal communities in the north-west of my state. Last week the Prime Minister and the minister for education, Dr Kemp, launched the National Indigenous Literacy and Numeracy Strategy, the first of its kind. In simple terms, this strategy is about getting indigenous children to read and write better. It is about increasing the opportunities for them to have better access to education, not just at the secondary level but at the tertiary level and in post-school training. This builds on other programs that the Howard government has introduced for indigenous education—programs such as the Indigenous Education Strategic Initiatives Program, which will be boosted by over $48 million over five years; increased funding for indigenous education direct assistance, which has been boosted by some $2 million this financial year to a total of over $62 million—

Senator Carr—How much is going to the Aboriginals?

The PRESIDENT—Senator Carr, stop shouting in that manner.

Senator ELLISON—Madam President, it is obvious Senator Carr does not have any interest in this area, as you can tell by his interjections. This national strategy is a very important one for indigenous education. It will entail some six key elements. It will be aimed at lifting indigenous school attendance rates to national levels, and I am pleased to say that between the years of 1996 and 1998 we saw those rates increase by some three per cent. We as a government acknowledge that there is a long way to go, but that is an encouraging step. It will also have the strategy of effectively addressing hearing and other health problems we see in indigenous communities, particularly in the education sector. It will also be aimed at increasing access to good pre-school opportunities, at securing good teachers in areas with the greatest need and at using the most effective teaching methods to improve literacy. We will also use clear measures of success as a basis for accountability for schools and teachers in delivering the strategy.

Senator Carr—How much is going to go in administration?

The PRESIDENT—Senator Carr, you know that this is not the appropriate time to be shouting like that.

Senator ELLISON—This national strategy will be aimed across the board, involving both pre-school and school sectors. It will involve funding of some $27 million and it will target attendance levels, as I have mentioned, which are so crucial. This very important national strategy will be implemented jointly with the states, territories and—importantly—indigenous communities. I am pleased to say that we have as ambassadors for this program Jimmy Little, Cliff Lyons and Eric Wynne, all important Australians well known in their respective areas and they will be helping in the implementation of this very important national strategy. The Howard government has a strong commitment to practical measures that benefit indigenous Australians and it has a keen interest in seeing tangible results and real outcomes, rather than rhetoric. Reconciliation will only happen when all Australians work together with mutual respect in their communities. This strategy focuses on providing communities with the opportunity to make a difference in the lives of the coming generation of indigenous Australians. By the provision of opportunity in relation to education, which will enable further advantages later in life, we will achieve the goals that we are setting out to achieve. I commend the national strategy to the Senate and I would ask the opposition to lend its support to it.

Aboriginals: Stolen Generation

Senator FAULKNER (2.10 p.m.)—My question is directed to the Minister for Aboriginal Affairs, Senator Herron. In the government's submission to the Senate inquiry, the minister states:

Emotional reaction to the heart-wrenching stories is understandable, but it is impossible to evaluate, by contemporary standards, decisions that were taken in the past.

Minister, if we cannot apply contemporary standards, what standards should we apply?
Isn’t the measure of civilisation’s progress that higher standards are set and that the only way of assessing current policy is by way of current standards of behaviour?

**Senator HERRON**—I think Senator Faulkner is confusing the two issues. The response that I provided to the Senate standing committee was an evaluation of events that occurred in the past—no question about that. I have said quite correctly in that response that we cannot put ourselves into the minds of those people that carried out those practices in the past. Certainly, by contemporary standards we would not countenance anything like that occurring today. I think it is important that we do not forget the past and that we learn from the past so that we do not allow such circumstances and policies to happen in our community again. So I think that is what the disparity in Senator Faulkner’s question was: he was projecting past episodes and past responses onto contemporary standards. Today we would not accept those practices whatsoever but it is a reality that they did occur in the past. We cannot deny that, we have to accept that it occurred and we have to make reparations for that. That is what we are doing: we are spending $2.2 billion.

I could ask in a rhetorical sense: what did the Labor Party do about this, in the 13 years that they were in government, to address the disadvantage? We are spending $2.2 billion, a record amount, to address the disadvantage suffered in health, housing, education and employment. We are addressing it in relation to the Human Rights and Equal Opportunity Commission report and specifically those matters that I mentioned previously. So I would draw Senator Faulkner back to the reality of the situation: we recognise the injustices of the past. We do not condone them and we do not support them, but they did occur in the past and we are, in our time, trying to do something about the disadvantage that was suffered by the people who were separated from their families.

**Senator FAULKNER**—Madam President, I ask a supplementary question. My question went to asking the minister about what he himself says in the report, that it is impossible to evaluate, by contemporary standards, decisions that were taken in the past. I asked: if we cannot apply contemporary standards, what standards should we apply? Perhaps the minister might tell us—in fact he might admit—that the government’s semantics and desperate spin on the stolen generation has much more to do with potential claims for compensation than it has with rectifying the mistakes of the past.

**Senator HERRON**—Of course we can apply contemporary standards to things that are occurring today. Of course we do. It would be silly if we did not. On the other hand, how do we know what was in the minds of those who conducted these policies in the past? We are not in that era. I think it is important that we do correct those things that have occurred to the disadvantaged. They are heart wrenching stories. I read again the Human Rights and Equal Opportunity Commission report where 535 people put in oral and written submissions, and that was the whole report. The stories were heart wrenching; there is no doubt about that. But, again, that was a past era which we are not in.

**Tax Reform: Families**

**Senator WATSON** (2.15 p.m.)—My question is directed to Senator Kemp, the Assistant Treasurer. Will the minister outline the benefits to Australian families that will flow from the reform of the taxation system? Is the minister aware of any threats to the $12 billion of income tax cuts promised to Australian workers as part of the reform process?

**Senator KEMP**—Thank you to my colleague Senator Watson for that very important question. The Howard government over the past four years has presided over an economy which has been marked—I do not think anyone would dispute this—by low inflation, falling unemployment, increasing real wages, low interest rates and in particular strong growth of the economy. It is a great record, and this has been a tremendous outcome for Australian families. However, the Howard government recognises that there is more work to be done, and that is why we are committed to reforms, and in particular, in the context of the current question, taxation reforms. One of the very good news stories this year is that these reforms will be flowing through to Australian families. On 1 July
Australian families will receive arguably the largest tax cut in Australian history. These tax cuts are worth around $12 billion a year, as mentioned by my colleague Senator Watson. From 1 July, 80 per cent of Australian families will have a marginal tax rate of 30 per cent or less. To put this in a context which I think the average family can relate to, many families will be receiving tax cuts and gaining in the order of $40 to $50 per week. These tax cuts will significantly increase the standard of living of Australian families and I believe will be widely welcomed throughout the community. Of course, we are giving a substantial rise in pensions as well: a four per cent increase in pensions and benefits which will come into effect on the same day. It is very good news.

The combination of rising employment, income tax cuts and substantial increases in pensions and benefits is great news for Australian families. Senator Watson did ask me about alternative proposals, and I am aware that there are some alternative proposals for changes to the Australian taxation system.

Opposition senators interjecting—

Senator KEMP—The members opposite are, as usual, calling out and showing their appalling bad manners. Gary Gray, the outgoing Labor Party secretary, has perhaps given them some useful pointers. He has pointed out that the GST will not become the make or break issue at the next election but that the major challenge for the Labor Party is to develop positives. After all these years on the opposition benches, one thing the Labor Party have failed to do is develop positives. The Labor Party now—and I have welcomed this—have adopted the GST as part of their platform. They have indicated that they will not be seeking to change the GST. They flagged some issues on a roll-back, but essentially the Labor Party have adopted the GST, which would have come as a bit of a surprise to some of the senators in this chamber who wasted all that time opposing the GST. The thing which I think is causing major confusion for Australian families is the Labor Party’s refusal to rule out removing the tax cuts that we will be delivering to Australian families on 1 July. The Labor Party has been asked time and time again, Mr Beazley and the shadow Treasurer have been asked time and time again, to give a guarantee that the tax cuts will continue, and they have failed to do it. (Time expired)

DISTINGUISHED VISITORS

The PRESIDENT—Order! I draw the attention of honourable senators to the presence in the gallery of the Chief Minister of Norfolk Island, the Hon. Ron Nobbs. On behalf of senators, I welcome you on your visit to the national capital.

Honourable senators—Hear, hear!

QUESTIONS WITHOUT NOTICE

Aboriginals: Stolen Generation

Senator FAULKNER (2.19 p.m.)—My question is directed to Senator Herron, the Minister for Aboriginal and Torres Strait Islander Affairs. I ask my question in relation to the minister’s submission to the Senate Legal and Constitutional References Committee. Is the minister now making plain in his submission what everyone suspected was the case all along: that the lack of an apology on the part of the Commonwealth was first and foremost a poll-driven decision? Minister, why slavishly quote the Reconciliation Council’s polling rather than just get on with the recommended response, driven by basic decency and justice—that is, an apology on the floor of the House of Representatives made by Mr Howard to the stolen generation?

Senator HERRON—Senator Faulkner does no justice for the people who were forcibly separated from their families by a question of that nature. The government’s position has not changed in three years—

Senator Robert Ray—you put the polls in your submission.

Senator HERRON—And now to allege, as Senator Ray does, among others, that we are driven by the polls flies in the face of fact. The government response has not changed. We produced our response to the Human Rights and Equal Opportunity Commission report three years ago. To now play politics with it I think is demeaning for the Labor Party. I think it is demeaning for those that they should represent because it demeans the issue. We do not deny the issue. To then
allege that now in some way or fashion we are responding to polls that were conducted by another agency is absurd.

We produced our response; we produced a $63 million package in response to the Human Rights and Equal Opportunity Commission report. I am happy to quote from it. For example, it says that the Human Rights and Equal Opportunity Commission report denies the concept of the percentages. It says that between 70 per cent and 90 per cent of Aboriginal children were never affected by the practice of the policy of separation. That was in their report. I have produced nothing more than a response to that report, as I was required to do by the Senate Legal and Constitutional References Committee. They are the facts. The facts fall as they will; it is up to people to interpret them as they see fit. I am happy to make that report, or that submission, available, and I am sure that the Legal and Constitutional References Committee will take it through to fruition. The Labor Party obviously have a closed mind on this aspect and are poll-driven—why else would they bring up this matter? They think there is something in it for them. I think the issue is far too important for that. It is the most extraordinary blemish on our past history, an appalling blemish on our history, and we have to correct it. But it is not our place to take responsibility for the past actions of people who thought they were acting in the best interests of the children concerned. The actions were legal at the time. Involved, above all, were the churches, which took a major part in this. To say that their actions were intended in any way other than benignly flies in the face of history in that regard. I do not say at all that this response is in any way different to the attitude that the government took three years ago when the report was brought down.

Senator Faulkner—Madam President, I ask a supplementary question. The reason I asked my question was that, in the minister’s submission to the committee, he quotes slavishly the Reconciliation Council’s polling. My question is: why do you quote the polling and not get on with the recommended response, which is to apologise to the stolen generation? What hope is there of reconciliation if it is determined solely by quantitative polling? If you do not know that the polling is in your own submission, can I now ask you: did you read it before you signed it off?

Senator Ian Macdonald—I rise on a point of order. Madam President, could you direct the Leader of the Opposition in the Senate to the standing orders which require that he ask questions through you and not directly to the minister? He has been doing it all morning and we have let him go, but I think you should direct him to that particular issue.

The President—There is no point of order, and I am sure all senators know that all statements and questions should be directed through the chair.

Senator Faulkner—Given the minister does not appear to know what is in his own submission, can he now assure the Senate that he read the submission before he signed it off and submitted it to the Senate Legal and Constitutional References Committee?

Senator Herron—Senator Faulkner gets nowhere with his usual aggressive, vituperative response. I am happy to answer questions, but I will answer them as I see fit and I will answer them correctly. I certainly did read the report; I amended it in some respects. I stand by it. The reason that it is so detailed is that I think the Australian public needs to know the truth, and the truth is in my submission which has been put forward to the Senate Legal and Constitutional References Committee. I am happy to stand by it. I certainly read it in detail, and I am comfortable with the report as it stands.

Aboriginals: Stolen Generation

Senator Lees (2.26 p.m.)—My question is to Senator Herron, the Minister for Aboriginal and Torres Strait Islander Affairs. Over the last few days and in the submission the minister has contested the use of the term ‘stolen generation’, and I ask him: will he acknowledge that this is not a numbers issue? It is not about economics and it is not about how many children were taken away. Rather, this is an issue about human rights. It is a moral issue. It is one about people. It in-
volves a compassionate response, and hopefully a just response, so specifically I ask the minister: will he acknowledge that Aboriginal children were stolen from their families for many generations?

Senator HERRON—I thank Senator Lees for the question because it is a much more important question than those asked by the opposition on the other side. Yes, it is something of the heart; it is something of the emotions. It is something that we must do something about in that sense. We must be compassionate towards the people who were affected by it. There is no question of that. We have never tried to change it in any way. It is certainly partly about economics, because we have to redress the enormous disadvantages suffered by people today. Senator Lees knows as well as I do the difficulties of lack of education, lack of opportunity, lack of employment, lack of housing and the racism that exists in our community—they are enormously important things and, as a nation, we have to address them. We have to address reconciliation. Of course that is so. I support all the sentiments that Senator Lees has put forward in her question because they are the crux of it. It is not just about money; it is not just about—as some people have said—compensation. It is not about those things. It is about getting through to the hearts and minds of people the terrible effects it has had on the Aboriginal people of this nation. In my four years in this position, I have gone around to many communities and I have seen their situation with my own eyes. I have not seen an opposition spokesman in remote communities in the last four years—not ever. I spent last week—

Senator McLucas—What about Aurukun?

Senator HERRON—Senator McLucas saw me in Cairns—that is true. I do not consider that to be a remote community.

Senator McLucas—Aurukun.

Senator HERRON—that is true. That is one, but there are about 700 in this country. We are redressing all the disadvantages, and it will take us a long time. We had 13 years of Labor to address all these problems, and what did we see?

Government senators—Nothing!

Senator HERRON—We are addressing the problems, and they are things of the heart. There is no question about that—I accept that. They are questions of the heart, they are questions of the mind and they are questions of reconciliation—but a response has to be practical. Symbolism will not achieve much if you want a roof over your head, if you want a job, if you want money in your pocket or if you want an education. As I go around communities, that is what I hear. They say, ‘We want economic independence. We want the opportunity to get a job. We want to control our own destinies. We want our own employment.’

Senator Chris Evans—What about all the stolen generations who have asked for an apology?

Senator HERRON—Madam President, Senator Evans has asked a question. I do not hear that, Senator Evans. I would ask you to go around the communities. I have asked the media to come around with me. In four years, three of the Canberra media have come with me when I have gone around these communities.

Senator Chris Evans—Are you saying that none of the stolen generation have asked for an apology?

The PRESIDENT—Senator Evans, you are behaving in a disorderly fashion.

Senator HERRON—I accept the concept that Senator Lees has put forward. It is a matter of all those things. But in addition to that, it has to be practical. It has to produce a response to overcome those disadvantages which have occurred in the past and that is what we are doing. We are doing it in relation to health, education, housing and employment so that we will not ever see this again and ultimately we will have the wonderful situation where we accept each other’s cultures—Aboriginal and non-Aboriginal—with equality. That is what the bottom line is about. It is not about scoring political points—that is what seems to occur on the other side. We are not interested in that. We are interested in practical outcomes for the disadvantaged Aboriginal people of this nation.
Senator LEES—Madam President, I ask a supplementary question. I thank the minister for some of his response—for the acknowledgment that this is a matter which goes to the heart of what Australia is in terms of our treatment of the original Australians. If the government has this understanding, then why are we having the government’s response going back to practicalities? Why can’t we have an apology and an acknowledgment that the term ‘stolen generation’ reflects what we had? Generation after generation, on and on, Aboriginal children were stolen from their families.

Senator HERRON—As I have said, the Human Rights and Equal Opportunity Commission report said that between 70 and 90 per cent of Aboriginal children were never affected by the practice or policy of separation. We have stated our position in relation to an overall apology. We have said quite clearly that it was an action of people in the past which was lawful and regarded as appropriate at the time, benign in intent, that the churches formulated their activities in relation to that and we cannot put ourselves back in the past.

Goods and Services Tax: Private Binding Rulings

Senator SHERRY (2.32 p.m.)—My question is to the Assistant Treasurer, Senator Kemp. Given the statement by the Commissioner of Taxation that the ATO would not be bound by illegal private binding rulings, can the minister inform the Senate how many private binding rulings are now at risk, excluding those that form the basis of the Petroulias case?

Senator KEMP—I thank Senator Sherry for the question. He is referring to matters for investigation which are before the court. Of course, I will be particularly cautious in my response. Senator Sherry has asked for some specific statistics. I will inquire to see whether I can obtain those for Senator Sherry. In relation to Senator Sherry’s question, it is probably worth mentioning that the Commissioner of Taxation did put out a press statement which dealt with taxpayer concerns about possible illegal rulings. It may be of assistance to the Senate and to Senator Sherry if I draw that to his attention. The commissioner said:

Following weekend media reports, concerns have been raised about the effect of private binding rulings and advanced opinions that may have been given illegally.

It is too early to make definitive statements about particular matters raised. As reported, charges have been laid and these matters need to take their course. Every circumstance will need to be looked at individually and judged by reference to its own facts.

An unlawful ruling is not binding on the ATO. It is possible, however, that individual investors have unwittingly been caught up in illegal activities of others. This is a factor which will obviously be taken into account by the ATO.

This is consistent with ATO draft guidelines for the settlement of mass-marketed aggressive tax planning schemes.

Then the taxation commissioner indicated that, if there are any questions that people may have, they could contact the Taxation Office. That deals with the general background to Senator Sherry’s question. Senator Sherry was seeking a number of specific statistics. I will seek to obtain those from the ATO.

Senator SHERRY—Madam President, I ask a supplementary question. I was careful in the question to exclude the search for information in regard to the Petroulias case. The minister has quoted from a press release of the tax commissioner. The tax commissioner has also stated that potentially thousands of private binding rulings are now at risk of not being binding on the ATO. On what basis did the tax commissioner make that statement?

Senator KEMP—I have quoted a statement that the tax commissioner has made. I will check whether he wishes to add any further points to that press statement. I also make a point that was not apparent in the first part of the question. One can predict the way the Labor Party is heading on this matter. It is clear that the Labor Party was attacked on the weekend, quite rightly, for its attempt to cause fear and great concern amongst people. To the extent that Senator Sherry has asked a question which requires an answer, I will seek that answer from the tax commissioner and provide it to him.
Welfare Reform: Families

Senator HARRADINE (2.36 p.m.)—My question is addressed to the Minister for Family and Community Services, Senator Newman. In an article in last week's Weekend Australian entitled ‘Family decline and the welfare trap’ Dennis Shanahan refers to the interim report of the reference group on welfare reform and the problem of welfare dependency highlighted in that report. He notes that, ‘Families living in poverty, families dependent on welfare, families where parents have no work and families where both parents are forced to work have a destructive effect on the quality of children’s lives and their educational and employment opportunities.’ Is it a fact that the body of the interim report does not address the problems associated with family decline through stress of unemployment? Was this due to the narrowness of the terms of reference and what does the government intend to do about addressing this underlying cause of welfare dependency among those persons?

Senator NEWMAN—I thank Senator Harradine for his question. I notice and I appreciate the fact that in his article on Saturday Dennis Shanahan does acknowledge that I have been a strong advocate of strengthening families as part of strengthening communities and that the Prime Minister has always supported the family unit, especially as part of the social coalition. He acknowledges in his article that the terms of reference did not include directly the stress of unemployment. Was this due to the narrowness of the terms of reference and what does the government intend to do about addressing this underlying cause of welfare dependency among those persons?

Senator NEWMAN—I thank Senator Harradine for his question. I notice and I appreciate the fact that in his article on Saturday Dennis Shanahan does acknowledge that I have been a strong advocate of strengthening families as part of strengthening communities and that the Prime Minister has always supported the family unit, especially as part of the social coalition. He acknowledges in his article that the terms of reference did not include directly the stress of unemployment. Was this due to the narrowness of the terms of reference and what does the government intend to do about addressing this underlying cause of welfare dependency among those persons?

Secondly, that economic management has meant that families are averaging about $300 a month less in terms of commitments to their mortgages than was the case when we came into government. It is the second very significant thing to reduce the financial stress on Australia’s families. Above all else, I think those must be given strong recognition as having helped Australia’s families. Nevertheless, as Mr Shanahan refers to in his article, there has been an increasing number of families that have broken up—the parents have broken up and gone their separate ways. So many social ills come to those families as a consequence, in one form or another, of that break-up.

This government is very strongly trying to prevent the break-up of marriages. Senator Harradine would know that there are pilot programs already in place in Perth, in Western Australia, and in Launceston, in Tasmania, to try and encourage couples who are in love and are planning to marry to undergo premarriage education so they learn skills of communication, they learn the pitfalls of marriage and they learn what they can do to avoid those pitfalls. I am not claiming that we yet have any outcomes to produce from those pilots, Madam President—

Senator Robert Ray—No, because they have been a big flop.

Senator NEWMAN—Despite the noise of senators opposite, I would point out that there was a glimmer of hope for Australia in this last year when there was a small decrease in the number of divorces and a small increase in the number of marriages. If the whole country is prepared to work together to support couples who get into trouble in their marriages and to help them avoid a final split so that they do stay together, we will have many more families that are not living in poverty, because the break-up of parents is one of the greatest causes of poverty amongst children. Surely this entire nation would be well advised and would be concerned to work to support couples who are married or who are living together—at the very least to maintain the strength of their relationship for the sake of themselves and also for the sake of their children. I think that is easily overlooked. There were sniggers opposite while I was giving that answer, but, seriously, it is extremely important for Australians.

The next issue I would draw to the Senate’s attention is the fact that, come 1 July, taxation reform and the reform to payments for families in the social security system
mean that many more families will have more in their pockets with which to support themselves and their children. In addition, they will have more incentive to take up what work is available. *(Time expired)*

**Goods and Services Tax: Private Binding Rulings**

Senator CONROY (2.41 p.m.)—Madam President, my question is to Senator Kemp, the Assistant Treasurer. Given that the taxation commissioner, and now the minister, has stated that potentially thousands of rulings are now under threat, and given that the Australian Taxation Office has issued thousands of private binding rulings in respect of the GST, can the minister assure the Senate that no GST private binding rulings fall within the category of being under threat, illegal and therefore not binding on the commissioner?

Senator KEMP—Senator Conroy got it wrong, of course. I did not say that thousands were under threat; that was a statement that was made by Senator Sherry. Madam President, I said that I would check with the commissioner to see whether there are any further points that he wishes to make to Senator Sherry’s comment. Obviously it has to be determined as to which of the rulings fall into this particular category. I will check with the commissioner. I am not sure, Senator, at this stage—

Senator Conroy—What about the GST rulings?

Senator KEMP—I said that, as to whether there were any rulings that were of the nature that were referred to by Senator Conroy, I would check with the commissioner and see whether he was able to add anything further to answer Senator Conroy’s question. That is what I propose to do.

Senator CONROY—Madam President, I ask a supplementary question. Will the review of the private binding ruling system, which the tax commissioner has announced, include the issuing of advance opinions, given that advance opinions are issued in virtually the same manner as PBRs? Can the minister guarantee that no advance opinions are under threat in the same way that potentially thousands of PBRs are now under threat?

Senator KEMP—Madam President, what we are seeing now is Senator Conroy trying to jump to particular conclusions. I think it would be very wise for you to wait, Senator Conroy, until we can get some information from the tax commissioner on that particular matter. What we are seeing is that the tax office had to deal with what appeared to be a potential fraud and, of course, what we have seen is appropriate action and investigations being taken. I think we would be far better off to let those investigations take their course than to indulge in what are, somewhat, scare tactics, which are pretty typical of the Labor Party.

**Rural and Regional Australia: Telecommunications**

Senator McGAURAN (2.44 p.m.)—Madam President, my question is to the Minister for Communications, Information Technology and the Arts, Senator Alston. Minister, there has been concern expressed in the media over recent weeks about the quality of telecommunications services in rural areas. Did the report released last week by the Australian Communications Authority show any progress being made in this area? Is the minister aware of alternative policy approaches and what would be their impact?

Senator ALSTON—The statistics released by the Australian Communications Authority last Friday were very encouraging because they showed a substantial improvement over the previous quarter and, indeed, almost nationally across the board there were some very improving signs. They were so good that when I watched the ABC television news on Friday, there was no mention of the story. So it was obviously good news. The statistics show that, year on year, out of 11 metrics for new connections and fault repairs, 10 were positive and one remained the same. If we look at it even quarter on quarter—over the preceding September quarter—nine increased and, of the other two, one went from 88 to 86 and the other went from 99 to 98. One has to say that this was a very good performance. Compared to the preceding quarter, some of those numbers are very impressive indeed.

So what assessment was made back in December of the progress Telstra, in particular,
was making at that time? The shadow minister put out a press release welcoming the first sign of progress in Telstra addressing declining service levels in rural and regional Australia. He said that reported improvements in service levels and new connections were a welcome change from the ongoing reports of declining service levels and that they indicate Telstra is beginning to address systematic problems that create service delays. In other words, back in December last, Mr Smith gave Telstra a very significant tick. He said that they were making progress; he welcomed the first signs of progress; and he said that reported improvements were a welcome change. In other words, it was all good news. Why? Because it was not a big issue at that time, and he thought he could curry favour with Telstra by saying something nice.

What did he do in the face of virtually across-the-board improvement when those figures came out last Friday? He put out a press release which singled out five metrics for special mention. These run to the heading of very poor service levels and all sorts of complaints that he now has to make. One of those five categories, 'Connection of new services in urban areas without infrastructure', had gone up 11 points over that quarter—up to 83 per cent; 'Connection of new services in major rural areas without infrastructure'—up two points; 'Fault clearances—urban areas' up two points; 'Fault clearances—rural areas' up two points; and 'Fault clearances—remote areas' up two points.

In other words, the best Mr Smith could do was to single out five areas, all of which had improved since the December quarter when he was out there saying that Telstra was making improvements. If nothing else demonstrates the utter hypocrisy and sheer opportunism of the Labor Party on this issue, it has to be that performance of the shadow minister. Obviously, he learnt at the feet of the master, Mr Keating, because his press release now is littered with phrases that he hopes the media will pick up. If you tell the big lie often enough, you hope it gets a run. We all know who invented that technique. This is the guy who said he was going to walk away from politics and not say much. The way he has been carrying on, one suspects he is lining up for Throsby. We hope that he does; we would very much like to see him back here. But it is very sad that his acolytes seem to think that those sorts of tactics somehow impress people, because they do not. They simply expose the fact that Labor does not have a policy approach on this issue. In fact, for 13 years the policy of the Labor Party, in contrast to our customer service guarantee, was: 'If you don’t like it, lump it. If you’ve got a complaint, you ring up Telstra, you make an appointment and you hope they turn up. If they don’t, too bad.’ That is a tragic indictment.

Petroleum Industry: Prices

Senator QUIRKE (2.48 p.m.)—My question is to Senator Minchin, the Minister for Industry, Science and Resources. Does the minister recall telling the Senate that the bill proposed by the shadow minister for small business, the Better Prices and Fairer Access for All (Petroleum) Bill 1999, was a ‘dumb idea’? Is the minister aware that the Chairman of the ACCC, Professor Alan Fels, told the Senate Economic References Committee that the member for Hunter’s bill ‘has merit’. Just who is wrong on this proposal for competition to keep petrol prices down—the chair of the ACCC or the minister himself?

Senator MINCHIN—I am not going to be invited into a public slanging match with the good Professor Fels, who is an outstanding public servant and does an exceptional job as head of the ACCC. I did notice some of the remarks he made. I have not read them in full, but I will do so as prompted by Senator Quirke. I do not resile from my view that what has been proposed by others in relation to this matter in their opposition to our sensible proposals for reforming petrol retailing in this country could and probably would amount to the most extraordinary tearing up of franchise agreements that we have ever seen. I think it is an inadequate and unsatisfactory proposal. It is a stalling tactic to divert attention from the fact that the opposition parties refuse to cooperate in what is a sensible reform of petrol retailing in this country. But I will read more carefully what Professor Fels said.
Senator QUIRKE—Madam President, I ask a supplementary question. Given that the minister has been an abject failure on fuel policy issues within his portfolio, including changes to oil—

Senator Alston—Madam President, I raise a point of order. Could this be a substitute for a sensible question? Surely you cannot allow that.

The PRESIDENT—There is no point of order.

Senator QUIRKE—Why won’t the minister take up the constructive policy ideas which get a tick from the competition watchdog?

Senator MINCHIN—I know Senator Quirke normally spends his time abusing people on his own side like Senator Schacht, who is trying to get preselection, given that Senator Quirke wants to try to stop that. But I will ignore that petty abuse and simply note that I think it is a gross overstatement of what Professor Fels said to assert that that is an endorsement of this opposition policy. What is proposed is a complete tearing up of franchise agreements in this country—something we will not tolerate.

Aboriginals: Stolen Generation

Senator RIDGEWAY (2.52 p.m.)—My question is to the Minister for Aboriginal and Torres Strait Islander Affairs, Senator Herron. Minister, back in 1997, on the release of the Bringing them home report, you had the following words to say:

We know that we must never forget the past, that we must learn from the past, so that we never again allow such things to happen in our community again.

We know too that we must try to make amends for the past ... so that we may move together to a more positive, more harmonious, and fairer future, in the true spirit of reconciliation.

Minister, is it not true that the Bringing them home report looked into the question of just how many indigenous people were ‘stolen’ and came up with varying figures ranging from one in three in Bourke in New South Wales to almost one in two on a national scale? What information supports the figure of one in ten indigenous people being affected?

Senator HERRON—I thank Senator Ridgeway for the question. I did say that and I repeated much the same sentiments again today in response to the question from Senator Lees. I think it is important that we get on with the future. We acknowledge the past. We cannot change it though. We accept the injustices that occurred. We live in the present and we do the best we can so that future generations will learn from those past errors. I repeat the comments today that I made three years ago. I recall saying those very words.

Nobody knows what the exact figure is—that is the point that I brought out in the report—and it does vary. I have checked the Australian Bureau of Statistics’ survey and the figure varies enormously. I think the worst figure was in the Pilbara. Surprisingly, to my way of thinking, it was three per cent or less in Central Australia. The figure varies in different parts of the country where this practice occurred. It was as much as 22 per cent in the Pilbara. It varies among states and territories. Again, I was surprised that it was highest in South Australia, in Adelaide. So it varies all around the country in that era. So that is why I say it is very difficult. The 10 per cent figure came from an Australian Bureau of Statistics’ survey of 5,000 people in 1994 and has been published. The figures that I have just given came from that ABS survey.

The Human Rights and Equal Opportunity Commission report questioned 535 indigenous people either orally or with written submissions and it was a report presented from those 535. I accept that report, but the figures were enormously variable. I read the report again over the weekend and I do not think they brought up the Australian Bureau of Statistics’ survey, which was the most recent one, in 1994 where they had the three per cent figure and the 22 per cent figure in the Pilbara and Kimberley. It varied across the country. As best I could, for the benefit of the Senate legal and constitutional affairs committee, I produced a submission to that committee which has brought everything together so that it can evaluate this. I am happy to be questioned on it. I can substantiate everything in that report. I did go over it very carefully. We put the facts before the Austra-
lian public so the Australian public can evaluate that response. I think that is their entitlement. My fellow Queenslanders have put me here. I have a responsibility to the government and to the nation to produce a factual report so that we who are living today can evaluate what occurred in the past and never make those errors in the future.

Senator RIDGEWAY—Madam President, I ask a supplementary question. I thank the minister for his answer. Given the Prime Minister’s commitment to reconciliation, will the minister consider amending the submission that has been put before the Senate Legal and Constitutional References Committee—and I acknowledge the fact that he says that no-one knows what the figures are? Will the minister also acknowledge that Aboriginal children were stolen from their families for many generations?

Senator HERRON—The practice, as a policy, of separating children from their families came in in 1913. It was not practised across the board. It varied from state to state and was implemented in various ways. I certainly acknowledge that people were separated from their families. The reality is that it is occurring today. Whether they be Aboriginal or non-Aboriginal, children are being separated from their families today under the criteria that we are using today. That is also in the submission that I have put to the Senate legal and constitutional affairs committee. Those are the facts. We can debate the interpretation that is put on the facts. I have tabled the facts for the Senate legal and constitutional affairs committee and for the Australian public. (Time expired)

Car Industry: Mergers

Senator SCHACHT (2.56 p.m.)—My question is to Senator Minchin, the Minister for Industry, Science and Resources. Can the minister confirm that he recently met with representatives from Daimler Chrysler to discuss their merger with Mitsubishi? Did the minister seek guarantees from Daimler Chrysler to retain Mitsubishi’s Adelaide operations and maintain job levels in these operations? Did the minister receive any guarantees from Daimler Chrysler?

Senator MINCHIN—I thank Senator Schacht for his question. I acknowledge that he is speaking as a South Australian who, like me, shares a keen interest in ensuring that the Mitsubishi operation is maintained in Adelaide. I did meet with an executive vice-president of Daimler Chrysler in Stuttgart about two weeks ago. That was, of course, before any decision had been announced or made about any alliance with Mitsubishi. Obviously my visit was in pursuit of seeking to ensure that Daimler Chrysler, in considering their options with regard to Mitsubishi, were aware of the federal government’s strong support for the Australian automotive manufacturing industry, our enthusiasm for doing whatever was sensible to ensure the continued operations of Mitsubishi in South Australia and our regard for their products and their work force.

I pointed out to Daimler Chrysler the significant support which the government is showing for the automotive industry, through the freezing of tariffs for the next five years at a level of 15 per cent, and the development and implementation of the investment incentive scheme which will provide some $2 billion to the automotive industry over the next five years as incentives for investment and research and development. I also made the point that other companies which had ceased manufacturing in this country had suffered a significant market share decline and that I would have thought it was in Mitsubishi’s very significant interests to maintain its operations in Adelaide from that point of view alone. I believe we are doing whatever we possibly can to seek to ensure that, under the new alliance with Daimler Chrysler, the Mitsubishi operation does continue in South Australia.

Senator SCHACHT—Madam President, I ask a supplementary question. Minister, you acknowledge that you saw Daimler Chrysler before the official announcement that they had taken a 34 per cent controlling interest in Mitsubishi. Since that has now become public and there has been some press speculation about announcements by the chief executive of Daimler Chrysler, have you got any ideas or plans to follow up discussions with
Daimler Chrysler now that they are the controlling interest in Mitsubishi?

Senator MINCHIN—I have had correspondence with the head of Mitsubishi. It was reaffirmed that, as a result of the statement—which, if you read it carefully, does acknowledge this—Mitsubishi will remain autonomous and will continue to run its own show, albeit Daimler and Chrysler will have votes on the board. They have made the point and repeated it that Mitsubishi in South Australia is undergoing a restructuring operation to ensure that it reaches world’s best practice. The commitments made by Mitsubishi over recent times, I believe, will continue and are based on the government’s very strong support for automotive manufacturing in this country.

Senator Hill—Madam President, I ask that further questions be placed on the Notice Paper.

ANSWERS TO QUESTIONS WITHOUT NOTICE

Aboriginals: Stolen Generation

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate) (3.01 p.m.)—I move:

That the Senate take note of the answers given by the Minister for Aboriginal and Torres Strait Islander Affairs (Senator Herron) to questions without notice asked today, relating to Aboriginal reconciliation and the stolen generation.

We have seen again that Senator Herron and the government are in a state of denial about dealing with Australia’s past—in particular about dealing with reconciliation with indigenous Australians. The record of the government is quite extraordinary. Take the government’s actions since it was re-elected in 1998 when John Howard made a statement on election night that he was going to ‘commit himself’—his words—very genuinely to the cause of true reconciliation with the Aboriginal people of Australia by the Centenary of Federation. That was the promise made to the Australian people at that time.

Senator Crossin—It was a non-core promise.

Senator FAULKNER—It was a non-core promise, Senator, but look at what has occurred just over recent weeks to the promise to genuinely assist with the cause of reconciliation: the record—that goal has been abandoned by the government. There has been a refusal to act on mandatory sentencing; we have had the government spit the dummy in relation to its responsibilities in the international community and its obligations with international human rights committees; and, of course, it has now denied the existence of the stolen generation. And what could Senator Herron as Minister for Aboriginal and Torres Strait Islander Affairs say about that issue—the stolen generation—in question time today? He could not answer a question directed to him about why he is so offended by the use of the terminology ‘stolen generation’. He could not answer a question when asked what percentage of separation would be necessary before the use of the term ‘stolen generation’ would be acceptable. He did not even try to provide an answer to the Senate. He could not explain to the Senate in question time today why an apology to the stolen generation is in order. He did not realise that, in his own submission to the Senate Legal and Constitutional References Committee in response to recommendation 5, at great length there is an explanation in relation to a government apology about research—quantitative and qualitative polling. He did not know that was contained in his own controversial submission that went to the Senate committee. Probably Senator Herron has not read the report that he signed off. There is no other possible explanation for him not knowing that polling was reported in response to recommendation 5 of the stolen generation report. There is no other possible explanation for the minister’s total and abject ignorance on this particular issue.

There are different views in the Liberal Party on this, as we know. Even Premier Court from Western Australia and some members of the Liberal Party in the Commonwealth parliament have acknowledged the existence of the stolen generation. But of course this minister, when held to account in this chamber, cannot answer serious questions about the submission that he signed off on into the Senate’s inquiry into the stolen generation. The submission is a whitewash. Senator Herron is just trying see if he can slide through the latest debacle that he has
been responsible for. He does not seem to realise that in denying the existence of the stolen generation he is trivialising the pain and suffering of thousands of Australians and their families—people who were brutally disturbed by the racist policies of previous generations. *(Time expired)*

**Senator IAN CAMPBELL** *(Western Australia—Parliamentary Secretary to the Minister for Communications, Information Technology and the Arts)* *(3.06 p.m.)*—It is almost amusing to hear the Leader of the Opposition crying out at the top of his voice for someone else to apologise. This is a bloke who never apologised for anything. We are still waiting for the apology for the massive insult that he caused to the Bailleau family by raising the names of a couple of Australians long since deceased. He will not apologise for that. This loudmouth opposite wants us to take him seriously when he asks people to apologise. This is the bloke who, you would know, Madam Deputy President West, better than just about anybody else in this place, will never apologise. He has not apologised to the Bailleaus. He has not apologised to Winston Crane for the disgraceful behaviour towards his family. This bloke really should go and have a look in the mirror, if he can stand the hypocrisy of looking at himself in the eyes.

The other hypocrisy is Labor Party politicians talking about the stolen generation. They need only go back to 1995 and the debate surrounding the Native Title Act in response to the Mabo No. 2 decision and the negotiations surrounding the development of the land fund. We heard basically about the negotiations after they occurred. Mr Keating was the then Prime Minister.

The opposition must love it when Mr Keating comes out and starts giving them advice on how they should run foreign policy or how they should run the economy or how they should run telecommunications policy. He is giving good advice there. He is getting very busy these days in giving policy advice. Quite frankly, we welcome his input, including his contribution to the Timor debate. I am sure he will come out soon on mandatory sentencing and assist us in that regard. In fact, the more we see Mr Beazley on local radio in Perth talking about mandatory sentencing, coming out and talking about Aboriginal dispossession, the better. We need a debate on these things.

But the hypocrisy, when I hear these bleeding heart Labor politicians coming out and talking about the stolen generation after their disgraceful behaviour during the development of the land fund policy! Senator Aden Ridgeway will remember clearly, I hope, how the then opposition including people such as Senator the Hon. Chris Ellison, who was on the land fund committee, worked with the then Senator Christabel Chamarette and Aden Ridgeway, then Chairman of the New South Wales Land Council, for month after month after month to try and ensure that the Australian Labor Party would allow members of the stolen generation to receive assistance from the land fund, to be thwarted at every corner by the Labor Party. The Labor Party worked so hard to ensure that only members of land councils could receive assistance from that fund. An additional $24 million a year was going to invested, after Mr Keating had said, ‘We will have a billion dollar land fund. This’ll solve all the problems for Aboriginal people.’ My colleagues, with the support of Aden Ridgeway, as he was then, and the then Senator Christabel Chamarette, worked for months and months to ensure those people who suffered the most severe disadvantage in relation to access to land were able to be assisted. We sought to get rid of the Uncle Tom notion—the corporatist, socialist, dare I say, communist notion—that only people who were members of Aboriginal corporations could be assisted, not individual Aboriginals. They cannot be an individual under Labor policy. You have to be a corporation. Gareth Evans sat in this place and said, ‘If you are not a corporation, you can’t receive assistance for Aboriginal lands.’ The rank hypocrisy of hearing Labor Party politicians saying they care about this new-found stolen generation! They did not care about the stolen generation in 1995. They did not want to help them with land.

Senator Herron is here helping them with all sorts of assistance—with new programs to assist serious disadvantage which will ensure that all Aboriginals, whether they were
within the stolen generation or dispossessed, taken away from their parents or taken away from their lands, will receive assistance for their disadvantage. To hear members opposite come in here and try and score cheap political shots from the best Aboriginal affairs minister this place has seen is the worst hypocrisy I have seen from this Australian Labor Party. And I have seen a lot lately under this ticklerless, gutless leader called Mr Beazley. 

(Time expired)

Senator CROSSIN (Northern Territory) (3.11 p.m.)—The first of April in the year 2000 will certainly go down in our history books as a day we will remember and not for any significant reason other than that day signals the end of the reconciliation process in this country, which is a sad indictment of this government and a testimony to their lack of commitment to indigenous people in this country. Over a 10-year period, we thought we had a bipartisan approach to reconciliation. In the year 2000, within weeks of the Council for Reconciliation handing down its document for this government to comment on—and one wonders what sort of comments and ridicule that document will now get under this Prime Minister—when we were going to reach a stage of crescendo in reconciliation leading up the Olympics, we have hit an all-time low. This afternoon we have seen a performance by the Minister for Aboriginal and Torres Strait Islander Affairs where he did no less than back-pedal, speak humbly, and try to convey his sincerity about the situation. But he did not fool anybody, let alone indigenous people. We have a paternalistic old man as the Minister for Aboriginal and Torres Strait Islander Affairs who has become irrelevant in terms of the indigenous debate in this country. He said that he had in fact made no comment at all that the stolen generation did not occur. In fact, his submission talks about the fact that a generation of stolen children did not occur. We have a minister now that is just simply playing with words. He wants us to believe that there was never a whole generation of stolen children—a play on words. We are talking about members of Aboriginal families and their relatives or their friends being affected over many years. We need to remember that some of these occurrences happened within this generation. We are not just talking about the past. We are talking about occurrences as late as the 1960s. We are talking about people who are alive today, not those of days gone by. We are talking about people who still have very current, live, painful recollections of what was done under previous governments. The injustices continue today. This afternoon, we have seen the start of the Senate debating the issue of mandatory sentencing and whether or not Bob Brown’s bill should be sent back to the House of Representatives and debated seriously in accordance with our democratic processes. The Senate is in the process of sending back to the House of Representatives a very strong message that this is an injustice this parliament needs to debate in both houses and see through to its end.

The minister continues to play with words when he talks about children being separated as opposed to children being stolen. Those children were stolen. There are many documented stories in the Bringing them home report of children who were literally that: stolen. They were dragged from their families unwillingly, not knowing what was happening and with parents not giving their consent for their children to go. But it is the concept of what people understand as being a ‘stolen generation’. We know that the churches have apologised for their behaviour in years past, but we have yet to hear the federal government of the day apologise. Perhaps it is because they do not understand that these people, these ministers standing here in this chamber, are not personally apologising. No, they were not personally responsible. But it is symbolic that they should do it on behalf of the Australian people, on behalf of the many thousands who have signed petitions and who have signed their names in the stolen generation books. It should be seen as a sign of goodwill and commitment. It should also be seen as a sign of moving forward in our race
relations with indigenous people in this country.

We stooped to an all-time low this weekend when we saw the government’s submission to the stolen generation inquiry, an inquiry they never really wanted, which said that they now believe that this generation never existed. These are policies of the past. The Vietnam War and the way in which Vietnam vets were treated are policies of the past. The way in which children from Britain were put on boats and sent out to Australia during the First and Second World Wars are policies of the past. We were ashamed of them and we acknowledged that. We have moved on, and so should this minister.

Senator TCHEN (Victoria) (3.16 p.m.)—I rise not to speak in defence of the minister’s answers to questions asked of him this afternoon, nor do I seek to speak in defence of his statement to the Senate Legal and Constitutional References Committee inquiry into the stolen generation. I do not make a defence on his behalf because there is no need to make a defence on his behalf. The statement the minister made to the inquiry consists in its totality of considered comments based on a careful assessment of historic facts, the circumstances surrounding these facts, the current and future needs of the indigenous peoples of this country and the practical actions that the government has undertaken and will undertake to meet their needs. The whole aim is to advance the important process of national reconciliation. The mere fact that the minister’s submission to the Senate inquiry has been wrongfully interpreted and wilfully distorted does not make it a necessary object for defence. To do so would only raise the interpretations and distortions directed at it to a status they do not deserve. Therefore, I do not need to defend the minister against what were clearly base and ignorant attacks.

As the minister said in response to Senator Lees’s questions today, this is a matter that goes to the heart. This is a matter of healing. This is a matter of restoring the will and the pride of the Aboriginal people, but more importantly it is a matter of giving these people practical help to enable them to take their equal place in the community. That is the crux of the minister’s submission. The Human Rights and Equal Opportunity Commission made 54 recommendations. The government’s response has focused on the practical issues, which is what a responsible government should focus on—that is, to assist the separated families in the most significant and urgent need that was identified by the commission, which is family reunion.

The opposition senators particularly have chosen to focus on the political point that there should be an apology. If I were knocked down and not out, being apologised to would not help me get on my feet; being apologised to by someone who did not knock me down would actually exacerbate the situation. We must not forget the past; again, as the minister said in response to Senator Ridgeway’s question, we accept the injustice that has occurred, and we must learn from it for the purpose that we must move on from it and not engage continuously and endlessly in what happened in the past. We must not allow ourselves to be mired in history, because if we preoccupy ourselves with semantics, if we preoccupy ourselves with assigning motives to and judging the intent of the actions of people in history who had very different morals and ethical standards according to our standards, we will do exactly that: we will mire ourselves in history, thus preventing ourselves from moving forward.

I would like to draw the attention of the senators opposite to other injustices that perhaps have occurred in this place. The first act this parliament passed in 1901 was the restricted immigration act, which was supported by the then Labor Party, the only party still in existence of those parties that occupied the first parliament. Neither the direct nor the lateral descendants of those Chinese Australians who were excluded by that specific act ever received apologies, nor did we ever seek one, because we do not need one. History has occurred, what has passed is past. We have learned from it and have moved on. Today, we are here, full and contributing members of this community.

Senator McLUCAS (Queensland) (3.21 p.m.)—I also rise to take note of Senator Herron’s comments today about the stolen generation. I must say that I had to ask myself why Senator Herron commented in the way
that he did in the government’s report to the Senate Legal and Constitutional References Committee. In answers to questions today, Senator Herron said that he was simply reporting the facts, providing the Australian community with clear information about the past purposes of separating children from their families. If this is so, if he is just presenting factual information and telling us what really happened, then I find it contradictory for the minister to say in the report that only 10 per cent of children were stolen, and yet today in this place he said that nobody knows the actual figures. Why did he say in the report that 10 per cent of children were stolen—‘only 10 per cent’ were his words—why did he say in the report that 10 per cent of children were stolen? What is the motivation for that sort of confused message to the Australian community? I think the question that was asked of him about the issue of polling goes to the answer to that question.

I think that Senator Herron is misleading the Australian public. He is pushing the issue away from the true sadness and horrific events that occurred in those families and towards today’s reality, today’s polling and the lack of leadership that this government is showing to move the Australian community forward on the issue of reconciliation. More concerning to me than the use of 10 per cent is the use of the word ‘only’ in the Courier-Mail today. Senator Herron is reported as saying that only 10 per cent of children were removed from their families. The pedantry and the wordplay that we have seen over the last weekend have been an indictment of the leadership of this government in dealing with indigenous people. What message is this government sending to those people who suffered by being removed from their families? It is telling those people that the recognition the issue has gained over the last five or six years, through the very difficult and personal process of the inquiry and the subsequent report, Bringing them home, is now being questioned. The evidence that those people gave honestly, openly, fairly and with extreme amounts of personal pain is being questioned by this government. It is saying that indigenous people have to start again to make sure that the Australian community understand the numbers of people who were removed from their families. It is saying to indigenous people that acknowledgment of the truth, which is the first step in reparation of this issue, is something that we have not yet attained. I refer to the report of the inquiry where it says that reparation is the appropriate response to gross violations of human rights. According to international legal principles, reparation has five parts. The first part is acknowledgment of the truth and an apology. I believe that this government’s report to the inquiry does not even acknowledge the truth. They have not even taken the first step in responding to the Bringing them home report, and it is an indictment of this government. The minister does not believe, I understand, that the stolen generation exists. I think there are a lot of Aboriginal people who wish that he did not exist either.

Senator RIDGEWAY (New South Wales) (3.26 p.m.)—I take note of the answer from Senator Herron in relation to the stolen generation issue. This morning I had a conversation with Dr Lowitja O’Donoghue, and she said to me that it matters not whether it was a generation, whether it was 10 per cent or how few; rather, there should never have been any children removed from their families. I think that word ‘only’ tells us most about what this government thinks about the stolen generation. How many children have to be removed before we can remove that word ‘only’? Only one in 10 children, in my mind, is an appalling level of pain and suffering that this government is prepared, it would seem, to accommodate. Maybe only five per cent would be reasonable. I would suggest that none is a reasonable number, and the word ‘only’ is the most offensive and sad word that I have seen used in this context in this whole debate.

The other sad revelation over the weekend was that there was never a generation of stolen children. The pedantry and the wordplay that we have seen over the last weekend have
I do not believe the minister answered my question today in a satisfactory way. Over the weekend he said that only 10 per cent of indigenous Australians were wrongly taken from their parents and ‘there never was a generation of stolen children’. If that is the case, why has the government gone to lengths to ensure that there is an allocation of $63 million towards the implementation of the Bringing them home report, and why is a further $6 million being spent defending one of the stolen generation cases in Darwin? How is it possible for the minister to stand up and refute what he said or not give substance to the fact that there was a stolen generation? It matters not the numbers that we talk about; it matters that there are human emotions and feelings involved. It needs to be said that some in this place seem to acknowledge that hurt and others do nothing at all. Even Richard Court agrees that there was a stolen generation, and people on the conservative side of this House ought to take notice of what is being said.

It is not a question of compensation, liability or the case that is being dealt with in the courts. It is a question of a human response, not a political one. I am saddened by the fact that so many people in this place have retreated to trying to point the finger of blame at the many things that were done wrongly in the past for indigenous people. It really comes to a question of responding to the issue that has been put on the table. Everyone can respond with an open heart and that is what is required. But the minister could not even acknowledge, when asked, that the stolen generation exists. He could not even acknowledge that this went to the heart of a government response that understood the human dimension of dealing with the stolen generation.

Of course Aboriginal people are outraged and offended. They have every right to be. I am angry and offended. If Bruce Ruxton were told that the stories of the prisoners of war were a myth, he would be outraged and so would many other Australians. Aboriginal people have a right to be outraged, and every other Australian ought to join them in that rage. Simply, this government has not responded adequately. The minister has not given a satisfactory response. He himself said that his own report may in fact be incorrect, because he could not give a direct answer on whether it was 10 per cent of the population that was taken or greater than or less than that amount.

Someone has to ask, given that I am on the Senate Legal and Constitutional References Committee, how it is possible that, prior to this committee meeting to consider all of the submissions, somehow this submission, this report, seems to have been publicly released when the committee has not had a chance to look at it, let alone sit down and consider whether hearings are going to be held and when they will be held. I think this government has been disrespectful, and I think Senator Herron knows and understands that, and he needs to go a lot further than just acknowledging what he has today. I think he needs to acknowledge that he has paid an insult to indigenous people, and every Australian ought to condemn that insensitivity.

Question resolved in the affirmative.

PETITIONS

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

**Goods and Services Tax: Vitamin, Mineral and Herbal Remedies**

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

The petition of certain citizens of Australia draws to the attention of the Senate, decisions by the Howard Government to apply a 10% goods and services tax to vitamin, mineral and herbal remedies which are listed, along with pharmaceutical medicines, on the Australian Register of Therapeutic Goods.

This decision will disadvantage all Australians who use or provide alternative and complementary healthcare products to maintain and improve their health and well-being, to prevent disease and to manage chronic illness. This is a new tax on those who, by taking care of their health with products and services which are not subsidised, reduce the burden on the health budget.

A tax on health is a bad tax. Your petitioners therefore pray that the Senate recognises that imposition of the GST on therapeutic goods which are listed on the Australian Register of Therapeutic Goods is contrary to the maintenance of our good health and well-being. Our petition requests
the Senate to call on the Government to zero-rate these products.

by the President (from 12 citizens) and
by Senator Woodley (from 70 citizens).

Goods and Services Tax: Dockets
To the Honourable the President and Members of the Senate assembled in Parliament:

This petition of the undersigned draws to the attention of the Senate that under current legislation the GST will not be included on docketts and that consumers will not know how much GST they are being charged, or whether they are being charged correctly.

Your petitioners therefore request the Senate that when a business provides a consumer with a receipt or docket issued in respect of a taxable supply the receipt or docket must separately include:

the price of the goods or services excluding the GST;
the amount of the GST; and
the total price including the GST.

by the President (from 16 citizens).

Family Breakdown Services
To the Honourable Speaker and Members of the House of the Senate in Parliament assembled:

The petition of the undersigned draws the attention of The House to the unfair and inequitable gender based administration of Family Breakdown Services, whereby Families in Breakdown are provided services differently and unequally according to the gender of the parent. These services are discriminatorily promoted and provided as free services to mothers but unequally or not at all to fathers, thus discriminating against fathers and their children. This injustice is creating unnecessarily exaggerated disruptions to Family and Children’s lives.

Such services are:

(1) Domestic Violence Strategies targeting only fathers whilst ignoring Australian and World-wide social science research, supported by other Family service, Crime and Medical statistics that overwhelmingly reveals mothers are equally violent family members;

(2) Family Crisis Centres that do not accommodate fathers with children who are in similar circumstances as mothers with children that are accommodated;

(3) Restraining Orders issued ‘ex parte’ against separating fathers as an administrative routine, without adequate investigation or reason about the fathers behaviour ever requiring such Services;

(4) Only Fathers and their Children are subjected to these administrative distortions and humiliation as in (1) (2) & (3).

Your petitioners therefore pray that The Senate will henceforth have all aforementioned Family Breakdown Services administered according to proper statistical facts to fathers as to mothers without fear or favour or gender, and according to their true family needs so as to avoid over servicing vexatious allegations.

by the President (from 10 citizens).

Great Barrier Reef World Heritage Area
To the Honourable President and Members of the Senate in the Parliament assembled:

The Petition of the undersigned shows strong disappointment in the Australian Government’s inadequate protection of the Great Barrier Reef World Heritage Area from the destructive practices of prawn trawling. Prawn trawling destroys up to 10 tonnes of other reef life for every one tonne of prawns while clearfelling the sea floor. There are 11 million square kilometres of Australia’s ocean territory of which the reef represents just 350,000 square kilometres.

Your petitioners ask that the Senate support the phasing out of all prawn trawling in the Great Barrier Reef World Heritage Area by the year 2005.

by Senator Bartlett (from 78 citizens).

Goods and Services Tax: Female Sanitary Products
To the Honourable the President and Members of the Senate in Parliament assembled:

The petition of the undersigned request that the Senate reject the Government’s imposition of the GST on tampons and sanitary pads.

We find it absurd that sunscreen, condoms, personal lubricants for men and women, and incontinence pads are all to be GST free, on the basis that if one didn’t use them, one would suffer a ‘disability’, yet menstruation products will not.

We think that women not using tampons or pads would cause more than a ‘disability’ it would cause a faro! Women already carry the burden of paying for menstruation products. We do not believe that women should carry an additional burden of a 10% GST on a product that women have no choice but to purchase, and for which men have no equivalent.

We believe that a tax on tampons and sanitary pads is discriminatory and unfair. Your petitioners request that the Senate reject the Government’s GST on tampons and sanitary pads.
by Senator Faulkner (from 250 citizens).

Goods and Services Tax: Female Sanitary Products

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

The Petition of the undersigned shows:
That the women of Gladstone and surrounding districts oppose a GST on feminine hygiene products.

Your Petitioners request that the Senate should assist in the removal of the GST on such products and aid in them being classified as health products as are condoms, personal lubricants and sunscreens.

by Senator Hogg (from 55 citizens).

Goods and Services Tax: Female Sanitary Products

We the undersigned Australians, request that the Senate reject the Government’s proposed plan to impose the GST on tampons and sanitary pads/napkins.

Women already carry the burden of paying for menstruation products. We do not believe that women should be further marginalised with the extra burden of paying for a 10% GST on products that women have no choice but to purchase and for which men have no equivalent.

We consider a 10% GST on tampons and sanitary pads/napkins to be discriminatory and unfair to women.

by Senator Hogg (from eight citizens).

Political Asylum

To the Speaker and the Members of the Senate in Parliament assembled:

Whereas the 1998 Synod of the Anglican Diocese of Melbourne carried without dissent the following Motion:

That this Synod regrets the Government’s adoption of procedures for certain people seeking political asylum in Australia which exclude them from all public income support while withholding permission to work, thereby creating a group of beggars dependent on the Churches and charities for food and the necessities of life;

and calls upon the Federal government to review such procedures immediately and remove all practices which are manifestly inhumane and in some cases in contravention of our national obligations as a signatory of the UN Covenant on Civil and Political Rights.

We therefore, the individual, undersigned Members of St Paul’s Anglican Church, Frankston, Victoria 3199, petition the Senate in support of the abovementioned Motion.

And we, as in duty bound will ever pray.

by Senator Kemp (from 72 citizens).

Petitions received.

NOTICES

Presentation

Senator Woodley to move, on the next day of sitting:

That the Rural and Regional Affairs and Transport References Committee be authorised to hold a public meeting during the sitting of the Senate on 10 April 2000, from 7.30 pm till 10.30 pm, to take evidence for the committee’s inquiry into air safety.

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

That the continuing order of the Senate relating to the powers of parliamentary secretaries be amended to omit ‘Parliamentary Secretaries Act 1980’ and to substitute ‘Ministers of State and Other Legislation Amendment Act 2000’.

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

That the Senate—
(a) notes:

(i) that President Clinton prohibited all federal departments and agencies in the United States of America using genetic information against federal employees in hiring or promotion action by executive order on 8 February 2000,

(ii) that no such protection is currently available for Australian employees,

(iii) that 12 months have passed since the Senate considered the Genetic Privacy and Non-discrimination Bill 1998 without implementation of any of the recommendations of the report of the Legal and Constitutional Legislation Committee on the provisions of the bill, and

(iv) the recent release of the report by the Australian Health Ethics Committee (AHEC) of the National Health and Medical Research Council entitled ‘Ethical Aspects of Human Genetic Testing: an information paper’; and

(b) calls on the Government to:

(i) ensure that effective laws on privacy and discrimination form part of the overall regulatory framework for the application of gene technologies in Australia,
(ii) publicise the availability of the AHEC report and call for public submissions, and

(iii) refer the report and all submissions received to the Legal and Constitutional References Committee to undertake a thorough review of the issues relating to genetic privacy and discrimination including:

identifying current legislative protection, state and territory coordination and representation, health and life insurance, counselling and employment, provision of goods and services, clinical diagnosis and treatment, conduct of medical and other research, and genetic information concerning children.

**Senator Murray** to move, on the next day of sitting:

That the following bill be introduced: A Bill for an Act to alter the Constitution to provide a method for altering the Constitution on the initiative of the electors, to change the terms of service of senators and the duration of the House of Representatives and to change the provisions relating to the qualifications of members of Parliament.

**Constitution Alteration (Electors’ Initiative, Fixed Term Parliaments and Qualification of Members) 2000.**

**Senator Chapman** to move, on the next day of sitting:

That the Parliamentary Joint Committee on Corporations and Securities be authorised to hold a public meeting during the sitting of the Senate on 5 April 2000, from 5 pm, to take evidence for the committee’s inquiry into the provisions of the Corporations Law Amendment (Employee Entitlements) Bill 2000.

**Senator Murray** to move, on the next day of sitting:

That—

1. There be laid on the table, by each minister in the Senate, in respect of each department or agency administered by that minister, or by a minister in the House of Representatives represented by that minister, by not later than the tenth day of the spring and autumn sittings, a letter of advice that an indexed list of contracts in accordance with paragraph (2) has been placed on the Internet, with access to the list through the department’s or agency’s home page.

2. The indexed list of contracts referred to in paragraph (1) indicate:

(a) each contract entered into by the department or agency which has not been fully performed or which has been entered into during the previous 12 months, and which provides for a consideration to the value of $10,000 or more;

(b) the contractor and the matters covered by each such contract; and

(c) whether each such contract contains provisions requiring the parties to maintain confidentiality of any of its provisions, or whether any provisions of the contract are regarded by a party as confidential, and a statement of the reasons for confidentiality.

3. In respect of each contract identified as containing provisions of the kind referred to in paragraph (2)(c), there be laid on the table by the Auditor-General, within 6 months after the relevant letter of advice is tabled, a report indicating whether, in the opinion of the Auditor-General, the claim of confidentiality in respect of that contract is appropriate.

4. In this order:

“**autumn sittings**” means the period of sittings of the Senate first commencing on a day after 1 January in any year;

“**indexed**” means indexed alphabetically for subject matter of contract and contractor; and

“**spring sittings**” means the period of sittings of the Senate first commencing on a day after 31 July in any year.

**Senator Chapman** to move, on the next day of sitting:

That the time for the presentation of the report of the Parliamentary Joint Committee on Corporations and Securities on the provisions of the Corporations Law Amendment (Employee Entitlements) Bill 2000 be extended to 10 April 2000.

**Senator Murray** to move, on the next day of sitting:

That the Senate—

(a) notes the current grave situation in Zimbabwe, in which:

(i) serious economic difficulties are leading to considerable unrest,

(ii) agricultural production has been jeopardised by the invasion of commercial farms by squatters and the squatters’ actions have been ruled as illegal by the High Court of Zimbabwe, and

(iii) elections due to be held in April 2000 have been delayed;
(b) supports the British Government’s strongly expressed concerns about events in Zimbabwe; and

(c) calls on the Government in Zimbabwe to restore the rule of law and hold free and fair elections at the earliest possible date.

Senator Tierney to move, on the next day of sitting:

That the Senate—

(a) notes the payment to retrenched National Textile workers of their full entitlements on 24 March 2000 and the interest that the $2 million retraining package announced by the Federal Government has received from workers;

(b) recognises the success of the national Employee Entitlement Support Scheme and the effort by the Department of Workplace Relations and Small Business to resolve the National Textile matter in a fair and efficient manner;

(c) condemns the Opposition which, during 13 years of power, failed to install a worker support scheme, despite figures from the Australian Council of Trade Unions that suggest more than 221,000 workers were left unprotected and lost approximately $1.25 billion in entitlements during Labor’s reign; and

(d) calls on state and territory governments to support the Federal Government’s initiative to protect worker entitlements.

Senator Crane to move, on the next day of sitting:

That the Rural and Regional Affairs and Transport Legislation Committee be authorised to hold a public meeting during the sitting of the Senate on 6 April 2000, from 3.30 pm till 7 pm, to take evidence for the committee’s inquiry into the provisions of the Australian Wool Research and Promotion Organisation Amendment (Funding and Wool Tax) Bill 2000.

Senator Hogg to move, on the next day of sitting:

That the Senate notes that:

(a) it is 54 days since former Senator Parer resigned as a senator for the State of Queensland;

(b) the Queensland Liberal Party has said that it will not select a replacement for Senator Parer until 30 April 2000, another 27 days (a total of 81 days since Senator Parer’s resignation);

(c) at the Queensland Liberal Party’s request, the Queensland State Parliament will not be asked to appoint a replacement for Senator Parer until 16 May 2000 (a total of 97 days since Senator Parer’s resignation); and

(d) the day of swearing-in of the successor to Senator Parer would be 5 June 2000 at the earliest (a total of 117 days since Senator Parer’s resignation); and

(e) the people of the State of Queensland have been denied their full Senate representation by the lethargy of the Queensland Liberal Party in appointing a successor to Senator Parer.

Senator HILL (South Australia—Minister for the Environment and Heritage) (3.30 p.m.)—I give notice that, on the next day of sitting, I shall move:

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

A New Tax System (Family Assistance and Related Measures) Bill 2000

Child Support Legislation Amendment Bill 2000

Road Transport Charges (Australian Capital Territory) Amendment Bill 2000

Interstate Road Transport Charge Amendment Bill 2000

Interstate Road Transport Amendment Bill 2000.

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

Leave granted.

The statements read as follows—

A NEW TAX SYSTEM (FAMILY ASSISTANCE AND RELATED MEASURES) BILL 2000

The A New Tax System (Family Assistance and Related Measures) Bill 2000 provides for the consolidation of family assistance legislation, including the payment infrastructure for childcare benefit, into primary legislation, that is, the A New Tax System (Family Assistance) Act 1999 and the A New Tax System (Family Assistance) (Administration) Act 1999.

It is critical that the Bill receive passage in the 2000 Autumn Sittings so as to allow sufficient lead time for finalisation of supporting administration and systems needed for the commencement of the new family assistance regime on 1 July 2000.

(Circulated with the authority of the Minister for Family and Community Services)

CHILD SUPPORT LEGISLATION AMENDMENT BILL 2000
The Child Support Legislation Amendment Bill 2000 provides for amendments necessary in order for Australia to become a party to three international agreements relating to Australia’s international maintenance obligations.

It is essential that the Bill receive passage in the 2000 Autumn Sittings in order to achieve the proposed implementation date of 1 July 2000 which was agreed to in a Joint Communiqué between the Australian Prime Minister and the former New Zealand Prime Minister.

(Circulated by authority of the Minister for Family and Community Services)

ROAD TRANSPORT CHARGES (AUSTRALIAN CAPITAL TERRITORY) AMENDMENT BILL 2000
INTERSTATE ROAD TRANSPORT CHARGE AMENDMENT BILL 2000
INTERSTATE ROAD TRANSPORT AMENDMENT BILL 2000

Purpose

The Bills implement updated national heavy vehicle charges and revise definitions of vehicle classes for the Australian Capital Territory under the Road Transport Charges (Australian Capital Territory) Act 1993 and for federally registered vehicles under the Interstate Road Transport Charge Act 1985. The Road Transport Charges (Australian Capital Territory) Act 1993 is referenced by a number of states to apply uniform national charges, and is implemented in substance by the remainder.

Reasons for Urgency

Nationally uniform heavy vehicle charges are agreed under the Inter-Governmental Heavy Vehicles Agreement, under which the Commonwealth has agreed to pass legislation on behalf of the ACT so that it can be either referenced or picked up in substance by all states and the Northern Territory. The Australian Transport Council is currently considering revised national heavy vehicle charges. Agreed charges will come into line with increased roads expenditure, as existing charges were calculated in 1992. There is agreement between the Commonwealth, states and territories that revised charges would desirably be implemented by 1 July 2000, to coincide with the timing of the introduction of the new tax system. The revised charges must also apply to federally registered heavy vehicles.

States and territories will be seeking to implement the national charges on this timetable, and it is essential that the Road Transport Charges (Australian Capital Territory) Amendment Bill and the Interstate Road Transport Charge Amendment Bill be passed prior to that date to enable this to occur.

(Circulated by authority of the Minister for Transport and Regional Services)

Senator Harradine to move, on the next day of sitting:

That the time for the presentation of the report of the Legal and Constitutional Legislation Committee on the provisions of the Classification (Publications, Films and Computer Games) Amendment Bill (No. 2) 1999 be extended to 11 April 2000.

Senator Faulkner to move, on the next day of sitting:

That a message be sent to the House of Representatives requesting that the House immediately consider the Human Rights (Mandatory Sentencing of Juvenile Offenders) Bill 1999.

Withdrawal

Senator CALVERT (Tasmania) (3.30 p.m.)—On behalf of Senator Coonan, pursuant to notice given at the last day of sitting, on behalf of the Regulations and Ordinances Committee I now withdraw business of the Senate notice of motion No. 1 standing in her name for four sitting days after today and business of the Senate notice of motion No. 1 standing in her name for 10 sitting days after today.

Presentation

Senator Brown to move, on Tuesday, 11 April 2000:

That, until a message is received from the House of Representatives indicating that the House has considered the Human Rights (Mandatory Sentencing of Juvenile Offenders) Bill 1999, ministers and parliamentary secretaries shall not exercise the following procedural powers under the standing orders, and shall not authorise any other senators to exercise those powers on their behalf:

(a) to move a motion connected with the conduct of the business of the Senate at any time without notice, under standing order 56;

(b) to arrange the order of government business notices of motion and orders of the day on the Notice Paper as they think fit, under standing order 65;

(c) to move, in relation to a government bill, that the bill may proceed without formalities or, in relation to government bills, that the bills may be taken together, under standing order 113(2);
(d) to move at any time that the Senate adjourn, under standing order 33(2);
(e) to present documents under standing order 166 without leave;
(f) to move the adjournment of a debate after having spoken in that debate, under standing order 201(6);
(g) to move that the question be now put on more than one occasion, and after having spoken in the debate, under standing order 199(3); or
(h) to move that a bill be declared urgent and, if the motion is agreed to, move further motions concerning time allocated for consideration of the bill, under standing order 142.

**LEAVE OF ABSENCE**

Motion (by Senator O’Brien)—by leave—agreed to:

That leave of absence be granted to Senator Cook for the period 3 to 13 April 2000 inclusive and to Senator Lundy for the period 3 to 6 April 2000 inclusive, on account of absence overseas on parliamentary business.

**COMMITTEES**

Environment, Communications, Information Technology and the Arts References Committee

**Extension of Time**

Motion (by Senator Ridgeway, at the request of Senator Allison)—by leave—agreed to:

That the time for the presentation of the reports of the Environment, Communications, Information Technology and the Arts References Committee on the state of the environment of Gulf St Vincent be extended to 12 April 2000, and on matters specified in paragraphs (a) and (b) of the terms of reference for the inquiry into online delivery of Australian Broadcasting Corporation material be extended to 6 April 2000.

**NOTICES**

**Postponement**

Items of business were postponed as follows:

Business of the Senate notice of motion no. 1 standing in the name of Senator Harris for today, relating to the disallowance of the Northern Prawn Fishery Amendment Management Plan 1999 (No. NPF 02), postponed till 5 April 2000.

General business notice of motion no. 474 standing in the name of Senator Stott Despoja for today, relating to the Advertising Standards Board, postponed till 4 April 2000.

General business notice of motion no. 479 standing in the name of Senator Stott Despoja for today, relating to financial institutions, postponed till 4 April 2000.

**HUMAN RIGHTS (MANDATORY SENTENCING OF JUVENILE OFFENDERS) LEGISLATION**

Senator BROWN (Tasmania) (3.37 p.m.)—I ask that general business notice of motion No. 484 standing in my name for today, relating to the Human Rights (Mandatory Sentencing of Juvenile Offenders) Bill 1999 be debated immediately, be taken as a formal motion.

The DEPUTY PRESIDENT—Is there any objection to this motion being taken as formal?

Senator FAULKNER (New South Wales—Leader of the Opposition in the Senate) (3.38 p.m.)—I would declare it not formal, but I seek leave to make a 30-second statement.

Leave granted.

Senator FAULKNER—Can I just say to the Senate and particularly to Senator Brown that this motion is obviously very similar to a substantive motion that we are debating at the moment. It strikes me that in that circumstance, when we are dealing with this, as we are in the middle of a substantive debate, it would be better and more competent to deal with it in that way on this occasion.

Senator Ian Campbell—To invoke a suspension and then to move the motion as formal is slightly at odds, isn’t it?

Senator FAULKNER—It would be, and I am just explaining to the Senate that it is for that reason that I am calling the motion not formal.

Senator BROWN (Tasmania) (3.39 p.m.)—Madam Deputy President, I also seek leave from the Senate to make a 30-second statement.
Leave granted.

Senator BROWN—I accept what Senator Faulkner is saying. I gave notice of this motion three weeks ago. I believe the important thing is that the sentiment of the motion is transmitted to the House of Representatives and therefore I am not in the least precious about which way it takes. The debate is under way on the opposition’s motion and I am happy for it to take that course. I would therefore accept formality being denied. Although I would have pursued it, I am not going to delay the Senate. I would rather get back on to Labor’s version of this motion. I think that is what is important.

TELSTRA: SALE

Motion (by Senator Conroy, at the request of Senator Cook) agreed to:

That the Senate reaffirms its total opposition to the full sale of Telstra and calls on the Government to remove any assumed proceeds from the full sale of Telstra from both the May 2000 Budget and future budgets.

RIVERSIDE NURSING HOME

Motion (by Senator Chris Evans) agreed to:

That there be laid on the table by the Minister representing the Minister for Aged Care (Senator Herron), no later than 4 pm on 4 April 2000, all records of communications between the Department of Health and Aged Care and the Minister for Aged Care and/or her office relating to the Riverside Nursing Home, from 14 February to 6 March 2000.

DOCUMENTS

Auditor-General’s Reports


The DEPUTY PRESIDENT—Pursuant to standing order 166, I present performance audit report No. 36 of the Auditor-General entitled Home and Community Care: Department of Health and Community Care, which was presented to the Temporary Chairman of Committees, Senator Calvert, on 31 March 2000. In accordance with the terms of the standing order, publication of the document was authorised.

Senator O’BRIEN (Tasmania) (3.41 p.m.)—by leave—I move:

That the Senate take note of the document.

I seek leave to continue my remarks later. Leave granted; debate adjourned.

Report No. 35 of 1999-2000

The DEPUTY PRESIDENT—In accordance with provisions of the Auditor-General Act 1997, I present the following reports of the Auditor-General:


Senator HOGG (Queensland) (3.41 p.m.)—by leave—I move:

That the Senate take note of the document.

I would like to address report No. 35, which has just been released today. One of the problems with these reports, as I have expressed on other occasions, is that, once having been presented here, they just slip right off the agenda.

Senator Calvert—These are usually done on a Thursday.

Senator HOGG—No, they are not done on a Thursday, Senator Calvert. If you check, you will see they are not done on a Thursday and so one has to take the opportunity that presents itself here. This is an important report because it addresses the issue of the retention of personnel within the ADF. A lot of the resources of this nation are placed into the ADF and the training not just of the officers but also of the rank and file within the ADF, such that we have, so that we can have a defence force of which we can be duly proud. This of course is important because the audit office says that Defence is making considerable efforts to ensure that the conditions of service of members do not become a factor in members’ decisions to separate from the military. I understand that one of the findings of the report was that in the last 12 months the separation rate has been 14 per cent. Of course one could say that it is a dissipation of some quite good resources, but the report goes on to say that Defence’s strategies should be directed to managing motivation and retention rather than managing the results of unwanted separations.

The report notes that there would be benefits if Defence were to provide members with a better idea of where they stand with reference to career progression and prospects.
This comes when, over a period of time, we have seen the Defence Reform Program operating, which I have raised at a number of estimates hearings as causing some concern for people within the ranks as to their future, their careers and obviously and ultimately their livelihood. It is timely that this report identifies that it would be proper if Defence were to provide members with a better idea of where they stand with reference to career progression and also prospects, because those are the things that are really important to Defence personnel and their families. That has been thrown into a fair degree of confusion, to my way of thinking, with the Defence Reform Program, because there has not been a great deal of certainty for personnel, whether they be in the officer ranks or even in the lower ranks. It said that responsibility for retention is also not clearly defined and no-one appears to be accountable for poor retention rates in particular areas of the ADF. That must raise concerns that there is no-one specifically identified in this report as having the overall responsibility for looking at the poor retention rates within the ADF.

The report went on to make a number of recommendations. Amongst those recommendations were: assessing personnel replacement costs to help guide decisions on resources to be applied to career management and personnel retention, establishing a management framework that details retention policies and assigns responsibility for personnel retention, promoting services and assistance available to ADF members and their families, and evaluating the cost-effectiveness of quality of life measures designed to avoid separation from the ADF. So one can see, encompassed in those early recommendations in the ANAO report, the desire to maximise retention within the ADF so that the corporate knowledge that has been built up over a substantial period of time is not lost, and lost at a great expense to the taxpayer in bringing those men and women of the defence forces to the high standard that they aspire to and do achieve. The effectiveness of our forces has been shown in our engagement recently in East Timor and what has been able to be achieved. It seems a disappointment that we have a separation rate in the order of 14 per cent. It is similar to the UK defence rate and comparable to the 16 per cent separation rate in 1998 for organisations in Australia with over 5,000 employees. So, whilst that is there, nonetheless it is a major concern.

The other recommendations went to looking at developing a system for gaining a good understanding of the factors that motivate members to remain in the ADF. One would think that stability is the key there and that there be predictability—that, as identified in this report, people have some idea of their career progression and prospects. Without any of that, we will see great uncertainty and the separation rates continuing to go up. Briefly, the other recommendation that the report makes is to make recruitment more effective in gaining long-term members of the ADF and in retaining recruits for cost-effective periods.

In the brief time I have had available to look at the report of the ANAO, I do note that the defence department have agreed to the nine recommendations but did qualify their comments with respect to one of the recommendations of the ANAO. I will be looking forward to this being the subject of investigation at the forthcoming estimates to see that the ANAO report and the recommendations of the ANAO are being taken up by the Australian defence forces.

Question resolved in the affirmative.

Performance Audit of the Strategic Planning Framework

The DEPUTY PRESIDENT (3.48 p.m.)—In accordance with provisions of the Auditor-General Act 1997, I present the following report:

Report on Results of a Performance Audit of the Strategic Planning Framework.

DELEGATION REPORTS

45th Commonwealth Parliamentary Association Conference

The DEPUTY PRESIDENT (3.49 p.m.)—I present the report of the Australian Parliamentary Delegation to the 45th Commonwealth Parliamentary Association Conference, Trinidad and Tobago, September 1999.
The DEPUTY PRESIDENT (3.49 p.m.)—I present a letter from Major-General P.J. Cosgrove, AM, MC relating to the attendance of INTERFET members in the Senate on 7 March 2000.

CIVIL AVIATION REGULATIONS

Senator BROWN (Tasmania) (3.50 p.m.)—by leave—I want to comment on the procession of civil aviation regulations coming before the Senate. We have got a number of these again today. I take the opportunity to express my concern about the class G airspace trial that was conducted by the Civil Aviation Safety Authority a year or two ago. I was a participating member in a Senate committee inquiry where we were assured that this trial would be back in place and would be made a permanent part of the safety structure in this country in the future. But I do not see any evidence of that. I am concerned that there is continuing pressure from the airline companies to not allow this radar based alternative, which on the face of it will produce better safety for the flying public in Australia, to be implemented. What the pressure there is I do not know, but one presumes it is a cost issue, and that is not good enough. I do not know whether these regulations are in effect implementing that class G airspace upgrade to give better safety to the travelling public of Australia, but I would hope they are. And I would hope, if they are not, that the government has some response to my concern that this improved air safety has not been implemented. At least so far as I know and so far as the Senate knows, it has not been implemented.

A lot of debate is continuing in aviation circles about our safety record in Australia, but there is clear evidence that that is the safer alternative. It is the alternative that is available to the flying public in other countries in the Northern Hemisphere, but we do not have it here. I want to know why not. I want to know when it is coming in; I would like to hear a date set. I want to know the minister’s response to my concern that there is a blank spot in the wake of that Senate committee hearing at the start of last year where we were led to believe that this safer form of regulating air traffic, particularly in regional Australia, would be implemented.

SYDNEY HARBOUR FEDERATION TRUST BILL 1999

Report of the Environment, Communications, Information Technology and the Arts Legislation Committee

Senator CALVERT (Tasmania) (3.53 p.m.)—On behalf of Senator Eggleston, I present the report of the Environment, Communications, Information Technology and the Arts Legislation Committee on the Sydney Harbour Federation Trust Bill 1999 [2000], together with the Hansard record of the committee’s proceedings, submissions, tabled documents and correspondence received by the committee.

Ordered that the report be printed.

BUDGET

Consideration by Legislation Committees

Additional Information

Senator CALVERT (Tasmania) (3.53 p.m.)—On behalf of the Rural and Regional Affairs and Transport Legislation Committee, I present additional information relating to the supplementary hearings on the budget estimates for 1999-2000 and hearings in respect of budget estimates between 1997 and 2000.

COMMITTEES

Treaties Committee

Report

Senator COONEY (Victoria) (3.54 p.m.)—I present the 30th report of the Joint Standing Committee on Treaties on treaties tabled on 8 and 9 December 1999 and 15 February 2000, together with the Hansard record of the committee’s proceedings, minutes of proceedings and submissions. I seek leave to move a motion in relation to the report.

Leave granted.

Senator COONEY—I move:

That the Senate take note of the report.

The report that I have just presented contains the findings of the treaties committee’s review of four proposed treaty actions and two treaties that have already taken effect. The proposed treaty actions are: the acceptance of
the United Nations Convention to Combat Desertification, a scientific and technological cooperation agreement with Korea, an agreement to establish the International Development Law Institute, and the denunciation of the Convention on Damage Caused by Foreign Aircraft to Third Parties on the Surface. The treaty actions that have already taken effect are a series of amendments to the Convention on the Conservation of Migratory Species of Wild Animals and the agreement between Australia and the United Nations Transitional Administration in East Timor on the continued operation of the Timor Gap Treaty.

In this report we express our support for all six of these treaty actions. Australia’s accession to the United Nations Convention to Combat Desertification is perhaps the most significant of these actions. The convention came into being in December 1996 and has been the subject of lengthy debate in Australia. In June 1997 the former Treaties Committee gave preliminary consideration to the convention, concluding that considerable further consultation with the states and territories was required before the government should consider ratifying the convention. At the time, there were concerns about the potential impact of the convention on land management responsibilities within Australia. This debate has continued to the point where all state and territory governments accept that the convention does not require any changes to the federal division of land management responsibilities in Australia or to the land management policies or practices of any Australian government. The Commonwealth government has agreed to confirm this understanding by making a public statement at the time it ratifies the convention. To ensure that there is no further confusion about this matter, we believe that the government should also submit its public statement to the Secretary-General of the United Nations, along with the instrument of ratification. Australia has considerable experience in dryland management, and ratification of the convention will allow Australian expertise to be harnessed in tackling land degradation problems around the world. Without ignoring the scale of the land degradation problems we face domestically, ratification will allow Australian farmers and environmental management specialists to share their experience with developing countries that may otherwise find these problems beyond their means.

The other particularly notable treaty action considered in this report is the agreement with the United Nations Transitional Administration in East Timor about the continued operation of the Timor Gap Treaty. The Timor Gap Treaty was negotiated with Indonesia in May 1990 to establish a regime for the joint development of natural resources in the Timor Sea between Australia and East Timor. Following the Indonesian government’s decision to transfer sovereignty in East Timor to the United Nations Transitional Administration, it was plainly necessary to renegotiate the original agreement. Given the scale and potential of exploration and development activities being undertaken in the Timor Gap and the pressing geopolitical and commercial time frames involved, the government exercised its right to take urgent action to implement this treaty before it was tabled in parliament. We note that, shortly after binding action was taken, the consortium of six companies committed itself to a $2.9 billion gas exploration program in the Timor Gap zone of cooperation. This program is expected to reap considerable rewards for the companies and the state, territory and national governments involved, including the emerging government of the newly independent East Timor. The other treaty actions described in this report also have much to commend them. They all represent useful additions or amendments to Australia’s network of international obligations.

I would like to conclude by thanking my colleagues on the committee for their work in reviewing proposed treaties, and I would like to thank the secretariat, which does splendid work and has continued to do so since this committee began operation. Treaties figure highly in public debate at the moment, and it is true that international law is having a marked impact on our domestic laws and policies. We should not be alarmed about this impact—it is an unavoidable consequence of being engaged with the international community. Nevertheless, we should be conscious of
ensuring that every obligation that we enter into is in Australia’s national interest.

Senator BARTLETT (Queensland) (4.00 p.m.)—I would like to speak to the report of the Joint Standing Committee on Treaties entitled Report 30: Treaties tabled on 8 and 9 December 1999 and 15 February 2000. I became the Democrats’ representative on the Joint Standing Committee on Treaties shortly after the treaties relating to this report were dealt with. So, I was not involved in the deliberations on this particular report, but I want to speak to it partly because of my current involvement on the committee and because I believe it is an important committee of the parliament. It was established by the Howard government and they deserve credit for establishing a mechanism for enabling greater scrutiny of the very large number of international agreements that the Australian government enters into. The Democrats have been advocating such a move for a number of years, particularly my colleague Senator Vicki Bourne. While we believe other measures should also have been taken into account and instituted by the government, this committee is nonetheless one mechanism that is valuable for providing greater scrutiny.

It is particularly relevant at the moment, as Senator Cooney alluded to, when we have a situation where the federal government is running a political agenda in the Australian community of denouncing United Nations committees which are there to assess compliance with treaties which Australia has signed. Yet we have a parliamentary committee, established by this government and chaired by a member of this government, bringing down unanimous reports, almost without exception, highlighting the value of a range of international agreements that the Australian government enters into. The Democrats have been advocating such a move for a number of years.

Australia cannot enter into treaties without our agreement. We do not do so unless we believe it is in our national interests. Through mechanisms such as this committee, we have a better opportunity to ensure that it is in our national interest and provide opportunity for public input in areas where they have concern about treaties that we are signed on to. Indeed, it is a pity that there was not opportunity for more public input into some of the treaties that we have signed in the past, particularly the GATT agreement and the World Trade Organisation treaty. Governments just pressed ahead with those without opportunity for proper community consultation.

Reports such as this and all the many other treaties—indeed, there were others that the committee examined just this morning—highlight the range of areas of engagement on an international level that Australia has to confront, if we are looking at continuing to move forward as a nation. Also, it highlights the stupidity of the current short-term political approach of this government of trying to generate community apprehension about engaging with other countries, about engaging with the UN, about signing ourselves on to standards and then daring to complain when people assess how we are meeting those standards. There is hardly any point in signing on to standards, signing other countries on and trying to get a set of standards that apply across the globe if we are then going to complain and try to back away from and undermine the integrity of that system every time we get a judgment that goes against something that the government of the day does not happen to like.

It is worth emphasising the most recent area of controversy in relation to the Human Rights Commission from the United Nations. There was nothing that that commission found which our own commission in Australia has not found as well. The Human Rights and Equal Opportunity Commission in Australia found exactly the same problems. In-
indeed, other committees of this parliament came to exactly the same findings as the Human Rights Commission of the UN, which the current government is taking such umbrage at. It is not just a matter of taking umbrage at; they are clearly using that to run an agenda to undermine the integrity of the UN and the UN committee process. You only need to look at reports like this that just detail some, in some ways, run-of-the-mill treaties and agreements to show how damaging that is because all of these treaties and conventions are in Australia’s interests, as the report said. Indeed, there is one which the government—and the committee agreed—said was not in our interests. Therefore, we have denounced—I believe that is the appropriate international legal term—a particular convention and have chosen no longer to be associated with it, and have enacted our own domestic law instead because it was felt that it was not an effective convention. Those methods are always open. It emphasises how short-sighted and damaging the current political agenda being run by the government is in the long term.

The amendments to the Convention on the Conservation of Migratory Species of Wild Animals, which was touched on briefly by Senator Cooney, and the amendments to a growing number of conventions, treaties and agreements on the international level try to get together some international cooperation to work better to preserve our environment and to preserve biodiversity around the globe. These particular amendments are ones where extra species were added to the convention. That is positive in a way and means that the Australian government now has a greater obligation to protect these species. It is also a negative because adding species to that convention means that there is a greater number of species that are now endangered or have unfavourable conservation status. By using this international agreement, we are now able to put greater onus on the Australian government and also provide the Australian government with greater powers to ensure the protection of those species. If we were to move away from international agreements in the way that the government’s current political rhetoric would like us to do, then we would be moving away from providing effective mechanisms, not just under international law, but under our own national law, to better protect these species.

As this report notes—I remind the Senate it was a unanimous finding—the new Environment Protection and Biodiversity Conservation Act, which comes into force in July this year, will further strengthen domestic protection for these migratory species and help Australia meet its obligations under the Bonn Convention, which is the convention in question. It provides an Australian legislative framework to better protect these migratory species identified through the relevant international convention aimed at improving conservation of these species. So there is an ongoing integrating of national and international law here, but it is always with Australia in control. That point should be emphasised by all parties.

I think there is an important educative role and a leadership role to play in the political arena in relation to this debate in the Australian community. There has been a lot of comment recently about a lack of political leadership in a lot of areas where it is easy to just do the short-term, talkback radio, political point scoring line that panders to, reinforces and indeed increases community ignorance rather than tries to explain the benefits to Australia. There are benefits to the environment or benefits to the rest of the planet from a lot of these agreements, but there are also benefits to Australia—otherwise we would not be signed on to them. That is a crucial role which all political parties should be performing and it is one where the government currently is clearly falling down. Whilst these treaties and agreements contained in this report are only a small number of many hundreds, just a reading of the contents of them shows the benefits of engaging internationally in this way, as well as the importance of having adequate public and parliamentary scrutiny of such an approach.

I would urge the government to reconsider the current short-term political rhetoric that it is running in relation to international agreements, UN committees and the like and to try instead to play a positive and constructive role—not to simply react to the first piece of negative criticism that comes along. Unfortu-
nately it is not the first piece, but they should not react negatively to any negative criticism that comes along. There is no point in signing on to these processes unless one is willing to operate within the processes as they are. I think the government should recognise that and change its behaviour accordingly. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

A NEW TAX SYSTEM (FRINGE BENEFITS) BILL 2000

A NEW TAX SYSTEM (MEDICARE LEVY SURCHARGE—FRINGE BENEFITS) AMENDMENT BILL 2000

First Reading

Bills received from the House of Representatives.

Motion (by Senator Ellison) agreed to:

That these bills may proceed without formalities, may be taken together and be now read a first time.

Bills read a first time.

Second Reading

Senator ELLISON (Western Australia—Special Minister of State) (4.09 p.m.)—I move:

That these bills be now read a second time.

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

Leave granted.

The speeches read as follows—

A NEW TAX SYSTEM (FRINGE BENEFITS) BILL 2000

Government policy, announced in A New Tax System in August 1998, is to improve the fairness of the FBT exemption for public benevolent institutions and the concessional FBT treatment for certain non-profit organisations (‘rebatable employers’).

At present, a public benevolent institution which is FBT exempt could remunerate employees totally in the form of fringe benefits. No tax would be paid by the employer and the employee would pay no tax. This concession is being overused.

The policy objective is to stop the over use of these tax breaks. Both the Opposition, in their 1998 election policy, and the Australian Democrats have also identified the need to limit this concession.

The Bill will place a cap of $25,000 tax inclusive value on the level of concessional taxed fringe benefits that certain public benevolent institutions and rebatable employers can give their employees. However, the cap does not place a limit on the use of other FBT exempt benefits such as superannuation, minor benefits less than $100, laptop computers, work related mobile phones and other miscellaneous benefits. Further, the concessional methods of valuing certain benefits will also increase the total value of benefits that can be provided without breaching the cap.

The original announcement in A New Tax System was for a $17,000 cap. Following consultation with the charitable sector the Government has decided to lift this cap to $25,000. This represents a very concessional limit to the sector, as the benefits received by the majority of employees within this sector would be unlikely to exceed, and thus be affected by, the cap.

The cap that will apply to public hospitals and private, not for profit hospitals will be $17,000. This is justified on competitive neutrality grounds, given that the public health sector represents a significant component of the health industry overall and competes directly with the for profit health sector for qualified staff.

The Government is determined to introduce greater equity to the rules for taxing fringe benefits and these measures go some way towards having the same level of employees’ fringe benefits remuneration taxed to the same extent, while ensuring that public benevolent institutions and certain non-profit organisations retain a cost advantage over other employers.

The Bill should make it easier for employers to attract and retain staff in remote areas because it will extend the fringe benefits tax exemption for remote area housing to all employers. Currently only primary producers in remote areas are exempt from FBT on housing benefits provided to their employees. This is very good news for employers and employees in remote areas and builds upon the many FBT concessions that already apply to benefits provided to employees in remote areas.

Also, the Bill will remove primary producers’ liability for fringe benefits tax in respect of non entertainment meals provided to their remote area employees on a workday.

To ensure tax neutrality between fringe benefits and cash salary following the introduction of the Goods and Services Tax System, the FBT gross-up formula is being adjusted to nominally recoup input tax credits allowed on fringe benefits provided to employees or their associates. Minor
amendments are also being made to the GST law to ensure its proper interaction with the FBT law.

Full details of the measures in this Bill are contained in the explanatory memorandum.

I commend the Bill.

A NEW TAX SYSTEM (MEDICARE LEVY SURCHARGE – FRINGE BENEFITS) AMENDMENT BILL 2000

The Bill will make minor technical corrections to the A New Tax System (Medicare Levy Surcharge – Fringe Benefits) Act 1999 to ensure consistency between the Medicare levy surcharge imposed under that Act and the additional Medicare levy imposed under the Medicare Levy Act 1986.

Full details of the measures in the Bill are contained in the explanatory memorandum.

I commend the Bill.

Ordered that further consideration of these bills be adjourned till the first day of the 2000 budget sittings, in accordance with standing order 111.

TELECOMMUNICATIONS (NUMBERING CHARGES) AMENDMENT BILL 1999

First Reading

Bill received from the House of Representatives.

Motion (by Senator Ellison) agreed to:
That this bill may proceed without formalities and be now read a first time.

Bill read a first time.

Second Reading

Senator ELLISON (Western Australia—Special Minister of State) (4.11 p.m.)—I move:
That this bill be now read a second time.

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

Leave granted.

The speech read as follows—

TELECOMMUNICATIONS (NUMBERING CHARGES) AMENDMENT BILL 1999

The Telecommunications (Numbering Charges) Amendment Bill 1999 will facilitate minor amendments to the Telecommunications (Numbering Charges) Act 1997. The amendments will improve the efficiency of the Australian Communications Authority (ACA) in its administration of the Act, as well as providing some carriage service providers with some administrative efficiencies.

The Telecommunications (Numbering Charges) Act 1997 provides for imposition of charges in relation to certain telephone numbers allocated to carriage service providers.

The amendments contained in this Bill concern the definition of a transferred number for the purposes of the Act and the date on which the numbering charges are imposed.

As the Act stands carriage service providers who are resellers are liable for annual numbering charges in relation to allocated numbers they hold on the charging date. These resellers, or ‘secondary providers’, have usually obtained their numbers from a provider who was allocated the numbers by the ACA, a ‘primary provider’.

The large number of transfers of numbers from primary to secondary providers greatly adds to the administrative complexity of collecting the charges.

This Bill will explicitly define a ‘transfer’ for the purposes of the Act. The effect of this will be that certain number movements from primary to secondary providers will not be classed as transfers for the purposes of the Act and will not, therefore, cause the numbering charge liability to be transferred. This will significantly reduce the number of invoices the ACA has to prepare.

The effect of the Act as it currently stands is that number charges are imposed on 22 May each financial year. Carriage service providers have to pay these by 15 June to ensure they are processed prior to the end of the financial year. Between these two dates carriage service providers have to provide details to the ACA of the numbers they hold, the ACA then has to calculate the charges and dispatch the invoices, and then the carriage service providers have to make the payment. These timeframes are unnecessarily tight and can increase the risks of miscalculations or errors.

This Bill will move the charging date to a day in April which will be determined by the ACA. The ACA will be required to determine the date before 16 February each financial year. This arrangement will provide the ACA with a limited degree of flexibility in setting the date, while providing the carriage service providers with the certainty of the date being in April. It is not intended that the ACA will use this flexibility to alter the date arbitrarily. Rather, should it be necessary, it will allow the ACA to determine a date in order to address exceptional circumstances.

Debate (on motion by Senator Quirke) adjourned.
ASSENT TO LAWS

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

Finance and Insurance Corporation Amendment Bill 1999.

MANDATORY SENTENCING LEGISLATION

Motion

Debate resumed.

Senator BROWN (Tasmania) (4.12 p.m.)—In his contribution to this debate, the Leader of the Government in the Senate and Minister for the Environment and Heritage, Senator Hill, described this motion as a stunt. It was the same minister who, just three years ago, described a motion I brought before this place calling for self-determination of the East Timorese people a stunt. What we are seeing here is a pattern of inability to grasp important human rights issues, be they international or domestic. The efforts of the Labor Party, the Democrats, the Greens, Senator Harradine and Mr Andren, the member for Calare in the other place, to have a debate on this matter brought to full maturity in the House of Representatives have been described as a stunt. What we are seeing here is a pattern of inability to grasp important human rights issues, be they international or domestic. The efforts of the Labor Party, the Democrats, the Greens, Senator Harradine and Mr Andren, the member for Calare in the other place, to have a debate on this matter brought to full maturity in the House of Representatives have been described as a stunt. What is stunted here is the government’s view of parliamentary democracy. That an important issue like this should not be debated in the House of Representatives should not be debated in the House of Representatives have been described as a stunt. What is stunted here is the government’s view of parliamentary democracy. That an important issue like this should not be debated in the House of Representatives, the title private member’s bill to go through the Senate to the House of Representatives in five years, but moreover a bill on a matter which is engaging the attention of the whole nation and now the community nations—and that it is not considered a matter that the government in this parliament should debate fits right into the category of stuntism, but it is on the government’s part. The minister also said that the Labor Party ought to put out a press release—that it would have the same effect. So we see this pattern of trivialisation of a major issue by the government. As I said earlier in my submission, that pattern starts right at the top. It comes from the Prime Minister’s office. It is a matter of the Prime Minister believing that his office is more important than this parliament. He is wrong.

It is this parliament that the people elected; it is not the member for Bennelong that the people elected to run this country. It is a very important matter of democratic principle and understanding of the Australian democratic system that is at stake here. That is why I support this motion, by which the Senate is saying to the House of Representatives: undertake a debate that is worthy of the importance of this piece of legislation to the nation. That said, the Labor Party implied that to take stronger measures would be blackmail and that we did not want to be involved in guerilla tactics. I do not go along with that terminology. We could say that the Senate simply asking the House of Representatives to undertake a debate on mandatory sentencing, with the clear implication that they will be getting another motion tomorrow from the Labor Party if they do not take notice of this one, could be labelled blackmail or guerilla tactics. It is nothing of the sort.

It is the responsibility of this Senate, if it believes in legislation coming from this place being worthy of debate in the House of Representatives, to send a clear and unequivocal message to the House of Representatives that that debate should take place. Whatever we might think of the differences between the Senate and House of Representatives, the constitution is clear on this part: that the houses are equal. They are different, but they are equal. Without that equality we would not have a federation and we would not have a constitution. We would not have had 100 years of togetherness in this great nation with the guidance of a popularly elected parliament composed of a House of Representatives and a Senate which was set up to give balance to the House of Representatives and, in those days, to represent the interests of the colonies, who were afraid of losing say through the federation.

The fact is that the Senate does have a pivotal role. While it is not the house of government, it does have a pivotal role in many ways—as a complementary house, an equal house, a house with important functions to see that democracy is healthy and vigorous and, indeed, to see that a watch is kept on...
some of the excesses that could come from executive government using the House of Representatives as a rubber stamp. What we have got here is an excess; it is an inverse form of denigration of the democratic process. How can we, on a matter like mandatory sentencing—after a Senate committee has looked into it, with the whole of the community engaged, with United Nations committees involved, with the attention of the world on us as we head for the Olympics—accept a situation where a dictate from the Prime Minister’s office says: (1) members of the government will not have a conscience vote on this matter and, (2) there will be no debate. In effect it says: ‘I deny those members of the House of Representatives who want to speak on this matter their right to speak on behalf of their constituencies.’ How dare the Prime Minister gag this parliament in this way? How dare the Prime Minister thumb his nose at Australian democracy in this fashion? How dare the Prime Minister trivialise the issue of mandatory sentencing—which now has international ramifications—by saying, ‘I will not even debate it’? Behind this is a failure of leadership, and through the centre of it is a shard of ice, a failure of heart and an inability to relate to the spirit of this nation, which is the spirit of a fair go.

Events of the past week have troubled me terribly as a Green representative in this chamber. I am serious about this. I am very serious about this. This failure to debate mandatory sentencing, now compounded by a failure to recognise the stolen generation, is doing this country great harm, internally and externally. It is a provocative and harmful process as far as the first Australians are concerned. It is provocative in the lead-up to and on the eve of the Sydney Olympics. All members will be aware of comments made by indigenous spokespeople in the last 24 hours. Whatever one may think of them, one has to take notice. I have been enormously impressed by the forbearance of the first Australians despite the loss they have been occasioned and the failure of the parliament to deliver justice to them in the matter of native title. Then there is the appalling evidence coming forward in the inquiry into the stolen generation and now the appalling evidence about the situation in respect of mandatory sentencing, which is but the tip of the iceberg in a nation where, if you are Aboriginal, if you are indigenous, you have 13 times the chance of being locked up in an Australian jail than if you are not. Mandatory sentencing is but the tip of that iceberg, and the legislation in the House of Representatives deals with the most vulnerable few who are amongst those thousands of indigenous Australians locked up. Those are the children who are in jail unnecessarily because politicians in Darwin and Perth have, through legislation, usurped the proper function of the courts, of the magistrates and the judges, to ensure that the punishment—the sentencing—was meet with the crime, the background, the circumstances and the needs of victims in an individual situation for which no law passing through a parliament and essentially generalised to cover the eventualities within its ambit can be tailor made. Yet sometimes arrogant and always shortsighted leaders in Darwin and Perth insist on defending their bailiwick.

But not our Prime Minister. He says that mandatory sentencing is wrong and then fails to defend anything. In the last few days he has had his minister for Aboriginal affairs, of all people, insulting the indigenous people of this country in a provocative way. Just as it is unnecessary that indigenous children are locked up in Darwin and Perth and our legislation is to get rid of that awesomely bad situation, so it is unnecessary that the government is so rapidly leading to a confrontation with the indigenous people of Australia on the eve of the Olympics. This is a very serious moment in Australian history. All of us want to be celebrating this nation in Sydney in September. But the ill thought out, short-sighted words of the Prime Minister and now several of his senior ministers are threatening all of that celebration. They are threatening the happiness not just of the indigenous people but 19 million Australians and I do not know how many visitors coming to this country and the billions of people who will be watching on television.

I say to the Prime Minister, ‘Think again. You said you were going to govern for all of us. You said you were going to set us on the path to reconciliation. Your actions fail those
words. I cannot believe that the Prime Minister was not consulted by Minister Herron before this extremely damaging denial of the stolen generation went to print. I believe they are the sentiments not just of Senator Herron but of the Prime Minister himself. Australians do not like it. Australians do not want such an unnecessary and inflammatory approach being taken on the eve of the Olympics. There is not just a failure of imagination here; there is a failure of heart, of caring. There is a failure of commitment to governing for all of us. I remember Noel Pearson saying that he felt those words excluded the indigenous people. Sadly, two years later he has been shown to be right, in the worst possible way.

This is an extremely dangerous and harrowing time for Australia. We should be, as I said, celebrating the moment, celebrating the new millennium, celebrating to the world what Australia stands for, and its exclusiveness, through the Olympics. But all that can be lost by a few injudicious, harmful, divisive words. Those words are now out. One has to think, after the process of ministerial hard-heartedness about indigenous affairs in recent months, that we can expect more. I am frightened for Australia under this Prime Minister about this turn of events. Good gracious, what a fantastic country we have, what a beautiful nation, what a wonderful indigenous culture and people and relationship with the land—celebrated around the world but not in the prime ministerial office, not in a way that gets beyond those words, including always the word ‘honest’, indicating that the Prime Minister understands. I am beginning to see that the Prime Minister does not understand, he does not have the caring heart that a leader of this country should have. He does not have respect for the first Australians and he is not going to get respect. That is essential if we are to feel proud as a nation, in the view of the community of nations, in this Olympic year.

The Prime Minister must take stock; the cabinet must take stock. It is not good enough to say, ‘We’ll do this behind closed doors out of the view of the people of Australia.’ This is a matter which is very justifiably debated in this parliament and in this chamber. That is why this motion is so important. That is why I so strongly support it. There needs to be a change of direction for Australia and it needs to be now. We have six months until the Olympics. We need a sensitivity which will see those six months turn around and put us in true celebration mode when the time comes, with indigenous culture no doubt taking an important role in the opening ceremony where the world can get a glimpse of what a joyous country Australia can be. The Prime Minister should take stock.

Senator ROBERT RAY (Victoria) (4.29 p.m.)—I will speak briefly. There has been some debate today as to whether private members’ bills should be accorded some priority when they are sent to another chamber. I am the first one to acknowledge that has not been the general practice in the past. Senator Hill said earlier that in the 13 years he spent in opposition three bills were debated in the House of Representatives that emanated from the Senate. In the last four years of this government there have not been any private members’ bills emanating from the Senate discussed in the House of Representatives. But of course in that whole period neither chamber, to my knowledge, has ever sent a message specifically requesting consideration of a bill, it having not been accorded priority in the other chamber. That is precisely what we are about today. The Senate is saying, if it carries this motion, that even though private members’ bills often languish in the other chamber, we request that this legislation be given priority because we think it is such an important issue. No doubt if in the next five years we carry another 10 private members’ bills and send them over there, it is unlikely that this chamber will ever ask for priority in the other chamber because they will go the way that most private members’ bills go.

When the reverse was true and Mr Andrews’s bill was carried in the House of Representatives, we accorded it full debate here because the House of Representatives made it clear that it regarded that as a priority bill. It was not government legislation; it was a private member’s bill. Even though some of us may have had a disagreement with the contents of that bill, we did not frustrate the de-
bate in this chamber. We did not ask for it to be deferred. We did not filibuster the bill. We considered the bill on its merits and, in the end, we had to accept the result and the majority that existed in this chamber for that bill.

We have indicated that there is a range of options available to non-government members in this chamber that we could have adopted in expressing our frustration at the failure of the House of Representatives to deal with the bill. Many were far more draconian than the particular course of action we may well be undertaking today, but we had to reject some of those because we did not want to see other sections of the community punished by a failure to pass legislation. In any event, no government will ever react to a gun being put to its head over other legislation. We know that: we would not; the current government would not; and I doubt anyone would. So, as a tactic, it may well have backfired.

We had to do it by way of a contingent notice of motion, suspension of standing orders, et cetera today, but in future every day we are going to move that a message goes to the House of Representatives. Hopefully, it will be declared formal and carried. It will have to be read out in that chamber, so that again it will be reinforced that this chamber believes that it is highly desirable for this legislation to at least be discussed there. No one knows what the outcome will be. I doubt very much that it will get a majority on the floor of the House of Representatives because in the end, in spite of a variety of people saying that they are in favour of this intervention, party discipline will prevail. I do not criticise that. I come from a political party that is almost 110 years old now and that has always adopted that particular attitude. We have never made a pretence of it. We have always gone to the electorate saying that we will vote in a collective way—unlike our opponents who, at Deakin lectures or at anything else, always talk about individuality, freedom of speech and conscience and who then regularly come in and vote against their conscience. Those rare examples of people who do not do that often find that they do not succeed in the upcoming preselection and often they are not returned to this particular place.

I am grateful for the support from the Democrats, Senator Brown and Senator Harradine—who I think will also support it—for the Labor Party option. I am also grateful for the contributions made here today to the debate. It is not a time wasting exercise. We are not trying to waste time on this particular issue. If we wanted to be into wasting time, then Senator Ellison opposite would still be reading out the second reading speeches for the bills he introduced earlier today. So we are not into that particular thing. We believe this is the best method by which the Senate can make clear its expressed intent, that is, by sending a message to the House of Representatives day in and day out until they consider the bill.

No doubt a number of reasons will come up as to why they will not do it, such as ‘They are too busy.’ We know that is nonsense. We have cleared an enormous backlog of bills in what you might call the autumn session. We are well ahead of schedule from where we normally are, even though we carried the mandatory sentencing bill as well. So we are well ahead on that particular score. Basically, the Prime Minister is vetoing consideration of this bill just in case some of his own backbench vote in a particularly different direction. I do not believe they will, but that is the motivation. As a result of that, we are facing a frustration at being able to express a federal view.

There is no principle here of intervention in state and territory matters. That was all resolved in the Andrews bill. This chamber and the House of Representatives and a majority of coalition members voted that principle out when they intervened in that particular area. Why not this particular one? Why not let the national parliament have its say. I believe that we should carry this resolution today and, hopefully, by way of formality in the next few days and weeks, we should carry identical resolutions requesting the House of Representatives to at least give consideration to the bill.

Question put:
That the motion (Senator Faulkner’s) be agreed to.
The Senate divided. [4.40 p.m.]
(The President—Senator the Hon. Margaret Reid)

Ayes………… 36
Noes………… 32
Majority……… 4

AYES
Allison, L. Bartlett, A.
Bishop, M. Behlau, N.
Bourne, V.W. Brown, B.
Campbell, G. Carr, K.
Collins, J.M.A. Conroy, S.M.
Cooney, B. Crossin, P.M.
Crowley, R.A. Denman, K.J.
Evans, C.V. Faulkner, J.P.
Forshaw, M.G. Gibbs, B.
Greig, B. Harradine, B.
Hogg, J. Hutchins, S.
Ludwig, J. Mackay, S.
McKiernan, J. McLucas, J.
O’Brien, K. Murray, A.
Quirke, J.A * Schacht, C.
Sherry, N. Stott Despoja, N.
Woodley, J.

NOES
Alston, R.K.R. Bishop, M.
Boswell, R.L.D. Brownhill, D.G.
Campbell, G. Campbell, I.G.
Conroy, S.M. Coonan, H.
Cooney, B. Crossin, P.M.
Crowley, R.A. Denman, K.J.
Evans, C.V. Ferguson, A.B.
Ferris, J. Forbes, M.G.
Gibbs, B. Harradine, B.
Hill, R. Hogg, J.
Knowles, S.C. Kemp, C.R.
Macdonald, I. Lightfoot, P.R.
McGauran, J.J.J. Mason, B.
Newman, J.M. Minchin, N.H.
Payne, M.A. Patterson, K.C.
Tamblyn, G.E. Tchen, T.
Tierney, J.W. Troeth, J.M.
Vanstone, A.E. Watson, J.O.W.

PAIRS
Cook, P.F.S. Parer, W.R.
Lees, M.H. Crane, A.W.
Lundy, K. Abetz, E.

* denotes teller

Question so resolved in the affirmative

TELECOMMUNICATIONS (CONSUMER PROTECTION AND SERVICE STANDARDS) AMENDMENT BILL 1999

In Committee

Consideration resumed from 16 March.

The CHAIRMAN—The committee is considering the Telecommunications (Consumer Protection and Service Standards) Amendment Bill 1999 and the amendment moved by Senator Allison on behalf of the Australian Democrats.

Question put:
That the amendment (Senator Allison’s) be agreed to.

The Committee divided. [4.47 p.m.]
(The Chairman—Senator S.M. West)

Ayes………… 9
Noes………… 49
Majority……… 40

AYES
Allison, L. Bartlett, A.
Bourne, V.W * Brown, B.
Greig, B. Harradine, B.
Ridgeway, A. Stott Despoja, N.
Woodley, J.

NOES
Alston, R.K.R. Bishop, M.
Boswell, R.L.D. Brownhill, D.G.
Campbell, G. Campbell, I.G.
Conroy, S.M. Coonan, H.
Cooney, B. Crossin, P.M.
Crowley, R.A. Denman, K.J.
Evans, C.V. Ferguson, A.B.
Ferris, J. Forbes, M.G.
Gibbs, B. Harradine, B.
Hill, R. Hogg, J.
Knowles, S.C. Kemp, C.R.
Macdonald, I. Lightfoot, P.R.
McGauran, J.J.J. McLucas, J.
Newman, J.M. Murray, A.
Quirke, J.A * Schacht, C.
Sherry, N. Tchen, T.
Tierney, J.W. Troeth, J.M.
Vanstone, A.E. Watson, J.O.W.
West, S.M.

* denotes teller

Question so resolved in the negative

Bill agreed to.

Bill reported without amendment; report adopted.

Third Reading

Bill (on motion by Senator Ian Campbell) read a third time.
YOUTH ALLOWANCE CONSOLIDATION BILL 1999
In Committee
Consideration resumed from 13 March.

Senator STOTT DESPOJA (South Australia—Deputy Leader of the Australian Democrats) (4.52 p.m.)—I move Democrats' request No. 5:

(5) Schedule 4, page 131 (after line 13), after item 12, insert:

12A Subparagraph 1067C(1)(b)(i)
After “opposite”, insert “or same”.

12B Subparagraphs 1067C(2)(b)(i)
After “opposite”, insert “or same”.

This request is in relation to same sex couples; that is, they should be treated in the same manner as different sex couples. This request extends the current treatment of youth allowance clients who are in a de facto relationship of one year’s standing or more and who are independent from their parents. It recognises that same sex and opposite sex relationships are equal in the eyes of our parliament and in the eyes of our community. I commend the request to you.

Senator BARTLETT (Queensland) (4.53 p.m.)—Given there is no other speaker rising to speak to this, I would like to hear views of other senators about why they will vote the way they are possibly going to vote on this request. Perhaps they have not yet had the chance to get their heads around it, so I will speak a bit further on it and hopefully persuade them about the importance of it. I do not think this should be just waved through on the voices, or against on the voices, without proper consideration of what the request is about.

This request is specifically to recognise same sex couples under the common youth allowance. One of the ways a young person can be considered independent of their parents and therefore eligible to receive the independent rate of the common youth allowance is if they are in a de facto relationship for one year or more. Unless this request is agreed to, this will not apply for same sex couples. This would be a blatant case of discrimination against those who are in same sex relationships—a clear case of discrimination on the basis of the sex of the person someone is in love with.

In fact, the need for recognition of relationships for the purposes of establishing independence from parents is even more important. I would argue, for those in same sex relationships than it is for heterosexuals. A young person in a same sex relationship is much more likely to be estranged from their parents, and there is a much greater chance that their parents will not be willing to acknowledge, for government documentation, that they do not support their child or that they may have thrown their child out of the family home because of their sexuality—making it impossible for the young person to access an independent rate of income support or, in some cases, any income support. Unless this request is passed, young gays and lesbians are in danger of being rejected twice: once by parents who cannot accept their child’s choice of partner and again by a government which refuses to recognise their independence from their parents, and this for no other reason than their sexuality. These are citizens of this country and it is ridiculous to have a different set of rules for gays and lesbians on the basis of their sexuality.

This request and like requests have been moved previously by the Democrats and by others, including former Senator Dee Martin. This is an issue that has continued to be raised in the Senate from time to time, and I think the injustice of it is recognised more and more widely throughout the community; yet it is an area where action continues not to occur at the federal level. Action has been occurring at state level in many states of Australia but, unfortunately, the Commonwealth is falling further and further behind. It is very much bringing up the rear, with the notable exception of Western Australia, which is even more backward looking in this area.

There is no reason why we need to discriminate against same sex couples if they are covered under the normal criteria. There is no reason to single out a group of people and say, ‘You have satisfied the same criteria as other young people, except that you are a couple of the same sex.’ In other words, as with so many other areas of Commonwealth
law, same sex couples are excluded yet again from a recognition which is happily given to de facto couples of the opposite sex. This is not because same sex couples do not exist; I think every senator would admit that they do. It is not that same sex couples do not have deep and abiding commitments to one another; after all, there is no requirement that opposite sex couples in de facto relationships have any commitments to one another other than that they are deemed by the department to meet the definition of a bona fide domestic relationship. Even if a same sex couple make vows to one another, legally and financially merge their affairs, and clearly have far more commitment than some opposite sex de facto couples, they still cannot have their relationship recognised legally. This is clearly simple discrimination. We should be recognising and supporting stable, loving relationships. To do otherwise is anti-family.

A concern was raised during a similar debate towards the end of last year in relation to superannuation laws that somehow or other requests like this might threaten the institutional sanctity of marriage, and I think it is worth emphasising that that is not what the law does or what this request does. It is the Marriage Act which outlaws the recognition of same sex marriage. Even where there are churches, such as the Metropolitan Church or the Quakers, who will marry same sex partners in love and for life before God and the community, that sanctified union is legally forbidden the grant of legal recognition of marriage. That is a completely separate piece of legislation and has nothing to do with this request.

There are many same sex couples who make vows of union in a civil ceremony presided over by civil celebrants. None of these can legally be classed as marriage. Again, this has nothing to do with this particular request. What this request does is remove discrimination and provide a recognition that same sex couples do exist—something that no senator would deny. Same sex families exist and have children. It is both foolish and socially counterproductive to deny any recognition and support of commitment within such relationships. We grant de facto status to any opposite sex couple who live together under tax law, social security law, in superannuation, in life insurance, in aged care and in employment—in virtually all aspects of society where law rules. We deny that to people who may have lived together for any number of years, may have raised children together, and may have bought houses together.

I am not suggesting that is likely to apply in a widespread way to people who are wanting to apply for youth allowance; nonetheless, the principle applies across the board—this denial and lack of recognition. It is not a preservation of family, it is a denial of it. Under the existing law, we will not grant legal recognition, even as de factos, to a same sex couple even if they ask for recognition, yet under social security law heterosexuals who do not wish to be legally recognised as a couple are often recognised and are required to be assessed as a de facto couple.

These are some of the anomalies that exist not just in social security law but across a wide range of Commonwealth law. While there is continual refusal to correct these anomalies across the board, we need to start removing them item by item. That is what this request does. It does it in an area where it is particularly important for young people who, in many cases, as I outlined earlier, may already have experienced discrimination. Indeed, part of the reason why they may not be able to live at home could well be to do with their sexuality. It is an important issue not only in terms of principle but also in terms of the ability of an independent young person to be able to accurately claim independent status under the common youth allowance. I urge all senators to give the request their support.

Senator CHRIS EVANS (Western Australia) (5.00 p.m.)—This request seeks to apply rules currently benefitting couples of the opposite sex to those of the same sex. While Labor acknowledge that the issue of equal treatment of same sex couples raised by the Democrats is an important one and that many of the arguments put by Senator Bartlett deserve recognition, Labor are not inclined to support this request. Labor have an open mind about the way in which same sex couples might be treated under the youth allow-
We would favour a broader approach in terms of the social security legislation and how it might be amended to put same sex couples on an equal footing. We do not think that making an amendment to this largely technical bill that applies to a small part of the social security arena is the way to go forward. We think a thoroughgoing assessment of the treatment of same sex couples in the social security legislation is a much better approach. It would need to address a range of issues, including how amendments across this legislation would be achieved technically, taking into account other Commonwealth legislation; how we could achieve practical implementation of those amendments; who would be better off and who would be worse off under such changes, which I gather is a fairly live issue; and, of course, the net financial impact of such changes. So while Labor do not support an amendment dealing with the youth allowance alone, we would support a proposal that allows for the thorough examination of the issues of same sex couples. I appreciate Senator Bartlett taking the opportunity to again raise the issue and put it on the agenda, but the Labor Party will not be supporting that particular request in this debate.

Senator Newman (Tasmania—Minister for Family and Community Services and Minister Assisting the Prime Minister for the Status of Women) (5.02 p.m.)—The government’s position on this issue is that same sex marriages, like relationships, are not currently recognised for any income support purposes, and that has been a longstanding situation. Same sex marriages are not recognised legally, and flowing from that is the policy not to recognise de facto relationships either. Allowing this request to succeed could have far-reaching consequences for all income support payments, not just for youth allowance.

The community has not shown a broad interest in pursuing an agenda such as this. In any event, it should be pursued in a proper fashion. I do not believe that a technical bill like this is the vehicle for such an agenda. In a practical sense I would alert the Senate to what the implications would be if this request were to go forward. It would free a young person of the parental means test, but it would not go so far as to subject the young person to the partner income and assets test. That means that the young person would be given income support regardless of the means available to him or her from the family unit. Young people in such a situation would not be treated equally to young people in opposite sex relationships, as I think the Democrats would like to think. They would in fact gain a big windfall. Members of opposite sex relationships will be subject to the partner income and assets test. I do not wish to delay the Senate any further, except to say that the government is not prepared to support the request.

Senator Stott Despoja (South Australia—Deputy Leader of the Australian Democrats) (5.03 p.m.)—I would like the minister to clarify the comments she made just then in relation to recognition of de facto relationships. Perhaps the minister could outline her understanding of how people in a de facto relationship for one year or more are treated under this legislation. Is it not the case that the common youth allowance provides for recognition of people in a de facto relationship of more than one year’s standing as independent from their parents? Perhaps the minister could clarify this government’s and this legislation’s position in relation to de facto relationships, given that she brought that up in the context of her reasoning for rejecting this request that has been put by the Democrats.

Senator Newman (Tasmania—Minister for Family and Community Services and Minister Assisting the Prime Minister for the Status of Women) (5.04 p.m.)—A de facto relationship is treated as a married relationship.

Senator Woodley—So the minister was wrong.

Senator Greig (Western Australia) (5.05 p.m.)—That is my understanding too. I have to express sincere disappointment with the Labor Party. You either support the equity of heterosexual and homosexual couples or you do not. Either it is a case of discrimination or it is not. Time and time again we have heard, whenever an issue like this arises either in the House of Representatives—which is very
rare—or, more often, in the Senate, the government or the Labor Party echo the same stuff. It is always: ‘Oh, no, this is not the way to approach it. This is not the way to deal with it. We mustn’t have piecemeal approaches to this reform; we must have whole- sale reform.’ At which point one of my colleagues will always jump up and say, ‘Yes, and we’ve been saying that for years. That is why we introduced the Sexuality Discrimination Bill and that is why it has been on the Notice Paper for years, and neither the government nor the opposition will allow any time for it to come on for debate and a vote.’ But when we promote that argument and say that we have this overarching, comprehensive bill which deals with discrimination across a whole range of issues in relation to gay, lesbian, bisexual and transgender citizens, the answer is: ‘Oh, no, that’s not the way to deal with it. We mustn’t have a wholesale, comprehensive approach; we have to deal with these things on an issue by issue basis.’ So now we have the situation where we have a one-issue basis for dealing with an element of social security.

Minister, I heard you speak earlier today in question time. I forget exactly the question that was put to you, but you responded in part about what you claimed was the Howard government’s persistent, enthusiastic approach towards families and keeping families together. Throughout my experience as an advocate and spokesperson for the gay and lesbian community, I found that one of the strongest factors that damages families is the homophobia and discrimination that comes from people—and, all too often, from ministers—towards lesbian and gay children. There are many families in Australia who have sons and/or daughters that are gay or lesbian, and people are coming out and dealing with their sexuality at much younger ages these days. I know of gay and lesbian people who are 14 and 15 years of age. Some of those people have very accepting parents, and that is wonderful. It is indicative of social reform in this country.

Minister, you would be aware of the tremendous reform on this particular issue in your home state of Tasmania, which not only has repealed its antigay laws but has introduced the most effective and comprehensive antidiscrimination laws in the nation in terms of the way it deals with lesbian and gay people. That was done with the support of your state Liberal colleagues, I understand. Tasmania now has some of the best laws in the world in terms of the way in which schools deal with sexuality issues and approach young gay and lesbian people. I also make the point that the continued discrimination against gay and lesbian people, in particular gay and lesbian youth, has been shown, time and time again, to be an indicator that predisposes young people to suicide. We have seen a spate of tragic youth suicides in my home state of Western Australia in the last couple of years and, incidentally, there have been two fatal bashings of gay men in my state in the last four weeks.

It is not good enough to simply stand up and say, as the minister has done, ‘The government simply doesn’t have a policy on this. We don’t support gay marriages and that’s why we’re sticking to our guns.’ Again I make the point that, as I have said in here before, in my 10 years of being an activist and an advocate with the lesbian and gay community I have yet to discover one gay or lesbian person who does support gay marriage. My experience is that many gay and lesbian people support the formal recognition, some kind of legal recognition, of a same sex relationship, but that has nothing to do with marriage per se. I note with interest, although I forget the specific body, that in America in the last 48 hours one of the largest Jewish communities has just recognised same sex couples and will actually officiate over the recognition of same sex couples in synagogues.

I come back to my core point that this really is just a simple case of discrimination: you are either going to treat gay and lesbian people the same as heterosexual people or you are not. In my view, there are no valid arguments as to why discrimination should be allowed to continue. New Zealand, South Africa and Canada—and more recently some states of America, most particularly Vermont—have introduced comprehensive antidiscrimination laws for their gay and lesbian
citizens at a national level, with the exception of Vermont, of course, which is a state.

There has been a raft of reforms in the last two or three years within our own country. We now have legal recognition of same sex partnerships in Queensland. We now have legal recognition of same sex partnerships in New South Wales and I understand that the Bracks Labor government in Victoria will be looking at the legal recognition of same sex unions in that state in the next few months. I will be keen to keep an eye on that. I also understand, Minister, that in your home state the government, having been through a long process of looking at relationship recognition and reform, is also proposing that it recognise same sex and other relationships. So you now have a majority of the population of our country living in jurisdictions where their democratically elected governments are saying, 'This is the way to go,' so it is simply false for you, Minister, to say that this does not have the support of the Australian people. Clearly it does.

It may interest the Senate that recently I sent out, to a variety of House of Representatives electorates in my home state, some 75,000 leaflets which included on the back a questionnaire touching on a range of subjects. An astonishing 1,200 of the recipients wrote back to my office. One of the questions that I asked in that questionnaire was, 'Do you believe that same sex couples should be recognised in law?' I forget the exact percentage of people who said yes but I do recall that it was more than 50 per cent; it was either 54 or 56 per cent. So even in my home state, which legislatively is the most regressive and homophobic in the nation—because it now has some of the worst antigay laws in the world and the highest consent age in the world outside of Romania—we now have the situation where most of the people there, the majority, are supportive of same sex unions.

In summing up, I pick up the point that I sense there is often an underlying, unspoken argument that underpins much of this. It is the notion to somehow use economic sanctions against gay and lesbian people forming relationships—that is, the way to promote and protect the family is by bashing up on gays and lesbian with legislation. The way to protect and promote the family is not by discrimination against gay and lesbian people. That in fact harms the family because gay and lesbian people are of and from the family, and many same sex couples—I believe recent statistics have shown it is up to one-third of them—have children. So when you talk about the family, you cannot necessarily exclude lesbian and gay people from that. We are family. The issue before us is a very simple one: you either support the notion that lesbian and gay people are treated as equal citizens or you do not. There is no valid argument to the contrary.

The TEMPORARY CHAIRMAN (Senator George Campbell)—Minister?

Senator Newman—I do not think I have anything to usefully add to the debate, thank you.

Senator BARTLETT (Queensland) (5.13 p.m.)—I will not bite on that one, but I will offer a final comment to the ALP and Senator Evans. I am sure he has his riding instructions—as he often says—on these issues, so I will be gentle with him.

Senator Chris Evans—Not too gentle.

Senator BARTLETT—Perhaps I will not be so gentle on the ALP as a whole. I would like to emphasise a point in his comments when he was saying that doing this, through a piecemeal approach, might have broader consequences across the entire social security legislation and might lead to some people being worse off. There is no doubt that, if you recognise same sex couples across all of social security legislation, in some cases gay and lesbian couples will be worse off than they currently are. But I have never met a same sex couple who would be unwilling to accept that in exchange for actually having their relationship recognised and for actually having discrimination removed from social security and other Commonwealth law. I think it is not an area where we should try to avoid discrimination because in some small areas the oppressed group might get some benefits from it and in some areas they might be worse off. We are looking at an overall principle and we are trying to do this across the board.
As has been noted, every time we try and do an amendment in one particular area we get told it is the wrong bill or it is a technical bill or it is too precise and we should do it across the board, and every time we do it across the board we get told that that is too wide-ranging a change, there might be some unforeseen revenue implications and there are issues such as that. In other words, if we stopped treating some people in our society in a clearly discriminatory way, a way which violates their rights, there might be some unforeseen revenue implications. I think it would be quite a simple matter to assess what the revenue implications might be and, regardless of what they are, in some cases I suspect there would be quite a significant saving to the government in terms of revenue implications, particularly in social security law. But we cannot use excuses like that to hide behind in violation of the basic right of people not to be discriminated against on the grounds of their sexuality.

I know there were some comments in Senator Evans’s response that the ALP is willing to look at this issue in a more holistic way and assess the potential implications. We have had any number of assessments and any number of inquiries and reports, both in the Senate committees and also outside the parliament. Are we simply going to say, ‘We’ll go and have another look at it through another committee, another report’? I think it is getting a bit beyond that at this stage. I think it is pretty clear what needs to be done. It is not actually particularly difficult—all it requires is some of this leadership which we hear so much about these days but which seems to be lacking on so many issues.

Those state government changes that Senator Greig outlined have been made in many cases by Labor state governments, and I congratulate them for that. I would urge the ALP at the federal level to follow the lead of some of those state counterparts and to themselves show some leadership on this issue. They know beyond doubt that they would have the support of the Democrats on legislation which removed discrimination. I would even be happy for Senator Evans to move the amendments himself next time so that he can get the glory; not that it is a matter of glory. I know Senator Conroy is keen to chase the support of the gay community, moving the same sex couples superannuation bill. Maybe we could get a bit of competitive spirit going there in the ALP and get Senator Evans moving some amendments as well just so that Senator Conroy does not get all the glory.

I do not mind who gets the glory; I just want to have the discrimination removed, and it is about time that we as a Senate moved to where everybody knows we need to go. The excuses are running very thin, patience is running very thin, and the discrimination is still there as strong as ever. I remind the Senate that this issue is not going to go away and we are not going to back away from continuing to push for this discrimination to be removed. The Commonwealth now is far behind almost every state in Australia, and it is about time that we did show some leadership and recognised the reality of this discrimination and the negative effect it is having on the community and on so many people in such a terrible way. We need to actually get some concrete change rather than having platitudes and words of support that are not backed up by action.

Senator GREIG (Western Australia) (5.18 p.m.)—Picking up on the point that my colleague Senator Bartlett made in relation to superannuation, I would like to ask Senator Evans whether the Labor Party is expecting support for its same sex couples superannuation bill—that is, the Albanese bill from the House of Representatives that is now in the Senate. If so, why? And how in that sense is that bill any different from this one? How is it that you can argue for the recognition of same sex couples for superannuation but not for social security?

Senator CHRIS EVANS (Western Australia) (5.18 p.m.)—I do not know that I am required to answer questions on the government’s bill but, as one of the 98.5 per cent who did not reply to Senator Greig’s survey that I received in my letterbox, I think I owe him a reply tonight. The answer is that I do not know. Senator Conroy is in the chamber and is handling the same sex couples bill. You can invite him to comment, if you like. It is not my responsibility, and I am afraid that
Senator Conroy has not informed me of his strategy in dealing with that bill, so I cannot help you.

Question put:
That the request (Senator Stott Despoja’s) be agreed to.

The Committee divided. [5.23 p.m.]
(The Chairman—Senator S.M. West)
Ayes……………… 9
Noes……………… 38
Majority………… 29

AYES
Allison, L. Bartlett, A.
Bourne, V.W * Brown, B.
Greg, B. Murray, A.
Rigdeway, A. Stott Despoja, N.
Woodley, J.

NOES
Bishop, M. Brownhill, D.G.
Calvert, P.H * Campbell, G.
Carr, K. Collins, J.M.A.
Conroy, S.M. Cooman, H.
Corney, B. Crossin, P.M.
Crowley, R.A. Denman, K.J.
Evans, C.V. Ferguson, A.B.
Ferris, J. Forschaw, M.G.
Gibbs, B. Gibson, B.F.
Harradine, B. Harris, L.
Hogg, J. Hutchins, S.
Knowles, S.C. Ludwig, J.
Mason, B. McGauran, J.J.J.
McKiernan, J. McLucas, J.
Murphy, S.M. Newman, J.M.
Payne, M.A. Schacht, C.
Sherry, N. Tambling, G.E.
Troeth, J.M. Vanstone, A.E.
Watson, J.O.W. West, S.M.

* denotes teller

Question so resolved in the negative.

Senator STOTT DESPOJA (South Australia—Deputy Leader of the Australian Democrats) (5.26 p.m.)—I now move on to Democrat requests Nos 6 and 7.

The CHAIRMAN—Are you seeking leave to move those two together?

Senator STOTT DESPOJA—I will speak to the two together, but I will leave them separate at this stage. I move Democrat request No. 6:

(6) Schedule 4, page 132 (after line 5), after item 16, insert:

16A Point 1067G-E17
After “1067G-E18”, insert “, 1067G-E18A”.

16B Point 1067G-E18
After “business” (first occurring), insert “which includes the provision of professional services”.

16C After point 1067G-E18
Insert:

Interest in business assets when business includes carrying on of primary production.

1067G-E18A Subject to point 1067G-E19, 100% of the value of a person’s interest in the assets of a business which includes the carrying on of primary production is disregarded if the person, or his or her partner, is wholly or mainly engaged in the business and the business:

(a) is owned by the person; or
(b) is carried on by a partnership of which the person is a member; or
(c) is carried on by a company of which the person is a member; or
(d) is carried on by the trustee of a trust in which the person is a beneficiary.

These amendments to the Youth Allowance Consolidation Bill 1999 are best entitled the ‘National Party’ amendments or maybe the ‘keeping the government to its promise’ amendments. They are in relation to the exemption of farm assets for the purpose of qualifying for the common youth allowance and Austudy. These amendments recognise a call—a recent call but an ongoing call—by the National Farmers Federation for this government to implement an election promise to increase Austudy access to regional and rural Australians by relaxing the assessment of the family farm in relation to Austudy and common youth allowance benefits. According to 1998 DETYA figures, rural Australians participate—

The CHAIRMAN—Order! Just a moment, Senator Stott Despoja. Those senators who are not listening to the debate should stop talking. Senator Calvert and Senator Ferris!

Senator STOTT DESPOJA—Thank you, Chair. I have no doubt it is because Senators Calvert, Ferris and Ferguson are particularly concerned about the welfare of young people and students in rural and regional areas. In fact, through you, I have no doubt that Senator Ferguson will be supporting this request because he is very keen—as I am sure all his
colleagues are—to keep this government to its promises. And this matter of the assets being discounted—that is, the 75 per cent amendment—was an election promise.

As I was saying, the 1998 DETYA figures on the participation of rural Australians in higher education show that they do so at only two-thirds of the rate of urban Australians. More than 2,500 rural Australians have been denied access to Austudy or the youth allowance because they come from farming families. Both of the requests before us test the Prime Minister’s commitment to ensuring that rural Australians are not left behind, which is certainly an issue that he has been waxing lyrical about for many months now. This request holds the federal government to a 1996 election pledge to discount farm assets in the assessment for youth allowance and Austudy from the current 50 per cent to 75 per cent. It is a policy in line with the findings of the recommendations of the 1995 Senate Rural and Regional Affairs and Transport Committee report into the impact of the assets tests on farming families’ access to social security and Austudy payments.

This report recommended that 100 per cent of farming assets be excluded from the assets test. That is why, in my first request that I have moved on behalf of the Democrats today, I have put forward the figure of 100 per cent. My understanding is that that figure will not be supported by the Australian Labor Party, but we are hoping that the government may see the error of its ways and, in this newfound hope for regional and remote Australia, that it might support this. I have no doubt that National Party senators in the chamber will support that request. If they do not, not only will they be denying the constituency a long needed change but also they will be defying quite staunchly a call by the National Farmers Federation to do so. Certainly, the first request will test the 100 per cent rate; the second one will test the 75 per cent rate. The 1996 promise of the 75 per cent exclusion was already a back-down from the coalition’s original commitment. Even this watered down commitment has not been honoured. The 75 per cent was a watering down from earlier commitments and suggestions, yet they have still failed to honour that 1996 election pledge.

We know that farmers are often income poor and asset rich. The exemption of the family farm from the Austudy and youth allowance assets test simply recognises that fact, as it has been recognised in many reports and submissions, and indeed in recent comments by the National Farmers Federation. Despite the government’s policy and despite supporting the recommendation of the 1995 Senate committee report that 100 per cent of farm assets be excluded from the assets test, the National Party and the Liberal Party have repeatedly voted against Democrat request to discount farm assets to qualify for youth allowance and Austudy. I cannot even remember the number of times—it is certainly more than half a dozen—that the Democrats have moved this amendment in this place. Again today we are moving two requests in the hope that the government will not only see the error of its ways but will at least recognise a promise. We have so many non-core promises, so I guess we are testing whether or not this is simply another one of those non-core promises.

Today the Democrats are challenging the Liberal Party and specifically National Party senators to cross the floor if need be, to support their own policy and hopefully to support the Democrats by all sitting on the same side in order to support this request. If you do not, the recent pledge by the Prime Minister to rural Australians, which he has made very publicly, will ring hollow for more than the 2½ thousand rural Australians who have been denied access to Austudy or youth allowance because they just happen to come from farming families.

Everyone here would be aware of last month’s House of Representatives report into rural Australians which found that access to education was ‘a national disgrace’ and recommended the very amendments which the Democrats are requesting. So in the other place they have recommended quite openly that this is one way of ensuring greater participation for students and young people from regional and remote backgrounds, people from farming families. A request of this kind would ensure greater access to education and
participation in education. I do not see how anyone on the government benches, or the opposition benches for that matter, could not vote on this request in good conscience and, in the government’s case, not only in line with their consciences but in line with their own policy and actually support the request before us.

We know that the government have repeatedly promised this exemption. If they vote against it now, clearly we have good reason to question many of the election promises that were made in 1996 and 1998 by this government. This is giving the government an opportunity to prove that their promises regarding access to education for regional and rural Australians are not simply non-core promises, but that they are at the heart of government policy and that the Prime Minister actually cares about the people in the areas to which he has repeatedly referred in recent months. I have a number of questions for the minister on this issue, but I know that my colleagues are keen to debate this point as well. My first request, in relation to the exemption of farm assets, deals with 100 per cent.

Senator WOODLEY (Queensland) (5.34 p.m.)—This request has been moved many times by the Democrats in this place over a number of years. It was moved prior to 1993, before I came into the Senate, and I have moved the same request a number of times. It is important that we understand the very long history of this request. On one occasion I moved this request when the current government were in opposition. They wanted to support the request, or at least some of them did, but they were embarrassed by the fact that we were moving it. I remember Senator Kay Patterson, Senator Lees and I agreed at the time that we would have an inquiry to see whether or not it really was an issue that was having an impact on farming families. That particular inquiry took place and we received submissions from a number of different groups. The inquiry was chaired by the Hon. David Brownhill. I remember that there were a number of findings which that inquiry particularly underlined. It was reported to us that discounting the family farm as an asset by 100 per cent for the purposes of the means test for Austudy would benefit 5,000 students. I know there are amended figures, but certainly there are some thousands of farming families who still would benefit from such an amendment.

Senator Stott Despoja interjecting—

Senator WOODLEY—Certainly, Senator Stott Despoja. I believe, whatever the figure is, it is going to benefit a number of farm families and therefore should be supported. As my colleague Senator Stott Despoja has said, this has been supported strongly by the National Farmers Federation for as long as we have been moving the requests. I think they are as mystified as we are that the government keeps fudging the issue. We discovered that there was significant educational disadvantage and of course recent reports have underlined that in very black ink indeed. The problem is that many farmers have a low income but a high book value in terms of the value of the farm and that that factor itself rules out many young people because they cannot be supported by their parents, yet are keen to continue their study.

I remember at the time the current government, then the opposition, enthusiastically endorsed the recommendation that there should be a 100 per cent discount. I remember that Senator Brownhill did some media on this and I am sure that he is quite embarrassed by the government’s position on this. I note that, at the time, the Labor Party did not support our request and they did not support the report that was presented, so it is really quite thrilling today to hear that they may shift their position and significantly improve the position they took at the time. As my colleague Senator Stott Despoja has said, at the 1996 election instead of a 100 per cent discount the coalition promised that there would be a 75 per cent discount of the family farm for the assets test for Austudy. At least that was a movement away from the current situation. Although disappointed in that election promise because it was not a 100 per cent discount being proposed, I was at least heartened that the government was moving part of the way towards significant assistance for rural families.

Now, I understand that the Labor Party is going to support the 75 per cent discount,
which was the government’s promise, and that is a significant and radical change in policy. I congratulate the ALP on it and I am sure that the influence of Senator Evans has been very significant in getting this change of policy. However, having listened to the 1996 election and seen the government elected, no doubt this being a significant element in the support that rural communities gave them and rural voters gave them, I waited for the government to move an amendment along these lines. I waited and I waited and I waited, but there was nothing. Another election came and went, but still there was no movement. No doubt the government is taking rural communities for granted and expects them to keep on voting for it.

I not only waited during the first budget to see this item included, I waited during the second budget, I waited during the third budget and so on. Perhaps at the next budget it will be included. However, I expect what is really going to happen is that it will never be included unless we can force the government to live up to its own promise. But I will tell you this: if the government does not support this request today, at least in terms of its own promise, then I do not think it can ever say again, ‘We support rural families.’

Senator CHRIS EVANS (Western Australia) (5.41 p.m.)—Mr Temporary Chairman, I thank Senator Woodley for his comments but I wish to assure him that his delusions about my level of influence in the Labor Party are very badly misplaced. As always he makes a worthy contribution to the debate and shows that a long memory is a good attribute to have in politics. I am not sure I am so keen about him being so thrilled by our change; I worry if Senator Woodley is that thrilled. But more seriously, the Labor Party has decided to support the second of the Democrats’ request—that is, request No. 7—which moves the actual means test exemption of farm assets to 75 per cent. We are convinced by the arguments in favour of that policy. We note that it was a policy that the government adopted in 1996 and that, although that was in relation to Austudy, that has largely been folded into the youth allowance. We think it holds true. The government often exhorts us to hold them to their promises on GST, et cetera, and I will be interested to see whether they are as keen on this occasion. On the balance of the arguments, and given that promise by the government, we are inclined to support the request by the Democrats, which moves the exemption to the 75 per cent level.

Senator NEWMAN (Tasmania—Minister for Family and Community Services and Minister Assisting the Prime Minister for the Status of Women) (5.42 p.m.)—Senator Evans just pointed out that the government did not, in fact, make this promise in relation to youth allowance; it was made in respect of Austudy. That is significant, although maybe Senator Woodley would not see it in that light. I believe it is significant because youth allowance is a spending measure of $254 million extra over the first four years of the new arrangements. That has been of particular benefit to people who have to go away to study, through the introduction of rent assistance to students. It should not be overlooked or dismissed lightly; it can make all the difference as to whether somebody can go away to study. Not only do they get an away from home allowance but they also get rent assistance, a significant improvement for a lot of students. It was very important to the government to do that. It was a huge spending measure. It has produced long-term benefits for country kids. In addition, come 1 July, the assets test is being abolished for family payments. Come 1 July there will be no assets test on family assistance with the introduction of the family tax benefit and child-care benefit from 1 July. Do not forget that either. That will have a significant impact on all families but will be of particular benefit, as Senator Woodley would understand, for people who are in the country.

I would briefly like to put on the record that a 100 per cent discount on business assets for primary producers would cost around $31.86 million—that is the advice that comes to me from my department. A 75 per cent discount for students and unemployed young people would cost around $23.67 million and it would allow families with net assets of up to approximately $1.7 million to access income support. Comparing that with the assets test for parenting payment (partnered), which
is $181,500, gives you some indication of the hugely different treatment of families under the 75 per cent discount compared with families on parenting payment.

If you increased the 50 per cent discount, you would compromise the overall means testing arrangements, and taxpayers—rightly—expect resources to go to those who are really in need. I do not think that—despite a lot of sympathy in the country for farming families—too many Australians who are battling themselves, having difficulty supporting their own kids and paying their taxes as well would believe that it was fair to have a social security system that allows people with up to $1.7 million of assets to access income support. Perhaps the Democrats might like to think of the equity issues there. The other thing that would concern me is that directing the increased discount to primary producers causes a discrepancy between farmers and other people in rural and regional businesses. It would also be difficult to determine which businesses include the carrying on of primary production.

To sum it up, the most important reason why I could not support this measure is that, regardless of the policy merits of these amendments—I would have hoped Senator Woodley would have been advised, but he should certainly now understand—they are going to fail at a technical level. That is because the provisions that are proposed to be amended here were repealed along with all of module E of the youth allowance rate calculator—that is, points 1067G-E1 to 1067G-E20—by item 30 of schedule 2 of the Social Security Legislation Amendment (Youth Allowance Consequential and Related Measures) Act 1998. In other words, you are trying to amend something that is not there. So, Senator, I am sorry that you did not get advice from the clerks or from your staff to that effect but, sadly, what you are trying to achieve cannot be achieved. I am sure you are disappointed by that, and I am sure your constituency will still be interested to read your speech, but effectively you cannot achieve what you want to with these amendments.

Finally, this sort of change, if it were to occur, would occur more appropriately in a bill other than a housekeeping one. Certainly, the government is concerned about issues that affect rural and regional people. This government has demonstrated that over and over again. As a result of the rural and regional summit, the government is looking at a range of issues which impact upon farming families, and I would not want to pre-empt the findings now. So, for a whole variety of reasons, the government cannot endorse these amendments.

Senator STOTT DESPOJA (South Australia—Deputy Leader of the Australian Democrats) (5.48 p.m.)—In response to the last comment by the minister, she is wary of pre-empting the recommendations of the regional and rural summit. It is not that these requests or this proposal are being moved in a vacuum in relation to supporting evidence. How does the minister respond to the House of Representatives inquiry that made similar suggestions or, indeed, the 1995 Senate committee inquiry, to which Senator Woodley and I have referred. There have been many occasions on which this debate has come before the chamber and the different justifications governments have given for not supporting the amendments make interesting reading. The minister, concerned that her failure to care enough for the bush is shining through, has found a technical reason. And no, we have not had that advice from the clerks or, indeed, your office, whom we contacted initially to make very clear the amendments we were moving because we thought we would give the government the opportunity to move its own election promises.

I can understand why Senator Evans gets nervous when Senator Woodley describes himself as being thrilled by a change of heart or a change of position by the ALP. I will tell you what: the government should be scared when they start seeing press releases from the National Farmers Federation with titles such as, ‘NFF welcomes Democrats’ Austudy intervention.’ If the Labor Party is amazed at the Democrats commending the ALP, this
kind of press release should send chills down
the spine of the government.

The minister can be flippant and find it
very amusing to talk about my constituents
reading my speech. In doing so she com-
pletely dismisses not only the diversity and
heterogeneous nature of farming families in
this nation in relation to their political per-
suasion but also the fact that a political party
in this place prides itself on representing,
standing up for and advocating on behalf of
the bush. Where are they in this debate?
Where is Senator Boswell and what is left of
the team—the four or five of them, depend-
ing on how many places you set or whatever.
Where are they in this debate? I think that
they are the ones that will have to go back to
their constituency and explain once again
why they have failed not only to honour an
election promise but to do something that
would realistically advantage students and
young people in the bush. I wish to put on
record some more comments by the NFF—
not just the bit where they praise the Demo-
crats; it does not happen a lot, does it, Sena-
tor Woodley?

Senator Woodley—It has been happening
more frequently.

Senator STOTT DESPOJA—It has been
happening more, especially with Senator
Woodley’s work in regional areas. We are
pretty proud when that happens, but we are
also very concerned at the tenet of this re-
lease because it clearly exposes the govern-
ment’s unwillingness to act. The minister
said that in 1996 the promise was not ex-
tended to Common Youth Allowance because
the common youth allowance had not been
introduced. The minister said that was
because we had all these amazing measures
that were going to assist farming families
anyway. I acknowledge that there were some
measures that provided some benefits, and
some benefits specifically to farming com-
unities in much the same way that the NFF
did. Their comment is:

NFF acknowledged several changes to Youth Al-
lowance over the past three years had benefitted
farming families. However, given the importance
and magnitude of the problem, the new measures
did not extend far enough.

Clearly they did not extend far enough. We
have had reports, emanating from the House
of Representatives and other places recently,
that demonstrate—the figure to which I re-
ferred was the 2,500 students and families—
that people could benefit from the introduc-
tion of this measure. They are very concerned
when they look at the participation rates and
the entry rates in education for farming fami-
lies. The chair of NFF’s farm business man-
gement committee, Geoff Crick, has said
that in 1996 only 10.4 per cent of Australians
aged 15 years and older had a basic univer-
sity education. I quote:

‘NFF is concerned that the figure for non-
metropolitan Australia was only 6.6 per cent’, Mr
Crick said.

‘One of the keys to advancing rural Australia
hinges on the extent to which farm family busi-
nesses and others are equipped for technological
change in an era where people may have 5 or 6
careers during their working lives. Access to on-
going education and training is vital’.

This is the NFF talking. It is not just the
Democrats talking. The press release contin-
ues:

‘To assist in correcting the imbalance, NFF has for
many years called on the Government to exempt
farm assets from the assets test on Youth Allow-
ance’, Mr Crick said.

I am assuming that was before the introduc-
tion of the common youth allowance. What
kind of an excuse is that—we did not extend
the promise to the common youth allowance
even though the common youth allowance
had not been born at that point? The quote
continues:

‘Due to the capital intensive nature of agriculture,
under the current eligibility criteria, many farm
families fail to access Youth Allowance despite
painfully low incomes ...

This contrasts starkly with the minister’s
blithe references to assets of $1.7 million.
Most people who have any understanding of
this sector know that we can talk about how
asset rich some families may be, but obvi-
ously that does not mean they are not in dire
straits or having difficulties. Certainly it does
not mean that they are not having income
problems. Mr Crick goes on to say:

Although the Coalition Government made a
commitment to relax the assets test by 75 per cent
in 1996, this promise has yet to be acted on. In 1998, it was estimated that 2,500 rural Australians would benefit if that commitment was honoured...

So the NFF and the Democrats, and I presume now the ALP—certainly in relation to the 75 per cent—are calling on the Liberal Party and their coalition partners, the National Party, to honour this commitment once and for all. If there is a technical problem, fix it up. Implement the promise that you made—the pledge that you made two elections ago. If you do not do so, do not talk to us about constituencies. The government are the ones who are going to have to explain to not only their constituents but also regional and rural Australia as to why they are treating them like second-best citizens when the Prime Minister is running around this country talking about how much he cares for the bush and regional areas. I am looking forward to a contribution to this debate from some of the National Party senators. Quite frankly, I am shamed that they are not here because in private they have all come up to me to talk about this amendment. In private, they are all happy to talk about how they really want the minister and the government to support it, but they will not put their words on record. The Democrats have gone on record eight or nine times on this issue and we are getting a bit sick of it. We expect the 100 per cent amendment to be voted down by most in this place and we hope for a better result for the 75 per cent amendment.

Senator WOODLEY (Queensland) (5.56 p.m.)—I think I need to put on the record a couple of comments on the minister’s statement. Minister, the whole issue of whether or not this amendment would discriminate against other businesses in rural and regional Australia has been raised by your party going back to the time when we tried to move this amendment to the Social Security Bill and had an inquiry some years ago. Quite clearly, it was said at the time that if this provision was extended to other rural and regional businesses, the government should hold an inquiry along those lines. That has never been done.

The issue of someone having an asset of $1.7 million is relevant, but the problem we see in all of this is whether or not that asset can be realised in terms of income. The income means test still applies, but the problem is that those farmers may have a book value in terms of the asset of $1.7 million but their income may be negative or they may not be able to realise the asset. You have only to talk to those farmers who have been foreclosed by banks and then had their supposed $1.7 million or some other figure asset sold up for only a fraction of the value of the asset. They will soon tell you about the very dubious nature of the book value of farming assets.

If the minister believes there is a technical problem with our amendment that is okay. We are very happy for the government to come up with some alternative which will fulfil its promise. That is why we have been waiting and waiting. Minister, we are quite prepared to get the assurance from you that you will have an alternative proposal which will fulfil the promise you made.

Senator NEWMAN (Tasmania—Minister for Family and Community Services and Minister Assisting the Prime Minister for the Status of Women) (5.58 p.m.)—Senator Stott Despoja was complaining, in injured terms, about the fact that the government did not tell her that her amendments were not going to achieve their goal. I put it on the record that, despite the fact that the government has written to the Democrats offering to give briefings etc. each time there has been legislation coming before the parliament, I am advised that the offer has never been accepted. In addition, the Democrats did not give us a copy of these amendments until they appeared in the Senate. So there was no opportunity whatsoever to advise them at a stage when it could have made a difference.

Senator Stott Despoja—That’s not true, Minister.

Senator NEWMAN—You may not like it, Senator Stott Despoja. It does make you look a bit silly, I realise, because you are amending something that is not there. That is the reality of what you are doing today. I remind you—and Senator Woodley would appreciate this too—that the youth allowance is currently undergoing an evaluation. It will be evaluated over three years. If we are to change the assets test for youth allowance, that is a major undertaking, with a major
cost, and it is an appropriate time—during
that evaluation—to determine whether or not
the assets test is meeting the needs of rural
people.

I know that Senator Woodley likes to rep-
resent the interests of country people, but I
can assure the Democrats that not only are
the National Party very keen and happy and
proud to represent country people but the
Liberal Party are also. We represent many
country seats around this country and we well
understand the needs of people who are going
through difficult times on the land. It does
not mean to say, however, that the benefits
provided to young country people to go away
to study should be dismissed with an airy
wave of the hand. That $254 million of extra
expenditure over the first four years of youth
allowance is a hugely significant change to
the Austudy scheme that was in place when
we came into government. Not only the rent
assistance but also substantial other measures
in the youth allowance policy have been very
meaningful to country people and to students
all round this country.

It may suit the Democrats’ agenda to take
no note of those changes. Senator Stott
Despoja, I think for the first time in this de-
bate, recognised just now that rent assistance
had been of some benefit. In a social security
system when looking at needs which have
always been targeted to those who do not
have the means to support themselves—it has
been means tested by successive govern-
ments—we have to be very careful how we
extend the expenditure of the taxpayers’ dol-
lar. It is not that we are unsympathetic but,
for the reasons that I have made very clear in
my contributions to this debate, the govern-
ment will not be supporting these requests.

Senator HARRIS (Queensland) (6.02
p.m.)—I would like to put on record that
Pauline Hanson’s One Nation supports very
strongly any initiatives passed by this place
that would advantage those rural families
who are to some extent high in assets but
have very little income. I would also like to
place on record that the remote regions are
more reliant on Austudy because a higher
percentage of those rural students are re-
quired to live away from their homes. In my
brief support of the Democrat requests, I
would like to place very clearly on record
that this should not be made available to any
families who are living on properties that are
not Australian owned. In other words, if there
was any way that this could be misused by
non-residential owners of large properties,
then I do not believe that that would be in the
spirit of the request moved by the Democrats.
I commend the request to the chamber.

Request not agreed to.

Senator STOTT DESPOJA (South Aus-
tralia—Deputy Leader of the Australian
Democrats) (6.03 p.m.)—I move Democrats
request No. 7:

(7) Schedule 4, page 132 (after line 5), after
item 16, insert:

16A Point 1067G-E17
After “1067G-E18”, insert “, 1067G-E18A”.

16B Point 1067G-E18
After “business” (first occurring), insert
“which includes the provision of professional
services”.

16C After point 1067G-E18
Insert:

Interest in business assets when business in-
cludes carrying on of primary production
1067G-E18A Subject to point 1067G-E19,
75% of the value of a person’s interest in the as-
sets of a business which includes the carrying on
of primary production is disregarded if the person,
or his or her partner, is wholly or mainly engaged
in the business and the business:

(a) is owned by the person; or
(b) is carried on by a partnership of which the
person is a member; or
(c) is carried on by a company of which the
person is a member; or
(d) is carried on by the trustee of a trust in
which the person is a beneficiary.

Many of the arguments surrounding this re-
quest have been fleshed out. This request
deals specifically with the 75 per cent, so it is
emulating the government’s policy at the
1996 election. I understand that we have sup-
port from One Nation and from the Labor
Party for this request. I look forward to see-
ing how the government votes on this, in
particular the National Party. I wish to place
on record that, if the minister had listened to
or read any of the speeches on this debate
over the past few years, she would know that
the Democrats have acknowledged the benefits where they may exist in the common youth allowance legislation, including my speech at the second reading stage, which I would be surprised if the minister recalls.

We have on many occasions, in stark contrast to the government’s obfuscation and lack of comprehension of social security legislation, put on record the good bits and the bad bits. I also put on record that the intention of the Democrats’ amendments were signalled and brought up with the senator’s office. I acknowledge that her advisers are shaking their heads, but I was assured last time in the debate when Senator Newman got up and suggested that she had not had the amendments. I did not deny that she had not had the specifically drafted amendments that the Democrats were proposing but there has certainly been contact between the officers on this.

Senator Chris Evans—That was three weeks ago.

Senator STOTT DESPOJA—It was more than that; in fact, it was before we even spoke to Wayne Swan’s office—I should acknowledge through you, Chair. I am really a bit sick and tired of the government suggesting that the Democrats have simply seen the fear and dread in the common youth allowance. Certainly on occasions we have acknowledged that yes, we are very concerned about 16- and 17-year-olds who are kicked off benefits if they are not in employment, education or training. And, yes, we are worried, especially when people like Senators Bartlett and Woodley in Queensland and I go to various Salvation Army places and different charity groups and we ask them: ‘What are the growing numbers of your clientele? Where do they tend to come from?’ and the answer is: ‘16- and 17-year-olds’—unsurprisingly. I do not deny that the youth allowance has played a role in that.

We have supported the extension of rent assistance. We think it was long overdue, and we are saddened that the Labor government did not get around to doing it. Conversely, we also recognise that, if you define young people as independent after 25—that is, you ensure that young people are deemed dependent on their families or their parents to the age of 25 if they are students or 21 if they are unemployed—then you have clearly a bizarre notion of what constitutes ‘independent’ in a financial, economic, social or any other sense in today’s society. So we have also pointed out those difficulties in relation to the common youth allowance and the fact that this has had a deleterious effect on young people’s entry into and participation in education at a number of levels. Again, we are saddened that the Labor Party did not take advantage of that opportunity put forward by the Democrats in this debate before we adjourned this debate a few weeks ago—adjourned because the minister was in budget committee meetings, but adjourned nonetheless—to lower the age of independence. I will certainly be keen to chase up some questions with the minister in relation to the age of independence.

In particular, in relation to the welfare review process that has been debated in the media over the last couple of weeks I am wondering if the lowering of the age of independence in relation to income support for students and young people was something that the minister thought worthy of consideration. I am also curious as to how many students the government estimates currently fall into the category of over 21 years of age and assessed as dependent on their parents’ income. Perhaps the government could provide some figures in relation to that. I note that currently in the act it has been reflected that the youth allowance age of independence for students be gradually lowered. Certainly, that was something that the Labor Party eventually got around to doing in their later years in office. I also note that this happened in response to the Senate support of an amendment. Will the minister put on record today—or at any other time when someone can find it out for the minister—how gradual the lowering of this age of independence will be?

I am also wondering how much the government is currently saving in revenue by classifying students as dependent until the age of 21. What are the savings as a consequence of those definitions in relation to the age of independence? That is certainly an area we have maintained our concern about.
We have raised it on many occasions, including when the act was first introduced. Along with that, we acknowledged that the government had done some things that the Labor Party failed to do, specifically in relation to rent assistance. To suggest that we have not done that suggests that the minister has either not been a part of this debate or not been paying any attention to the comments on record. I would have thought that the minister would be quite happy to use some of the comments by non-government members that actually said nice things about the government’s actions or legislation. But do not worry; we will be very wary about that in future because having a balanced debate in the context of social security or the common youth allowance has certainly got us nowhere. So maybe we will just concentrate on and expose some of the more evil aspects of government legislation in relation to students and young people. There is no shortage of it to concentrate on.

Senator NEWMAN (Tasmania—Minister for Family and Community Services and Minister Assisting the Prime Minister for the Status of Women) (6.09 p.m.)—Senate Stott Despoja has challenged what I have said earlier about briefings and about her amendments. I would like to table a letter which the chief of staff of my office sent to Senator Lees’s office on 10 February, describing the bill et cetera and offering further information or a verbal briefing on the bill.

Senator Stott Despoja—When did I challenge the briefing?

Senator NEWMAN—I am coming to that, Senator. I now have here a 3½-page memo that was faxed to my office from Senator Stott Despoja’s office about her amendments. Senator Stott Despoja seemed to think that the government should be telling her that her amendments were not going to achieve what she said they would—what she is planning for them. But in fact there is no mention in this memo at all of the fact that she had any designs on a change to the assets test. There are 3½ pages, which start off saying:

Further to our discussion this week, I have highlighted the issues Senator Stott Despoja will seek to amendments which the government would possibly look to support. They have yet to be drafted, but I attach the intent of the amendments and the case studies from Flinders University ...

Nowhere in here is there any mention at all of a change to the assets test and, as is acknowledged at the beginning, no copies of the amendments. So the government had had no opportunity to advise Senator Stott Despoja that her amendments will go nowhere to achieving what she is wanting to do. She may be embarrassed about this fact. I can well understand that she is embarrassed. But the fact is that she has brought requests to this chamber which cannot achieve anything because she is trying to change what is no longer in the legislation. It is no good her protesting. This is the correspondence that took place between our offices. The Labor Party accepts offers of briefings from the government on this legislation, which is one reason why they are usually better informed when they come to a debate in here than Senator Stott Despoja is. I would suggest that the Democrats are very unwise to come in here proposing to change the law of the land without having had a proper briefing first about what is actually in the legislation or what is to be changed.

Senator Stott Despoja was just asking questions about the age of independence et cetera. I would suggest that if she was really interested in this matter, if she was not just about grandstanding for the youth constituency that she purports to represent on television shows, then she would accept the offer of a briefing from my department where she would learn things that were useful to her in her goal to do better things for the youth of Australia and she would also know what the facts are instead of what her prejudices are. I table these two documents.

Senator WOODLEY (Queensland) (6.13 p.m.)—I am listening to the minister with great interest. We do not mind debating this issue until the cows come home, because it is a very important issue. Minister, you may talk about whether or not your office was briefed adequately but, as Senator Stott Despoja will indicate later, you have had the amendment for some time. But let me say to you that your promise has existed since 1996. What have you done about that? Goodness
me! You can say things about Senator Stott Despoja, but what has your government done about your own promise? Four years. Not a month; not a few weeks—four years and you have done nothing. The record speaks enough without me extending this debate. I am really quite horrified that you continue to make out that somehow or other Senator Stott Despoja is prejudiced against the government or whatever it is you are trying to prove, when you yourself have said nothing in defence of the government not having fulfilled its own promise.

As I pointed out in this debate, it is not only 1996; it goes back way beyond that to the inquiry that Senator Kay Patterson agreed to and moved for so enthusiastically. It goes back to the report, which was signed off by Senator David Brownhill as the chair of that committee. There is a history to this debate and to this request which the government seems to be ignoring. It is no use having a go at Senator Stott Despoja as though that will answer those questions. The point is that the government has done nothing about its own promises. It has done nothing about the Senate report that preceded those promises. It has done nothing about the fact that it was embarrassed way back when Senator Kay Patterson moved for the inquiry. It has done nothing about the fact that Senator David Brownhill enthusiastically said that not only should there be an increase in the discounting but also it should be 100 per cent. The government did not go that far, but in its promise it said at least 75 per cent should be discounted. That is the request that is now before the chamber. I really thought that I had finished my contribution but I am afraid the minister is provoking me to continue.

Senator STOTT DESPOJA (South Australia—Deputy Leader of the Australian Democrats) (6.16 p.m.)—I acknowledge Senator Woodley's last point that it probably is not worth being provoked by the minister, but such a patronising exchange cannot go unacknowledged. I thank the minister for tabling the evidence that shows that, contrary to her claims in an earlier second reading speech, my office was in contact with her office regarding the intent of amendments prior to the commencement of this debate.
Module CA—Rent assistance

Rent assistance

1067L-CA1 Subject to point 1067L-CA3, an amount to help cover the cost of rent is to be added to the maximum basic rate of a person for a period if:

(a) the person lives away from home; and
(b) the person is not an aged care resident; and
(c) the person is not an ineligible homeowner; and
(d) the person pays, or is liable to pay, rent (other than Government rent) in respect of the period; and
(e) the rent is payable at a rate of more than the rent threshold rate under point 1067L-CA2; and
(f) the person is in Australia throughout the period; and
(g) the person does not have a partner with a rent increased pension (see point 1067L-CA3); and
(h) where the person or the person’s partner is receiving family payment in respect of a dependent child who is an FP child—the standard family payment rate of the person or partner does not exceed the minimum family payment rate of the person or partner, as the case may be.

Note: For aged care resident, ineligible homeowner, rent and Government rent see section 13.

Rent threshold rate

1067L-CA2 A person’s rent threshold rate depends on the person’s family situation. Work out which family situation in Table CAA applies to the person. The rent threshold rate is the corresponding amount in column 3.

<table>
<thead>
<tr>
<th>Item</th>
<th>Person’s family situation</th>
<th>Amount a fortnight</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Not a member of a couple</td>
<td>$71.60</td>
</tr>
<tr>
<td>2</td>
<td>Partnered—partner does not have rent increased benefit (see point 1067L-CA5)</td>
<td>$116.60</td>
</tr>
<tr>
<td>3</td>
<td>Partnered—partner has rent increased benefit</td>
<td>$116.60</td>
</tr>
<tr>
<td>4</td>
<td>Partnered—member of an illness separated couple</td>
<td>$71.60</td>
</tr>
<tr>
<td>5</td>
<td>Partnered—member of a respite care couple</td>
<td>$71.60</td>
</tr>
<tr>
<td>6</td>
<td>Partnered—member of a temporarily separated couple</td>
<td>$71.60</td>
</tr>
<tr>
<td>7</td>
<td>Partnered (partner in gaol)</td>
<td>$71.60</td>
</tr>
</tbody>
</table>

Note 1: For member of a couple, partnered, illness separated couple, respite care couple, temporarily separated couple and partnered (partner in gaol) see section 4.

Note 2: The column 3 amounts are indexed 6 monthly in line with CPI increases (see sections 1191-1194).

Partner with rent increased benefit

1067L-CA3 A person has a partner with a rent increased pension, for the purposes of point 1067L-CA1, if:

(a) the partner is living with the person in their home; and
(b) the partner is receiving a social security pension or service pension; and
(c) the partner’s pension rate is increased to take account of rent.

Factors affecting rate of rent assistance

1067L-CA4 The rate of rent assistance depends on:

(a) the fortnightly rent paid or payable by the person; and
(b) whether or not the person has a partner who has a rent increased benefit.

Partner with rent increased benefit

1067L-CA5 A person’s partner has a rent increased benefit for the purposes of this Module if the partner:

(a) is living with the person in their home; and
(b) either:
   (i) is receiving a social security benefit the rate of which is increased to take account of rent; or
   (ii) would be receiving such a benefit but for the amount of the person’s ordinary income reduction under point 1067L-D30.
Note: For the treatment of rent paid by a member of a couple see points 1067L-CA8 and 1067L-CA9.

Rate of rent assistance

1067L-CA6 The rate of rent assistance a fortnight is worked out using Table CAB. Work out the person’s family situation and calculate Rate A for the person using the corresponding formula in column 3. This will be the person’s rate of rent assistance but only up to:

(a) if the person is not a single person sharing accommodation—Rate B for the person worked out using column 4; or

(b) if the person is a single person sharing accommodation—two-thirds of the amount that would otherwise have been Rate B for the person.

Table CAB—Rate of rent assistance

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
<th>Column 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Item</td>
<td>Person’s family situation</td>
<td>Rate A $71.60</td>
<td>Rate B</td>
</tr>
<tr>
<td>1</td>
<td>Not a member of a couple</td>
<td>$71.60 x (fortnightly rent - $71.60)</td>
<td>$74.80</td>
</tr>
<tr>
<td>2</td>
<td>Partnered—partner does not have rent increased benefit</td>
<td>$116.60 x (fortnightly rent - $116.60)</td>
<td>$70.60</td>
</tr>
<tr>
<td>3</td>
<td>Partnered—partner has rent increased benefit</td>
<td>$116.60 x (fortnightly rent - $116.60)</td>
<td>$70.60</td>
</tr>
<tr>
<td>4</td>
<td>Partnered—member of an illness separated couple</td>
<td>$71.60 x (fortnightly rent - $71.60)</td>
<td>$74.80</td>
</tr>
<tr>
<td>5</td>
<td>Partnered—member of a respite care couple</td>
<td>$71.60 x (fortnightly rent - $71.60)</td>
<td>$74.80</td>
</tr>
<tr>
<td>6</td>
<td>Partnered—member of a temporarily separated couple</td>
<td>$71.60 x (fortnightly rent - $71.60)</td>
<td>$74.80</td>
</tr>
<tr>
<td>7</td>
<td>Partnered (partner in gaol)</td>
<td>$71.60 x (fortnightly rent - $71.60)</td>
<td>$74.80</td>
</tr>
</tbody>
</table>

Note 1: For member of a couple, partnered, illness separated couple, respite care couple, temporarily separated couple and partnered (partner in gaol) see section 4.

Note 2: The rent threshold amounts in column 3, and the Rate B amounts, are indexed 6 monthly in line with CPI increases (see sections 1191 to 1194).

Note 3: For single person sharing accommodation see section 5A.

Fortnightly rent

1067L-CA7 Fortnightly rent is the fortnightly rent paid or payable by the person whose rate of youth allowance is being calculated.

Rent paid by a member of a couple

1067L-CA8 If a person is a member of a couple and the person’s partner is living with the person in their home, any rent that the person’s partner pays or is liable to pay in respect of the home is to be treated as paid or payable by the person.

Rent paid by a member of an illness separated couple

1067L-CA9 If a person is a member of an illness separated couple, any rent that the person’s partner pays or is liable to pay in respect of the premises or lodgings occupied by the person is to be treated as paid or payable by the person.
Note: For illness separated couple see section 4.

(9) Schedule 4, page 132 (after line 9), after item 18, insert:

18A Point 1067L-A1
After Step 2, insert:

Step 2A. Work out the amount a fortnight (if any) of rent assistance using Module CA below.

18B Point 1067L-A1 (Step 3)
Omit “2”, substitute “2A”.

These requests allow for students to access rent assistance if they are eligible and in receipt of Austudy payment. Because we have taken so much time, I will ask some questions of the minister which I anticipate will be taken on notice. I just request that they be responded to. I am wondering how much it will cost to implement this measure, partly because I think we have been given different figures in the context of the last debate on this issue, and I think different figures were given to Senator Harradine. How much will it cost? Why was rent assistance for those over the age of 25 not included in the original package? Again, this is something I find quite perplexing. How many students are expected to be in the Austudy payment category next year and in subsequent years? What is the government forecast for those numbers? How many students had their Austudy cut off or had their benefits reduced as a result of the raising of the age of independence? How much has this saved the government? Why is this money not being used for rent assistance? So, in the context of those changes, aspects of the common youth allowance could be viewed as savings measures. Why are they not being used for rent assistance?

Is the minister aware of the definition applied to Austudy by the former ALP government as not being a living allowance? I think it was a Ross Free suggestion that Austudy was not a living allowance. So I wonder what the government believes a living allowance actually is. Is there a policy on this? Is it something that would be above the poverty line, for example? I note that the ALP, I think when it was in government, called Austudy an income supplement. Why, then, throughout the youth allowance bill, and indeed in the explanatory memorandum, has the Austudy provision been referred to as a living allowance? Why has this wording been used, given that the maximum level of Austudy payment is considered below the Henderson poverty line?

The Democrats are very conscious, as I think many people would be, that housing costs are a major cause of poverty in this nation, and by incorporating rent assistance into the youth allowance payments for students the government has, of course, recognised this. However, we have yet to alleviate the poverty of those students who choose to study after they turn 25 years of age. Quite often this is a group that has not been able to study before for a range of reasons, including, perhaps, financial disadvantage when they were younger. So this is a group for whom further education is the only way out of a poverty cycle. Yet this government seems to be placing even further barriers in their way than those facing their classmates. How does the government justify cutting the Austudy budget quite drastically over the past few years and then claiming that it cannot find the approximately $11 million, as I understand it—I look for clarification of that figure—each year to ensure that those particular students are not living in poverty? So these requests serve to stop this unfair discrimination of students simply because they have commenced their studies after their 25th birthday.

Senator CHRIS EVANS (Western Australia) (6.22 p.m.)—On behalf of the opposition, we will not be supporting these requests. I share some of the concerns the Democrats have about some of the anomalies created, but we think we ought to start out from the reality base that without the government’s support the extension of rent assistance to Austudy recipients would not come to any reality at this time. The opposition recognises there is a perverse incentive for those who are on other forms of government assistance not to undertake full-time study. For those who are renting and are currently receiving rent assistance, any move to undertake full-time study if they are over 25 years old could lead to a substantial loss in financial assistance, and the extension of rent assistance to
youth allowance recipients is a further anomaly that now sees younger students receiving rent assistance but not their older student peers. We recognise that those perverse incentives and anomalies exist. We are currently reconsidering our position as to how to address those inequities and anomalies, and we will be making some announcement in the future about how we would see a Labor government addressing those issues, but we will not be supporting these particular requests moved by the Democrats.

Senator NEWMAN (Tasmania—Minister for Family and Community Services and Minister Assisting the Prime Minister for the Status of Women) (6.24 p.m.)—I will take Senator Stott Despoja’s questions on notice, and we will get back to her as soon as we can. The government will not be supporting these requests.

Senator STOTT DESPOJA (South Australia—Deputy Leader of the Australian Democrats) (6.24 p.m.)—I thank the minister for acknowledging and taking those questions on notice. I am just wondering if it is necessary to take on notice the questions about how much this measure would cost. I used the $11 million figure. I understood that it was estimated at $25 million in the first year and $11 million per annum after that. Is that the figure as you understand it? If so, I would like to get that on record because I think there are some conflicting figures, but that is a figure that I was given in the early stages of the common youth allowance debate.

I also wish to put on record that the minister was suggesting that the Democrats have not acknowledged, or do not often acknowledge, the changes to rent assistance that may be positive. I quote from the minister’s own second reading speech on this bill, where she said, ‘I am glad to hear Senator Stott Despoja acknowledge that rent assistance has been a beneficial measure.’ If the minister challenges me by suggesting it is the first time, the Hansard will reveal very differently.

Requests not agreed to.

Bill, as amended, and subject to requests, agreed to.

Bill reported with amendments and requests; report adopted.

Sitting suspended from 6.26 p.m. to 7.30 p.m.

CENSUS INFORMATION LEGISLATION AMENDMENT BILL 2000

Second Reading

Debate resumed from 13 March, on motion by Senator Ian Campbell:

That this bill be now read a second time.

Senator CONROY (Victoria) (7.30 p.m.)—The Labor Party supports the Census Information Legislation Amendment Bill 2000. The Census Information Legislation Amendment Bill incorporates many of the recommendations made by the Standing Committee on Legal and Constitutional Affairs in their report titled Saving our census and preserving our history. The Labor Party believes, as was concluded by that committee, that the retention of name-identified 2001 census information and its release after 99 years will make a valuable contribution to preserving Australia’s history for future generations. The retention of name-identified 2001 census information will be of great assistance in years to come in genealogical studies, historical studies and sociological studies. The data acquired from the name-identified 2001 census information will also assist in conducting genetic research and epidemiological research.

The Census Information Legislation Amendment Bill also considers the privacy of individuals. Households need to be assured that, if they wish, their information will, as it has been in all previous censuses, remain confidential. Accordingly, the bill provides that only those households who have explicitly consented to their census form being retained will have their census form retained—that is, households will have to choose whether or not to opt into the scheme to store name-identified 2001 census information. This requirement for opting in is a necessary provision and is supported by the Labor Party.

The assurance of confidentiality is also necessary to ensure the truthfulness and accuracy of responses to the census questions. The Labor Party recognises that the Australian Bureau of Statistics raised concerns with
the Standing Committee on Legal and Constitutional Affairs about the effect the retention of census information may have on the accuracy and reliability of responses to the census questions. The ABS is to be congratulated on its standing in the statistics community and supported in its efforts to continue being ranked among the very best of statistical agencies in the world. However, I understand that the concerns of the Australian Bureau of Statistics in relation to the 2001 census can be addressed through households having to choose whether or not to opt into the scheme to store name-identified 2001 census information. If households do not wish their name-identified 2001 census information to at any time become public, it should not. This should encourage people to give truthful and accurate responses to the census questions. I believe that the ABS and the Privacy Commissioner are working together in relation to these matters.

The method by which consent is given must be designed in a way which ensures that households understand what they are consenting to, that the views of all members of a household are considered and that households are free to decide whether or not to opt into the scheme to store name-identified 2001 census information for a 99-year period. The ABS and the Privacy Commissioner must be supported in this work. The Census Information Legislation Amendment Bill also adopts the recommendation of the Standing Committee on Legal and Constitutional Affairs that the census records be stored for 99 years. This is considerably longer than the usual 30 years for most archive material. The method by which the named census information is stored must also be appropriate to ensure that the privacy of households is maintained. The National Archives of Australia must be supported in this regard.

The explanatory memorandum to the bill states that the government will conduct a public education campaign. The government must ensure that the public education campaign is clear, extensive and informative. The campaign must also encourage people to give truthful and accurate responses to the census questions. The education campaign needs to ensure that it is known that only the census forms completed by those households who explicitly consent to the storage of census information will be kept. The education campaign needs to be communicated effectively to all households. Lastly, the educational campaign needs to be informative. The benefits of the storage of named census information needs to be communicated together with the requirement for households to explicitly consent to the storage of their census forms. Households should also be reminded of the other uses of the census information, including its use in formulating public policy, and, accordingly, the need for responses to the census questions to be truthful and accurate.

I believe that, if the relevant government agencies are given the appropriate support and a responsible educational campaign is conducted, the concerns of the ABS and the Privacy Commissioner can be addressed and the retention of name-identified 2001 census information will make a positive contribution to preserving the history of Australia. As I said, the Labor Party supports this bill and believes that it sensibly incorporates many of the recommendations of the Standing Committee on Legal and Constitutional Affairs. The bill is far-sighted and will in 99 years—which is well beyond the lifetimes of the members in the chamber today—provide considerable information to future Australians to enable them to reflect upon Australian society in 2001.

As previously mentioned, the Census Information Legislation Amendment Bill applies only to the census being conducted in 2001. The Labor Party believes that the results of the 2001 census should be carefully analysed before any decision is made in relation to the retention of named information collected in any subsequent census. The Census Information Legislation Amendment Bill also provides for the name of the Australian Archives to be changed to the National Archives of Australia. I understand that the name of the Australian Archives was changed to the National Archives of Australia almost two years ago. The parliament and the people of Australia are entitled to the competent management of government business and to be informed of changes in a name
prescribed in legislation. Two years should not have been allowed to elapse before this parliament was informed of a change in the name of the Australian Archives and the appropriate legislation tabled in parliament.

Senator BOURNE (New South Wales) (7.36 p.m.) — It is with a great deal of pleasure that I rise tonight to speak on the Census Information Legislation Amendment Bill 2000. It is one that the Democrats, and my office in particular, have been very interested in for a long time. As we have heard, the bill will allow name-identified information from the 2001 census to be preserved by the National Archives of Australia so that it can be released for future genealogical and other research after that closed access period of 99 years.

It is very fitting that, in the year of the Centenary of Federation, this treasure trove of information about Australia and Australians and our way of life will be kept. These will be the first census forms to have been kept for future research purposes since the Australian census began in 1911. For more than 20 years, genealogists have been asking successive Australian governments to keep the census forms. The Democrats joined what was known as the ‘Save the Census’ campaign in August 1994. Historians, scientists, medical practitioners and even the genealogical community in Ireland have joined the campaign over the years. In 1995 the advisory council of the Australian Archives recommended that census material be retained permanently. Then, in May 1998, the House of Representatives Legal and Constitutional Affairs Committee looked at all the issues in great detail and they also unanimously recommended that the census forms be saved.

The Census Working Group of the Australasian Federation of Family History Organisations calls this bill a ‘giant leap forward’ for the future of family history and also for medical studies in Australia, and it is. Also very welcome is the government’s proposal to fund an extensive public education campaign leading up to census night. One thing that I would like to ask the minister to consider is this: if there should be a difference of opinion about retention between people within a particular household, could a separate census form be made available on request, much as a privacy envelope request can be made, so that different individuals’ views can be expressed? I am hoping that this wonderful opportunity for a positive response to opt in and to keep our census forms will show once and for all that we are not frightened of our history or of our future. Perhaps it will also lead to ensuring that the destruction of this valuable resource will become a thing of the past.

Senator TROETH (Victoria—Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry) (7.38 p.m.) — I would like to thank honourable senators for their contributions to this debate. In response to Senator Bourne’s query: there will be individual forms available. There will be a question on each form which will allow each person to indicate what they would like to do. The Census Information Legislation Amendment Bill 2000, as Senator Bourne has indicated, will provide a unique snapshot of Australian society in 2001, coinciding with the Centenary of Federation. This bill will ensure that name-identified census information is preserved by the National Archives of Australia for all householders who explicitly consent to its retention on their census form.

The retention of name-identified census records in future censuses was recommended by the Standing Committee on Legal and Constitutional Affairs in its 1998 report Saving our census and preserving our history. The government agrees with the committee that saving name-identified census information for future research ‘with appropriate safeguards will make a valuable contribution to preserving Australia’s history for future generations’. As might have been expected, debate on the bill has canvassed what those appropriate safeguards might be. In keeping with good privacy practice, the bill requires the explicit consent of householders before name-identified information is kept. Where householders do not give their consent or do not make a choice, their name-identified information will be destroyed as soon as statistical processing is completed. The bill also ensures that in the closed access period the retained name-identified information will be completely protected whilst it is held by the
Australian Bureau of Statistics and the National Archives of Australia. This bill provides explicit provisions to ensure that the information will not be available for any purpose within the 99-year closed access period, including use by a court or a tribunal. The bill relates to information only from the 2001 census and not to all future censuses. Given the importance of high quality censuses, the government believes that a decision on those is best made in the light of the experience in 2001. The bill also allows for an administrative change in the form of a name change for the Australian Archives to the National Archives of Australia, to better describe that organisation. I commend the bill to the Senate.

Question resolved in the affirmative.

Bill read a second time.

In Committee

Bill agreed to.

Adoption of Report

Motion (by Senator Ian Campbell) proposed:

That the report of the committee be adopted.

Senator CONROY (Victoria) (7.42 p.m.)—I just have a question before we go to the next stage. I want to confirm when the name change actually took place. When did they actually start calling themselves something notwithstanding what the parliament said?

Senator Ian Campbell—Two years ago.

Senator CONROY—Thank you. So it has taken two years to slip in a bill of this high priority.

Question resolved in the affirmative.

Bill reported without amendment; report adopted.

Third Reading

Bill (on motion by Senator Ian Campbell) read a third time.

HEALTH INSURANCE AMENDMENT (DIAGNOSTIC IMAGING SERVICES) BILL 1999

Second Reading

Debate resumed from 18 October 1999, on motion by Senator Ian Campbell:

That this bill be now read a second time.

Senator CARR (Victoria) (7.43 p.m.)—The Health Insurance Amendment (Diagnostic Imaging Services) Bill 1999 provides for the extension of exemptions to the requirement that diagnostic services are provided only on referral from another doctor. While this may sound an obscure technical change, it is in fact an important change which has significant ramifications for the maintenance of quality in diagnostic imaging and, in particular, the accessibility of health services in rural Australia. I should preface my remarks with the explanation that diagnostic imaging is a broad term which applies to all types of medical images produced by doctors, including ultrasound, X-rays and more complex modern equipment such as CT scans and magnetic resonance imaging, or MRI. At present there is a patchwork of rules that apply to what type of doctor can undertake what sort of imaging. The previous government moved to bring the rules up to date in 1991 and allowed a period of grandfathering so that doctors who had traditionally done certain work could continue to do so.

Nine years later it is time to bring the phase-in to an end and establish uniform rules that require all service providers to be properly accredited in the type of equipment being used. However, the government has mishandled the discussions with the profession by restricting their discussions to include only radiologists from the royal college. As a consequence, they have upset and alienated many other specialists. They have once again excluded GPs and they have ignored the reasoned arguments put forward by the professional technicians who operate the machines, who are known as radiographers, and sonographers in the case of ultrasound.

The scandal over the MRI rebates has also destroyed the minister’s close links with radiologists. His efforts to get agreement on completion of the process started by Labor have collapsed into a complete mess which threatens the quality of service that will be available to patients. Because of this, it is necessary to have the bill now before the Senate to further extend the interim arrangements. This bill was originally brought forward by the government as a matter of ur-
gency last October. It passed in the House despite the opposition pointing out a number of flaws in the government’s thinking. The government has failed to act on these concerns and there is a situation of policy drift occurring because the minister has become so embroiled with the MRI scan scam that he has proved incapable of taking sensible and overdue decisions in relation to delivery of diagnostic imaging services. If we continue down the minister’s current path, we will see a two-tiered system entrenched where rural residents are given a second-best service.

At this stage there are several overlapping problems that are relevant to this bill. There is a lack of proper accreditation arrangements to ensure that operators and supervising specialists require accreditation before they can charge Medicare for services. There needs to be a rational set of rules about what types of services are appropriate to be delivered directly by GPs and specialists other than radiologists where this is more efficient and more convenient for the patient. There is a need to fix the inconsistencies in the new professional supervision rules that allow radiologists to claim for supervising the taking of images even though they are not in the building at the time. There is a need to establish proper consultative processes under a consultative committee which includes all parties with an interest in the delivery of diagnostic imaging services. It is vital that the new rules do not entrench a second class of service for rural Australia because they place no quality controls on the services delivered outside of the cities or establish much lower standards. Lastly, the government has failed to embrace telemedicine as a means of maintaining the quality of health services in rural Australia. It is now possible to give rural doctors direct access to the best specialists in major teaching hospitals and overcome the problems that have led to the exemptions from the quality rules previously given to those practising in rural areas.

Let me explain in more detail what this bill sets out to do. Since 1991 there has been a regime in place to control the use of radiology equipment to those trained to use it and to establish minimum quality standards. This was meant to be the first phase towards a proper regulatory framework. To ease its introduction, some exemptions were provided. These enabled doctors in rural areas and others who, prior to 1991, carried out their own diagnostic imaging to continue to charge Medicare for diagnostic imaging work they carry out in their own surgeries. This enabled the continuation of established practice amongst those who had undertaken this type of work as part of a general practice up until 1991. A rural area was taken somewhat arbitrarily to be any area more than 30 kilometres from an established radiology practice. In these circumstances a general practitioner is permitted to bill Medicare for diagnostic imaging work without a referral.

This transitional arrangement was meant to provide time for the implementation of a proper accreditation scheme to improve the quality assurance process and to enable all doctors using radiography and ultrasound equipment to be suitably qualified. Unfortunately, the development of an accreditation scheme has been deferred repeatedly. I note that the minister was critical of the former government when it first extended the period for the exemption arrangements. Speaking in the House on 23 August 1995, he said that there was a ‘policy sclerosis’ because the problem had not been fixed. Yet he has now had four years as minister and he has made absolutely no progress himself. His best effort is to come back with a further extension to continue the exemption for rural doctors and those who have been allowed to continue to practise under the old rules. This is very unsatisfactory. Rural Australia should not have to accept second-class medicine where general practitioners without the relevant qualifications are permitted to continue delivering services for which they do not have any training. There must be accreditation and training to ensure that non-metropolitan areas have doctors with the necessary skills and experience to use modern diagnostic tools safely and accurately. This bill contains at least one step forward because it requires doctors who wish to continue to enjoy the exemption to at least be enrolled in a course for accreditation in the skill they purport to have acquired through past practice. Unfortunately, the courses are only just being established and doctors will not start being ac-
credited for another year or more. The cart is well and truly in front of the horse, but the minister’s past delays have left no alternative.

Another reason that these amendments are controversial is that these exemptions are being extended at the same time as the new professional supervision rules have been introduced for certain kinds of radiography and all ultrasound work. The new restrictions on the use of ultrasound equipment have also proven to be very controversial amongst doctors who will lose accreditation to use ultrasound as part of their GP practice. The thrust of the professional supervision rule is to require a qualified radiologist, a person capable of interpreting the medical significance of the images, to supervise the work of all radiographers, the people who operate the equipment and take the images. Radiographers are not medically qualified but they are professional technicians with a high level of training. Radiographers resent the description of ‘professional supervision’ because they view themselves as professionals. They accept the role that they play as employees of radiologists and the critical quality assurance role that the radiologists are entrusted with.

Radiographers see an inherent contradiction in the way the professional supervision rules have been drafted. In their view, the supervision requirement makes sense only if there is a degree of personal supervision of work and the radiologist is essentially on the premises to contribute to ensure work is carried out correctly. The department’s view is that, provided the radiologist can arrive during the course of a consultation, for example within 10 to 15 minutes, the professional supervision rules are met. This, they argue, allows a supervising radiologist to wander off to a nearby laboratory or to visit an adjacent hospital ward. But the reality is that many radiographers operate largely unsupervised and radiologists spend their time looking at the images taken and doing reports.

As I outlined earlier, another issue raised last October was the unsatisfactory make-up of the consultative committee on diagnostic imaging, which is dominated by radiologists and excludes many other parties. Again, nothing has been done to rectify this problem. In fact, the lack of consultation has got a lot worse. The cuts in radiology rebates and the limitations on eligibility for ultrasound scans which came in from 1 February were decided unilaterally by the government in discussion with selected parts of the industry. The flow-on effects of these changes were not considered, and there was general outrage from a wide range of parties who had a direct interest in the details of the position that the minister was negotiating with selected groups. The Department of Health and Aged Care again failed to properly consult the Institute of Radiographers, which represents the workers who actually carry out the diagnostic image taking. There are a number of people outside the current favoured circle surrounding the minister who believe that this bill will further strengthen the privileged position of the radiologists and continue the exclusion of other professionals working in the sector and medical practitioners such as obstetricians, vascular specialists and GPs. Labor therefore calls on the minister to agree to reform the membership of the consultative committee on diagnostic imaging and to ensure that all affected parties are at the table.

A most important consequence of this bill is that it will entrench the two-class system for health care that is emerging within Australia. The professional supervision rules are being waived for rural areas on the grounds that it would cost too much to have a radiologist supervise a radiographer on every occasion in country areas. However, there is not an alternative system in place to ensure that quality assurance takes place in rural areas. It is claimed that one radiologist has a truck with substandard equipment and is touring rural Victoria taking images, which are then processed back in Melbourne. Although most doctors see such a practice as unacceptable, it can continue simply because the existing rules all provide rural exemptions, therefore the department cannot act to stop such practices when they occur in rural areas. There is no way of knowing whether the people relying on that particular radiology service are getting the correct treatment or obtaining an accurate diagnosis. A poorly taken image could result in a missed cancer or the failure to treat a preventable illness at an early time. Exemptions in this bill allow GPs in rural areas to undertake radiology services for
which they have no training or experience. No system for accreditation is required at the outset and there is no alternative quality assurance program. Rural Australians should not be fobbed off with second-best medicine. This bill does not provide for quality assurance, and many would argue that it entrenches the present situation.

Significantly, the government seems to be turning its back on a major opportunity to use new technology to overcome this problem. Increasingly, the ability to transmit high definition images through phone lines and the Internet opens up possibilities for radiographers, GPs and radiologists working in partnership from widely separate locations. The use of telemedicine would permit urban radiologists to supervise radiographers in other locations. It is already happening between urban practices even though it is not accepted as meeting the professional supervision requirements. But the real potential for telemedicine is to overcome the tyranny of distance to ensure that a fully qualified radiologist could supervise the image taking process and analyse the results in almost real time. This could offer rural Australians an equivalent level of service to that which urban residents take for granted. It would provide immediate backup for every local hospital and a means to oversee GPs working in remote locations. This bill should be setting a framework for telemedicine, but the government has let the opportunity slip by.

The opposition is waiting for a signal from the government indicating that it recognises the extent of the problems in radiology and is prepared to address them. Last October, the shadow minister exchanged correspondence with the minister and put forward three simple proposals to make progress. Firstly, the opposition proposed that, to overcome the consultation problems, the existing consultative committee on diagnostic imaging be expanded to include all the relevant parties who had an interest in diagnostic imaging. There is a strong case for saying that radiographers should have a seat at the table to talk about quality assurance and the development of their sector. Similarly, there should be representation from medical specialists from other disciplines, such as gynaecology, obstetrics and vascularity. General practitioners and rural doctors also lack a voice and merit closer involvement. The minister has rejected this proposal, although it is rumoured that the consultative committee has effectively lapsed and a new body is being formed including the newly formed Australian Diagnostic Imaging Association, which represents 80 per cent of the commercial radiology sector. I urge the minister, or his representative, to indicate in this debate that he will listen to reason and expand the membership to end the division that has characterised every debate on radiology held in the last year.

Secondly, the opposition proposed that a working party be established to re-examine the definition of professional supervision and the extent of compliance with the new rules in the industry. Everyone in the industry knows that these rules are ambiguous and impractical and are not being applied. I propose that this working party examine: what degree of professional supervision is realistically required; what accreditation standards should apply to radiographers, who do most of the actual image taking; and how supervision of remote and stand-alone sites should occur when a radiologist is not on the premises. It should also examine the exemption in rural areas, how supervision of rural radiographers can be provided so that the quality of work is at the same level as that in the city, and who is entitled to claim for work carried out by the unsupervised radiographers. The minister’s promise that ‘arrangements to monitor the introduction of professional supervision arrangements are being put in place’ has not been delivered. The public furore over the new radiology rebates introduced in February highlights the minister’s failure to consult. At this stage, he has succeeded in putting every part of the industry offside. Thirdly, the opposition proposed a working party to give further consideration to the accreditation requirements for ultrasound equipment and the circumstances in which a claim may be made on Medicare for sonography.

There was a group set up to discuss these issues, but it has failed to report. It was not involved in the changes introduced unilaterally by the minister to the legibility criteria
for ultrasound Medicare rebates. Just as he did on the subject of the GST treatment of tampons, the minister ignored the interests of women around Australia by imposing an unfair and poorly explained set of rules. If the minister had carefully read the report of the Senate Community Affairs References Committee inquiry into childbirth procedures, chaired by Senator Crowley, he would have seen that there was some support on this side of the chamber for reform on ultrasound funding. But the measures he has adopted were not the ones proposed by the Senate committee because he has failed to consider the interests of the patients. By cutting rebates and excluding some services, the minister has managed to push up gap payments, despite his rhetoric that he is opposed to gaps.

The minister has given an inadequate response on each of the major issues raised by the opposition. He has refused to consider reform of the diagnostic imaging sector and is hopelessly mired in the MRI scam, which has damaged his relationship with the entire sector. Instead of embracing new technology and new ways of delivering quality service more efficiently, he is committed to propping up the existing structures. He has turned his back on the needs of those living in rural and regional areas. Instead of offering them better services, he has told them to be grateful for the continuation of the present arrangements. Despite the government’s failure to adequately address concerns raised by the opposition, we will nonetheless support this bill. Although this bill is only a temporary patch up job, if it is not passed there will be a vacuum which could cause confusion in the delivery of services to Australians in rural and remote locations requiring diagnostic imaging services. Therefore, the minister will get another opportunity to get his act together.

The opposition repeats its call for urgent action to establish accreditation arrangements and rules to ensure that services delivered in the bush are of the highest quality. Australia needs a properly regulated, open and accountable radiology sector delivering services of demonstrable quality through accredited operators under proper professional supervision. I hope that it is not long before this chamber gets an opportunity to debate a long-term framework which will achieve these objectives. The ball rests with the minister. I hope he will agree to the changes to the process being put forward by the opposition.

Senator TAMBLING (Northern Territory—Parliamentary Secretary to the Minister for Health and Aged Care) (8.02 p.m.)—We are speaking tonight to the Health Insurance Amendment (Diagnostic Imaging Services) Bill 1999. This is a bill to amend the Health Insurance Act 1973 in relation to diagnostic imaging services. The aim of the bill is to ensure the quality of diagnostic imaging services provided by medical practitioners in rural and remote Australia. It also seeks to maintain and enhance the quality of service provided by general practitioners who have been supplying diagnostic imaging services to their communities for a number of years. These two categories of providers have exemptions under the act to provide specialist type diagnostic imaging services in their particular communities. There are good reasons why exempt practitioners should be able to provide specialist type services, including providing access in rural areas and maintaining continuity of care in communities where a medical practitioner may have provided these services over a long period of time. The bill introduces a program of continuing medical education and quality assurance programs for these practitioners. These quality assurance programs are being jointly developed by the Australian College of Rural and Remote Medicine, the Royal Australian College of General Practitioners and the Royal Australian and New Zealand College of Radiologists. Participation in these programs would be required under this bill in order for general practitioners to maintain their exemptions and continue to provide diagnostic imaging services in their communities. This bill is a vital component of the quality enhancement measures being undertaken in the area of diagnostic imaging and in developing partnerships between professional groups involved in the delivery of these services.

Senator Carr, in his comments, raised a number of issues. Let me address a couple of them. Firstly, Senator Carr referred to the
issue of professional accreditation, particularly for sonographers. The Department of Health and Aged Care is providing funding to a number of professional groups to assist in the development and implementation of accreditation guidelines for diagnostic imaging. Specifically in relation to this bill, the department is funding the Australasian sonographer accreditation registry to develop and implement accreditation of a sonographer education and training program. The department is also supporting the Australian College of Rural and Remote Medicine in the development and maintenance of accreditation programs for rural, non-specialist radiology providers. Accreditation will continue to be discussed in consultation with interested parties and we will continue to build on a range of quality measures that have been or are being implemented.

Secondly, Senator Carr turned his attention to what he described as ‘second-best service’ for rural residents. This bill will in fact promote an increased level of service by ensuring participation in quality assurance programs and continuing medical education. General practitioners in rural areas provide a broad range of services as access to specialists is not as great as in metropolitan areas. This will enable medical practitioners in rural and remote areas to broaden their skills and to provide a level of service that may not otherwise be available. By enabling GPs to undertake particular diagnostic imaging services and enhance their skills, patients do not have to travel vast distances to receive these specialised services and, through the linkage between payment of Medicare benefits and quality assurance, the bill aims to ensure that the level of service provided to rural patients is not compromised.

Thirdly, Senator Carr made a number of points with regard to what he considered to be inadequate consultation and a dominance of sectoral interests. I assure Senator Carr and others that consultation on the bill has been ongoing with interested parties since 1990, in fact right through the period of the Labor administration and well before that of the current Howard government. The Australian College of Rural and Remote Medicine, the Royal Australian College of General Practitioners and the Royal Australian and New Zealand College of Radiologists have all been involved in these consultations and are currently developing the CME and QA program referred to in the bill. The Department of Health and Aged Care consults widely with a number of interested groups on a regular basis. These groups comprise the peak medical groups and technical groups involved in providing diagnostic imaging services.

In relation to the use of telemedicine, to facilitate quality service in rural areas the Commonwealth is working with state and territory governments through the Australia-New Zealand Telehealth Committee, known as ANZTC, an advisory committee to the Australian Health Ministers’ Advisory Council, to develop and implement national telehealth policies and standards that are aligned with sound clinical practice. The Commonwealth is participating in the ANZTC’s national telehealth think tank to be held in late May of this year. The think tank will guide the preparation of a five-year national telehealth strategic plan that will recommend key strategies for the integration of telehealth activity with mainstream health care provision for consideration by AHMAC at its meeting in October this year.

Recognising the importance of facilitating the implementation of telehealth and telemedicine applications that are clinically and cost effective, the Commonwealth has funded a project to develop a generic evaluation methodology for telehealth applications focusing on teraradiology, telepsychiatry and telerenal medicine. The project is being managed jointly by the Department of Health and Aged Care and ANZTC and is expected to be completed in the very near future.

On the issue that was raised with regard to confusion with what I would describe as professional supervision requirements for ultrasound, this bill should not be confused with professional supervision requirements for ultrasound, which were introduced on 1 September last year. Professional supervision of nuclear medicine, magnetic resonance imaging, diagnostic mammography and computed tomography has been progressively introduced since 1994. Professional supervi-
The introduction of professional supervision followed an extensive consultation process with groups involved in the provision of ultrasound services, including the Australian Institute of Radiography, the Australian Sonographers Association and the Australasian Sonographer Accreditation Registry. There are consultative mechanisms in place to ensure that relations with ultrasound providers are improved and maintained. An ultrasound group has been established to provide advice on the delivery of ultrasound services under the Medicare benefits schedule. Membership of the ultrasound group consists of representatives from the following associations: the Urological Society of Australia, the Health Insurance Commission, the Royal Australian College of Radiologists, the Royal Australian College of Obstetricians and Gynaecologists, the Cardiac Society of Australia and New Zealand, the Royal Australasian College of Surgeons, the Australia and New Zealand Association of Physicians in Nuclear Medicine, the Australian Society of Ultrasound in Medicine, the Royal Australian College of General Practitioners and the Australian Sonographers Association.

The reality for rural and remote areas is that general practitioners provide a broad range of services as access to specialists is not as great as in metropolitan areas. The aim of this bill is to promote an increased level of service by ensuring participation in quality assurance programs and continuing medical education. This will enable medical practitioners in rural and remote areas to broaden their skills and to provide a level of service that may not otherwise be available. By enabling GPs to undertake particular diagnostic imaging services, patients do not have to travel vast distances to receive these specialist services. Through the linkages between the payment of Medicare benefits and quality assurance, the bill aims to ensure that the level of service provided to rural patients is not compromised.

The government is consulting actively with all of the groups mentioned by Senator Carr, particularly including the Institute of Radiographers, on issues that affect them. I can certainly give assurances that it is this government’s commitment to maintaining a very high level of health standard in rural and remote areas that is one of the paramount and primary reasons behind this particular legislation. I am pleased that the opposition have indicated that they will support the legislation. I take on notice their view that there are other issues that they would like to see addressed at later stages connected with other legislation. We will certainly take those points into account as further legislation will
be brought before the parliament in due course.

Question resolved in the affirmative.

Bill read a second time, and passed through its remaining stages without amendment or debate.

**BUSINESS**

**Government Business**

Motion (by Senator Tambling) agreed to:

That consideration of government business order of the day No. 5, New Business Tax System (Miscellaneous) Bill 1999 and a related bill, be postponed till the next day of sitting.

**PRIMARY INDUSTRIES (EXCISE) LEVIES (GST CONSEQUENTIAL AMENDMENTS) BILL 2000**

**Second Reading**

Debate resumed from 15 March, on motion by Senator Ian Campbell:

That this bill be now read a second time.

Senator FORSHA (New South Wales) (8.15 p.m.)—I indicate at the outset that the opposition does not oppose the passage of the Primary Industries (Excise) Levies (GST Consequential Amendments) Bill 2000. The purpose of the bill is to correct what might otherwise be an unintentional consequence of the introduction of the GST. I indicate that the opposition, whilst supporting passage of this legislation, has expressed its opposition many times to the application of the GST, particularly with respect to people living in rural and regional Australia.

I will commence my remarks on the bill by quoting from the second reading speech, which was tabled by the minister in support of this legislation. I do that because, contained within the second reading speech of the minister is the very essence of what is wrong with this government’s approach to tax reform and what is wrong with the application of a GST. In the second reading speech, the minister stated:

The purpose of this bill is to prevent the unintentional increase of two primary industry levies arising from the introduction of the GST and to clarify the meaning of the terms ‘price’ and ‘amount paid’ in the Primary Industries (Excise) Levies Act 1999. The bill excludes the GST from the base for calculating the deer velvet and goat fibre levies.

Further on he said:

The deer velvet and goat fibre levies are calculated on the basis of ‘price’ or ‘amount paid’. If there were no legislative amendment, the amounts collected would rise when the GST is introduced because the base used for calculation of that levy will include GST.

At the conclusion of his speech he stated:

These amendments have a precedent in A New Tax System (Indirect Tax and Consequential Amendments) Act (No. 2) 1999, which amended the Wool Tax Administration Act 1964. The wool tax is also calculated as a percentage of the sale price of wool and the amendments passed by parliament have excluded the GST from the base for calculating this tax. This bill— that is, the bill we are dealing with now— will provide similar intent for the deer velvet and goat fibre levies.

This bill is of a technical nature, designed to correct an unintended consequence of the definitions listed in section 177-12 of A New Tax System (Goods and Services Tax) Act 1999 applying to other Commonwealth acts. However, this bill is important, as it will prevent an unnecessary cost increase for deer velvet and goat fibre producers.

This government said that the GST would be a simple system and that, particularly for small businesses, it would bring about a revolution in tax arrangements. It would be more simple, easy to administer, and would assist small business. We all know that those promises are not worth the many thousands of pages of paper that the GST legislation is written on and that the administration of this legislation is a shambles. We are only three months away from the introduction of the GST and there is chaos in the community, particularly in the small business community and in rural Australia. That second reading speech is all about fixing up unintentional consequences. This government has had to resort on many occasions to fixing up the unintentional consequences of the GST. Many more unintentional as well as intentional consequences will need to be fixed.
both before and after this legislation commences on 1 July.

The position with the rural sector is that, in a number of industries, levies are paid by producers or processors in that industry mainly for the purpose of enhancing the prosperity of that industry, be it through marketing or similar activities. Whilst in a number of cases, the levies are fixed at a particular amount—cents or dollars per kilogram, whatever the measure is—in some cases, such as in the wool industry and this industry, the levies are based upon a percentage of the price or the amount paid. If the bill had been allowed to go unamended, producers and processors would have been hit by a double taxation: firstly, the application of the GST to the price paid for the input goods and the product itself, and subsequently the levy. That would arise because, as the price was increased to reflect the GST, the increase would in turn have been compounded by the percentage calculation.

We will support this legislation because it corrects that anomalous outcome but, in doing so, we cannot stand here and allow this bill to pass without some comment on the impact of the GST on farmers in particular and those in rural and regional Australia in general. The government, as I said earlier, has tried to sell the GST as being the panacea for many of the ills of farmers, but nobody believes it any more—not even the National Farmers Federation which was an ardent supporter of the coalition at the election. It now has serious misgivings about the application of the GST. As it has commented, and I quote, ‘the devil is in the detail’. Increasingly, farmers are finding that not only will the GST not bring them benefits but also it will bring them increased costs. We know, for instance, that petrol prices in the bush will increase and the relative increase will be greater than the impact upon city prices because of the differential that occurs between the city and the country with petrol pricing.

The government can talk all it likes about changes such as the diesel fuel excise does not in any way assist them with having to offset the increases in petrol prices. Similarly, because goods purchased through retail outlets across a large spectrum are dearer, in many cases, than they are in the city, rural families will face higher increases in many products than their city counterparts.

The government says, ‘Oh, but whatever increases might occur through the GST, they will be more than offset by the tax cuts.’ One of the great problems of the government’s tax cuts is that they are skewed towards those people on higher incomes. The fact of the matter is that there are many farm families, as well as people living in rural areas who may not be directly involved in agriculture, who will never get the benefit of any of these tax cuts. In many cases the farms have either nil income or negative income or their income is of such a small amount that the tax cuts will be of no benefit to them at all. As to the talk about tax cuts being the carrot, if you like, for the GST stick, I repeat that they simply will not apply in much of rural and regional Australia.

In the last couple of weeks while parliament was not sitting I had the opportunity, as I often do, to visit rural and regional centres in parts of New South Wales. In one location, Coffs Harbour on the North Coast, I had the opportunity of talking to local government, as well as business people in that community. Every one of them that met with me and the shadow minister for industry, Mr McMullan, expressed their serious concerns about the application of the GST in their community. It is a community with high unemployment and industries such as dairying, banana growing, meat and fishing are doing it tough. Many of those small businesses are doing it tough, even those in the tourism industry. For all of them the big concern was the GST, its administration, how confusing and complex it was and how it was a shambles.

I also visited another location in the Southern Highlands of New South Wales, a country town in the electorate of Gilmore. I went into a coffee shop at five to five and I could not get served because the woman who owned the shop was closing. She had about six or seven people in the shop and they were
having a meeting to discuss the GST. Her outrage at this new tax, how it was going to affect her business, how confusing and complex it was and how she still had not been able to get clarification of the issues that she had raised with the taxation department was overwhelming. That is not surprising.

Indeed, the Department of Agriculture, Fisheries and Forestry have put out a booklet specifically directed at farmers. It is called A detailed guide: your farm business and the GST. This is supposed to contain all the answers to the problems of the GST for farmers. There are 172 pages in this detailed guide. If there have to be 172 pages, then there must be a heck of a lot of problems. I invite honourable senators to read this publication, because you will come away from it more confused than when you first started. When you get to chapter 28 at page 171 entitled ‘What are your next steps?’—this is after you have read the first 170 pages to try to find out how the GST affects your farm—it says:

Your next steps are:

• Learn as much about the GST as you can.
• Come back and read different segments of this detailed guide as questions arise.
• Frequently visit the AFFA “Your Farm Business and the GST” website at www.affa.gov.au/taxreform for the latest information and to ask questions or see the answers to questions asked by others.
• Study the registration package that has been sent to you by the ATO.
• Think about how GST will affect your cash flow and talk to your accountant so that you make the best choices when you register.
• If you are above the registration threshold, then make sure you register by 31 May 2000.
• Think about whether you want to purchase any major capital assets before or after GST starts.
• Make sure you take account of GST in any new contracts you enter into if they will continue past 1 July 2000.
• Attend GST seminars run by the ATO or your State industry organisations that have been financially supported by AFFA.
• Contact the Department of Agriculture, Fisheries and Forestry, your State industry organisations or the Tax Reform Infoline on 13 24 78 for more information.
• Contact your local industry organisation for industry specific questions.

If you have had enough time to read this while you have been trying to milk the cows or shear the sheep and battle to make a living out there on your farm and you have finally got yourself through all of those next steps, you can then go to the next page, which is a checklist. It says:

Think about your farm business and see if you know the answers to these questions:

1. Are you required to register for GST?
2. What paperwork do you need to complete and by when?
3. Have you developed a cash recording system that will allow you to work out your monthly or quarterly GST payments/ refunded?
4. Do you know what goods and services that you sell that will need to include GST?
5. Do you sell any goods or services that are GST-free?
6. Do you know how to calculate GST on your sales?
7. Do you make business purchases which will include GST in their price? If so, do you know how to calculate input tax credits on these purchases?
8. Are any of your purchases for business purposes likely to require apportionment (ie, if they are also used for non-business purposes)?
9. Are you aware of when you need to use “tax invoices” on sales and purchases?
10. Are you required to lodge a GST return monthly? If not, are you better off lodging monthly or quarterly?
11. How will collecting and paying GST affect your cash flow?
12. Are you better off using a cash or accruals accounting method?
13. What records will you need to keep?
14. Would the sale of your farm be GST-free?

You are probably thinking about selling it by the time you get to that one. And then:

If you don't know the answer to any of these questions, get help.

No wonder farmers and the rural community are questioning the benefits of a GST, after reading all of that. This is what the government have forced on farmers in this country.
and on the small businesses out there battling to try to make a living, and they are faced with this! In the end—

Senator Mark Bishop—They give up.

Senator FORSHA W—They give up. It may well be that through this legislation the deer velvet and the goat fibre industry have a little relief, but there will be no relief for farmers when the GST comes in, and they will resoundingly send that message back to this government. On that basis, we support this legislation as it will be one small step in rolling back the iniquitous impacts of the GST.

Senator MURRAY (Western Australia) (8.35 p.m.)—This is a vital bill which concerns the deer and goat industry and ‘the deerers’ and ‘the goaters’ who look after them. I am always pleased to come into the chamber and deal with industries I know little about. The part of the world that I came from, we did not have deer; we had antelope or buck, as they were referred to. I am always indebted to the Parliamentary Library for the information it gives us. I knew very little about the deer industry, particularly because in this case it refers to the use of velvet. One of the things that the Bills Digest talks about is the use of velvet. I will quote from the digest because it is of interest. We are not aware of this. It says:

Velvet antler is the complete antler harvested from male deer at a precise stage when it is soft and vascular before it calcifies and hardens. All male deer grow and shed their antlers in an annual cycle. Not all species of deer farmed in Australia are used for velveting. Deer velvet is a highly prized substance in the practice of Asian medicine and it also being increasingly used in western communities. Recent research at Royal North Shore Hospital has demonstrated the value of powdered deer velvet in ameliorating certain types of arthritis.

That, of course, is the first major question I am going to put to you now, Minister, to ask your advisers for some advice: if you take the velvet off a deer antler and it helps us with arthritis, does it reduce the ability of the deer to resist arthritis and does it result in the introduction of arthritis to the deer?

Senator Forshaw—You want to put it on the PBS, do you?

Senator MURRAY—That was a question that passed through my mind. The other thing I discovered was that this is a very valuable industry. They generate $120 a kilogram for top grades. They maintain that prime male deer will yield up to three kilograms or more. I presume that is in a year and I presume a male deer will last several years. So it looks a pretty profitable enterprise.

Turning to more important and practical matters, this bill seeks to avoid a tax upon a tax and in that sense is very sensible. The government and indeed the opposition have consistently complained about taxes on taxes. In Western Australia, we have a real problem with the stamp duty saga through the state legislature there. It is obviously sensible for the levy to apply only to the income generated to the farmer concerned. It is not sensible for the levy to apply on income which is in fact the government’s, which would be the GST. In that sense, putting through this bill is eminently supportable.

The second issue raised by my honourable colleague Senator Forshaw was the fact that this is another set of amendments to the GST. Well, I and my party have always supported as many amendments as are necessary to make the tax work as well as possible and we are not at all surprised that there are amendments coming forward and expect many more to come forward over the years to come, as was the case with the wholesale sales tax. We do not think there is anything in that fact for the Labor Party to be ashamed of or for the government as regards this bill.

Senator Forshaw made the criticism that the government have consistently spelt out the GST as being a wonderfully simple tax—a much simpler tax than the wholesale sales tax. I think you and they both might have misunderstood what ‘simple’ meant. ‘Simple’ in this case means it simply collects more revenue. That is what the GST is designed to do. The GST, as you know, will deliver much more revenue than the wholesale sales tax and for that reason was warmly welcomed by the Democrats, who believe that indirect tax rates ought to go up and that services ought to be appropriately taxed.

The third point raised by Senator Forshaw related to the issue of complexity. Yes, indi-
rect taxes are complex, but in your remarks is an assumption that Australians will not be able to cope with it. Australia has probably one of the better designed GSTs in the world. There are only four countries which have what may be regarded as a simpler system, with one rate. Australia is one of 11 OECD countries with a dual rate and there are 11 other OECD countries with multiple rates. Nearly three-quarters of the countries in the world have a GST or VAT and billions of people and tens of millions of businesses all cope very well with it. Whilst I would not wish to minimise the complexity of the tax or its difficulty of implementation, I do not think you should overstate it. In the words of my local newsagent, he thought it was terribly difficult but now he has found out much more about it he has found it is a pretty easy system to apply. Whilst it is obviously a Labor theme which from their point of view is worth developing, the idea that it is disastrous, monstrous, that nobody will cope, that Australia will collapse and the world will end on 1 July will be found to be untrue. However, given the nature of politics I am sure there will be another issue for you to pounce on after that date.

What else can I say about a bill which is about goats and deer and the people who run and manage those industries? Thank you very much, Minister, for bringing this bill forward. It has livened up a Monday night. We will support it.

Senator O’BRIEN (Tasmania) (8.42 p.m.)—What better vehicle to talk about the GST than one that is to do with goats and things that are dear! This really is an example of the minutiae that have to be dealt with in this chamber to get this tax up and running. I am interested to hear Senator Murray’s comments about how good the GST is compared with wholesale sales tax. I do not think the wholesale sales tax had any relevance to these agricultural products. It was not charged on these products. It is because of the pervasiveness of the GST that this Primary Industries (Excise) Levies (GST Consequential Amendments) Bill 2000 is necessary. Yes, it is silly to have a tax on a tax. The levies are in effect a tax on producers and as a result of this bill the levies will not go up. That is as it should be. This bill will make the administration of the GST on this very small part of the rural industries a lot simpler.

Senator Forshaw has laid out very well the steps that primary producers have to go through. This is not his invention. He has been reading from the government’s published advice to farmers on the implementation of the GST. I have referred to this matter before, but I think it is important to keep it in the public eye: farmers are going to have to rely to a great extent on their financial advisers—their accountants—to implement this system so that they do not suffer unintended consequences. The National Farmers Federation have already told the public that there is a shortage of rural based accountants, which parallels the shortage of rural based doctors. They also advised the public that some accountants were even planning to cull their rural client list. That is probably because a lot of rural based clients are struggling financially and in some cases are finding it hard to meet their bills. So the limited number of accountants in the rural sector are going to be faced with what they would see as a very good situation, where their workload is going to increase in dealing with the GST and their income base is going to increase—it is a growth industry. Of course, then they can pick and choose and, in that environment where their skills are in demand and at a premium, they are certainly not going to allocate those skills to those members of the community who are less well endowed to pay for their services.

To back that up, Mr Stuart Black, from the Australian Institute of Chartered Accountants, feels that many small businesses in rural Australia will be unable to obtain accounting services at all during the transition to the GST and business tax reforms. According to Mr Black, 70 per cent to 80 per cent of small businesses in rural areas are not financially viable—an alarming figure, I must say. He said:

So what the typical rural accountant is going to do is concentrate on that 20 or so percent which pays all the fees...

There are a whole lot of consequences to that.

In the dairy industry we have a piece of legislation passed by the parliament that requires
dairy farmers to obtain from their accountants or financial advisers a business plan so that they can make decisions on the proposed package. That is all well and good if you can get that sort of advice, and possibly dairy farmers in many cases will be well enough placed to acquire that advice. But, on the other hand, there will be a large number whose businesses are not so viable and who may well be looking at getting out of the industry but who are required to obtain that sort of financial advice and meet that cost.

So the GST is not a panacea for the rural community, notwithstanding what the government has been trying to tell them. Let us take the example of the impact of the GST on the livestock auction system. I asked some questions on notice last July about this matter. I was told that, where a registered business sells livestock at auction, the GST would be charged on the sale. I was told that the GST would be included in the bid price, so that the auctioneer would charge a GST-inclusive price. That was an answer from Senator Kemp but, unfortunately, it was proven to be not correct. Following the publication of that answer in Hansard, a number of people from the industry contacted my office to pursue the matter further. Senator Kemp was subsequently forced to correct his mistake and amend his answer, because clearly it is a matter for the auctioneer as to whether the bid should be inclusive of the GST.

During the last sittings of the Senate I asked the Assistant Treasurer a question without notice about the GST applicable to a beast sent for slaughter, which obviously becomes food and is therefore GST free. At the point where it was stamped fit for human consumption, it was GST free. He was not aware of that situation; he did not really have any idea. You would have to say that, if you were thinking about the application of the GST to animals that are going to become food, commonsense would suggest that the transfer of the ownership of the beast from the farmer to the processor would occur when the beast was no longer able to function—for example, when it was stunned and, therefore, obviously could not get up and walk out of the meatworks. I think that is in fact the policy of the Cattle Council. Senator Kemp later confirmed that, under the GST, the beast became food and therefore GST free only after it had been stamped as fit for human consumption. That is the end of the production chain, not the beginning. Of course, that decision is not in legislation. It is a ruling that will have significant cash flow implications for farmers because they will have to pay out the GST on all their inputs but they will not get any payment of GST for their production, and they will have to wait for the money to be paid back. That of course raised the issue, which I did raise at that time, of when a beast is stunned and killed and is deemed to be GST free. What happens to the inedible parts of the beast, which account for nearly 20 per cent of the beast by weight? I do not think Senator Kemp has satisfactorily answered that question.

I have also raised questions as to how the GST will apply in particular circumstances to grain growers and bulk grain handlers. It seems to me that, in almost every circumstance in rural Australia, there are specific problems with the implementation of the GST and with interpretations that in some cases are yet to be made and in a number of other cases are subject to continuing negotiation. So we have a bill that is to do with two minor issues, in the sense of the volume of production relative to the total rural production in Australia, which deal with the implementation of the GST in a way that it is not double counted against the levies that apply on those products.

How many more of these bills are we going to receive? How many more problems is this chamber going to have to correct, and how many questions will need to be asked during estimates hearings and questions without notice to draw this government’s attention to the fact that this is not a simple tax they have sold to the Australian people? This is a tax that will create more and more problems. Some people might believe, as is the case in some countries, that the only way of raising tax should be by the GST. I wonder whether the Australian public at some stage will be faced with just such a proposition. I think that, in the short term, we are going to see from 1 July this year an absolute mess
right around the country, and the rural sector will not be excluded from that mess.

Senator TROETH (Victoria—Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry) (8.52 p.m.)—I thank honourable senators for their interest in the deer industry. Last year I attended a deer industry conference at Wodonga in Victoria, and I can assure the Senate that the deer industry is alive and well. I would like to thank Senator Forshaw for the glowing endorsement that he gave to the detailed guide to the GST, and I thank him very much for reading out the logical detailed progression that any farmer must go through when he looks at the GST and its application to his business. Last week I attended the Warragul Field Days in Gippsland in Victoria, and we had at that show many copies of that booklet, and many farmers who had taken it away the previous day and studied it came back to thank us for the assistance that it provided and for the way in which it was laid out.

Similarly, I would recommend that senators read an article in last week’s Weekly Times which states that within 12 months many farmers will, when they get up in the morning, simply go to their computers and check on the web site so thoughtfully read out by Senator Forshaw, with the total web address, and they will be able to check all sorts of details. All of that information is contained on the department’s web site, and farmers need only check that to see what is going on. We all know, through debate in this chamber, what a diverse industry agriculture is, and of course there will be rulings and anomalies fixed up through legislation in this chamber as this process goes on. The new tax system is far from being the chaos that the opposition have painted it to be. The changes are necessary to fix a tax system that over the years has grown like Topsy, and I would point out that the previous government had 13 years to fix the tax system, and they did absolutely nothing. That is why I am very proud to be a member of this government that is putting forward a simplified tax system that will affect everyone.

Senator Forshaw also mentioned that many farmers are in a low income category, and that is a regrettable result of many years of low commodity prices. If they are not in a position to receive the income tax cuts that give most benefit to middle income earners, they would be in a position to receive an increase in benefits such as family allowances and other benefits that this government is providing through the new tax system. Either way, farmers, just like everybody else, will benefit.

Senator Murray asked me a question about deer velvet. Unfortunately, Senator Murray has left the chamber, so I am assuming that this was a serious question. I do not have the technical advice to hand, but it is my understanding, for Senator Murray’s information, that deer velvet can be harvested more than once and indeed is one of the most prized by-products from deer. There is no doubt that that is why the deer industry people that I met at Wodonga last year are part of a small but growing deer industry, and I do compliment them on their entrepreneurial spirit.

This bill is not a GST bill but rather a bill amending the base on which levy payments for two primary industry excise levies are calculated. It is important for the deer velvet and goat fibre producers. If there were no amendments to the Primary Industries (Excise) Levies Act 1999, as has been remarked, the levy liability for these producers would rise, because their levy would be based on an amount that includes GST. The government does not intend that levies should increase as a result of the introduction of the GST, and this is evidence of our commitment to them. Indeed, there will be other bills along this line. It is important to mention that a further 12 primary industry excise levies and National Residue Survey excise levies will be amended under this principle through changes to regulation. These levies are not included in this bill, as the relevant schedules in the Primary Industries (Excise) Levies Act 1999 and the National Residue Surveys (Excise) Levy Act 1998 use the term ‘value’, which is defined in the GST act as an amount exclusive of GST. However, with the regulations for these levies defining ‘value’ as sale price, each individual regulation will be amended to indicate that the sale price is net of any GST.
Amendments to the wool tax, which were passed by parliament under A New Tax System (Indirect Tax and Consequential Amendments) Act (No. 2) 1999, did provide a precedent for this bill. The wool tax is also calculated as a percentage of the sale price, and the amendments passed by parliament last year excluded the GST from calculating this tax, and the bill we are considering tonight achieves a similar outcome for the deer velvet and goat fibre levies. It will assist those industries by maintaining their levies at the same level after 1 July 2000, and I urge all members of the Senate to support it.

Question resolved in the affirmative.

Bill read a second time.

In Committee

The bill.

Senator MURRAY (Western Australia) (8.58 p.m.)—Just briefly, Minister, I think you might have misunderstood me. I was joking. I do not want you to find out whether deer get arthritis when you take away their antlers.

Bill agreed to.

Bill reported without amendment; report adopted.

Third Reading

Bill (on motion by Senator Troeth) read a third time.

A NEW TAX SYSTEM (TAX ADMINISTRATION) BILL (NO. 1) 2000

Second Reading

Debate resumed from 16 March, on motion by Senator Alston:

That this bill be now read a second time.

Senator CONROY (Victoria) (8.59 p.m.)—The A New Tax System (Tax Administration) Bill (No. 1) 2000 represents another nail in the coffin.

Senator Mark Bishop—Which coffin?

Senator CONROY—The government’s coffin, as it struggles with its attempts to make the GST a fair, balanced or equitable tax. It comes before the Senate today to add to the 1,000-plus amendments this chamber has already had to deal with in respect of the new, efficient, simple, easy to understand Howard-Lees GST. Besides the fact that this bill adds to the dog’s breakfast of a tax, it is another testimony to the abject failure of the minister responsible for the detail, design and implementation of the GST: none other than the Assistant Treasurer, Senator Kemp—erstwhile Carlton supporter. We have had Senator Kemp stating on the record on numerous occasions—

Senator Troeth interjecting—

Senator CONROY—Senator Troeth—a Hawthorn fan. We sorted you out in the first week. I am glad you bobbed up, but I would like Senator Kemp to come in and join in this debate. That is no disrespect to you at all, Senator Troeth. They are having a good season so far; it is okay.

We have had Senator Kemp stating on the record on numerous occasions that there was no need for any more amendments to the perfect, simple, easy to understand Howard-Lees GST. A cursory glance at the bill would appear to show another 100 amendments being made to the tax package, when we have been told repeatedly that there are no more changes necessary. What we have is another 100 mistakes due to the incompetence of the minister responsible for the detail, design and implementation of the GST: the Assistant Treasurer, Senator Kemp. In being fair to Senator Kemp, not all of the amendments relate to the GST. I note some of the technical changes, for instance, to the issuing of binding oral rulings. Given Senator Kemp’s track record so far, though, we on this side of the chamber have little doubt that anything that Senator Kemp touches turns into a disaster. Maybe he will prove us wrong on something as simple as binding oral rulings.

In the main, this bill deals with changes to the pay-as-you-go taxation system. It proposes a number of technical changes to the administrative provisions covering the PAYG system which commences on 1 July this year. The major categories it covers are pay-as-you-go instalment provisions with regard to trusts, payment of fringe benefits tax instalments under the pay-as-you-go system, the new standardised collection and recovery rules, the pay-as-you-go withholding provisions and the oral bindings rulings regime for individuals. I welcome Senator Kemp to the chamber.
Senator Kemp—I am always pleased to see you, Senator—that is not true.

Senator CONROY—Not at the moment—it is a dark day for the mighty Blues. Labor will support these administrative changes which seek to rectify the incompetence of, and the errors made by, the Assistant Treasurer in his design of the PAYG system. Firstly, there is the pay-as-you-go instalment provisions with regard to trusts. These provisions cover the highly complex instalment regime for trusts and life insurance companies and other technical amendments covering such matters as partnerships and limited partnerships. In addition, the Abstudy and Student Financial Supplement Scheme debts are integrated into the pay-as-you-go system so that repayments can be made under the pay-as-you-go system rather than under the income tax system as is currently the case.

Secondly, there are provisions regarding the payment of fringe benefits tax instalments under the pay-as-you-go system. The fringe benefits tax year goes from 1 April to 31 March, as opposed to the standard income tax year which goes from 1 July to 30 June. Very small fringe benefits tax liabilities are paid annually and other taxpayers pay quarterly. The timing of quarterly FBT instalments differs from the timing of other tax instalments of FBT taxpayers. This bill proposes to integrate FBT instalments into the pay-as-you-go instalment system from the FBT year commencing 1 July 2001. This would simplify the administration of quarterly FBT tax payments, but if Senator Kemp has had anything to do with these changes then FBT taxpayers should be very afraid indeed, as it just adds to the GST nightmare on main street.

Senator Calvert—That is an original line!

Senator CONROY—Borrowed from your own Treasurer.

Senator Kemp—I think you are actually better off reading, Steve.

Senator CONROY—I am happy to adlib for another 40 minutes, Senator Kemp, because you know there is more to do with this tax than you would ever want to discuss in this chamber.

It is worth noting that, despite Liberal Party rhetoric about the fringe benefits tax having a major impact on employers, only 46,000 taxpayers are quarterly FBT taxpayers, and all of those are large and medium-sized businesses. Thirdly, there are the new standardised collection and recovery rules. Labor has supported earlier legislation which standardised the collection and recovery rules for different taxes. The current system has grown over decades and involved different rules concerning different taxation liabilities—for example, PAYE income tax and the like. Standardising these provisions improves tax administration and simplifies tax compliance for taxpayers. This bill proposes to complete the transition to the new regime by amending or repealing references to the existing recovery provisions which will no longer operate on or after 1 July 2000 and by including references to the standardised collection and recovery rules from various recovery provisions in different acts. Labor will support these changes.

Senator Kemp interjecting—

Senator CONROY—We are supporting these changes, Senator Kemp, and we can do it the easy way or we can do it the hard way. It is entirely up to you.

Fourthly, the bill deals with the pay-as-you-go withholding tax provisions. It proposes a variety of technical and consequential amendments to the pay-as-you-go withholding tax provisions. These provisions are the new withholding rules for provisions such as the current PAYE provisions for payments to employees under the current PPS provisions and for payments to contractors and also to parties who do not have an Australian business number, or ABN. The provisions of most interest in this bill are those dealing with the ABN withholding events. Under the new rules, if a business does not have an ABN or does not provide it to a person from whom it obtains payment, that payment will be subject to withholding tax at the rate of 48.5 per cent. This is a very punitive measure designed to encourage ABN registration and simultaneously rope in the black economy. Basically, if businesses are not ready by 1 July 2000 and do not have an ABN, they will be classified as tax cheats and be subject to a
48.5 per cent withholding tax. Labor believes that these provisions could quite easily have a detrimental impact on legitimate small businesses when the new arrangements commence.

There has been some recent discussion about the process of registration for the ABN. Recent commentary has reported that ATO officials were concerned by an apparent reluctance by businesses to register for an Australian business number. With only two months to go, just over one million ABNs have been issued out of an estimated 2.5 million ABN registrations. The ATO’s concern and the government’s bungling of the issuing of ABNs has been confirmed by the commissioner’s announcement that the ATO would be granting a two-week extension for the lodgment of normal tax returns in order to allow tax agents and accountants to focus on getting in their clients’ ABN registrations by 31 May. On top of this we have also seen the commissioner announce that he would allow the issuing of interim ABNs in an attempt to not disenfranchise those businesses who had made a legitimate attempt to provide the information necessary to register for an ABN.

Just to make sure that businesses get the message, we have another multimillion dollar taxpayer funded propaganda campaign trying to sell the merits of the GST without, in many instances, any mention of this nightmare on main street. It reminds me of an episode of *Fawlty Towers* where Basil Fawlty, when confronted with a German family whose grandfather had served in the war, tells Sibyl, his wife, and all his staff not to mention the war. In the government’s case, we have millions of dollars of taxpayers’ money being squandered on telling the public how good the GST will be for them but that is exactly what may happen if businesses fail to receive an ABN in time. It will all be due to Senator Kemp’s incompetence in not ensuring that all businesses that are entitled to an ABN actually get one by 1 July 2000. Given the ABN take-up rate to date, it is hard to believe that, in the time left until the end of May to register for an ABN, all 2.5 million ABNs will actually be issued by 30 June.

On this issue it is interesting to note that the Australian Democrats have been calling—hello, Senator Murray, you didn’t think I would forget you were here, did you?—for some form of moratorium in regard to those businesses that do not have an ABN by the required date. I say to the Democrats, the joint architects of this nightmare on main street: what were you doing when you were having tea and biscuits with the PM and the Treasurer? What did you do to ensure that the interests of small business would be looked after? The reality is that this debacle in regard to ABNs is your debacle. You cannot
walk away from it. It is too late now to feign concern for small businesses because, when you had the opportunity to do something about it, you sold them out, just as you sold out charities and just as you sold out the education sector. But we now know where the Democrats’ priorities lie: not with small businesses, not with charities and not with education but with casino high rollers and the Packer family.

When it came to the handing out of tax breaks and moratoriums, Senator Lees and the Democrats—I would not want to disappoint you, Senator Murray—could not bend over far enough to ensure that the poor disadvantaged and marginalised millionaire casino high rollers got their GST-free gambling. So I say to the Democrats: do not cry crocodile tears now for small businesses because the truth is that, when you had the opportunity to do something for them, you did nothing. The Democrats were too busy ensuring that millionaire casino high rollers got their moratorium to the exclusion of everybody else.

This bill also covers requirements for withholding tax where certain interest, dividend and royalty payments are made to non-residents. It also covers the new reporting requirements applying to eligible termination payments. These measures will also not be opposed. The last set of provisions in this bill covers the binding oral rulings regime for individuals. The bill proposes consequential amendments flowing from amendments to the Family Assistance Scheme, which commences on 1 July this year. In addition the bill ensures that binding oral rulings can be given only by persons who are authorised to perform the function by the commissioner. The function may be undertaken only at places approved by the commissioner. Once again, these provisions will not be opposed.

The question of rulings is an interesting one. There were some discussions several weeks ago in a Senate estimates committee when the ATO were asked about the number of GST rulings they had given. They said that, in responding to questions and putting their answers out publicly, there would be an ‘almost uncountable’ number of rulings. Later on, the figure of total tax reform correspondence to date was said to be around 7,300. They said they did not have the actual mix between private binding rulings and other pieces of technical advice. The government say they are simplifying the tax system, but if we are talking about 7,000-plus rulings you would have to wonder what it would take for them to acknowledge that they are making it somewhat more complex. One would also have to question the issue of quality control in regard to the ATO’s ruling process in the light of recent events. The ALP do see merit in the pay-as-you-go system. We believe, though, that it could have been implemented quite independently of a GST and that there is not necessarily a correlation between the pay-as-you-go system and a GST. But we are prepared to look at the pay-as-you-go system and to determine on its merits whether it is able to improve tax payment arrangements for business.

The second reading amendment that I have proposed to this bill discusses, amongst other things, the issue of the impact of the GST on business and small business in particular. There have been a number of recent indications of just how serious the present problems are for business in complying with the GST and that this government, and in particular the minister responsible for the detailed design and implementation of the GST, Senator Kemp, is in fact botching the implementation of the Howard-Lees GST. I know a number of my colleagues have had people in business say to them prior to the introduction of the GST legislation that they were big supporters of the GST. Those same statements are not being made now. Now those same businesspeople are saying words to the effect that this government is botching the implementation of the GST, and they have become very annoyed and concerned about the situation that they now find themselves in. My advice has been to encourage them to put all such queries and concerns to the minister who has so botched the implementation of the GST, the minister responsible for the detailed design and implementation of the GST: none other than Assistant Treasurer Senator Kemp.
Recently there was the media release from the Australian Society of Certified Practising Accountants calling on the federal government to ‘do more to help businesses through the tax reform maze’. They said that businesses of all sizes are grappling with massive, unprecedented change and they need more practical assistance. They also said that funding for the GST start-up office should be extended until 30 June 2001 to provide essential services and a continuing information flow. They went on to say that the expiry date for the $200 vouchers and the tax deductibility of GST expenses for small business should also be extended until 30 June 2001.

Furthermore, at about the same time there was the media release from the Institute of Chartered Accountants. Once again, it referred to difficulties in the implementation of the GST. The ICA were responding to claims made by the ACCC that accountants were exaggerating the cost of GST compliance. The ICA said that they would be focused on providing Australian businesses with accurate and relevant information. They further said:

Businesses need to be more aware of core issues such as the inevitable delays that will result from the ATO’s need to process more than one million business registrations prior to the roll-out of the GST.

The institute pointed to the fact that there is a huge strain on the accounting profession resulting from the massive number of companies seeking advice on GST tax reforms and that at present demand is far outweighing available services.

I am glad to see the statements made by the ICA, because they are in stark contrast to evidence given by Mr Langford-Brown from the Institute to the Senate GST committee on 16 March last year. With regard to the GST and the need for small businesses to become computerised, Mr Langford-Brown—and I am sure Senator Murray was there and heard him say it—had this to say:

The non-computerised small businesses which simply use a manual system, all they have to do is add two additional columns, one on each side of their cashbook, to record invoices in and invoices out, add it all up, divide by 11 and there you have the GST cost. It is very minimal.

‘It is very minimal,’ Mr Langford-Brown claims. If it is so minimal, why, according to the ICA, is there such a huge strain on the accounting profession? Why is there a need for such an intensive focus on behalf of institute members in regard to the GST if all small businesses need to do is to add on two extra columns in their cashbook? All I can say is that I am glad the institute have had a rethink, because the evidence given by Mr Langford-Brown was nothing short of a disgrace. I hope he is not involved in the institute’s attempts to educate small business about the GST, because he will be run out of town, tarred and feathered. In regard to the institute’s comments, is it any wonder that they have seen accountants arriving by the truckload from South Africa, Britain, Canada, Germany, the Netherlands and New Zealand to help implement the GST and that accountancy firms, both large and small, are being forced to fill the shortage of accountants with people from overseas, some of whom have had experience with GST implementation elsewhere? In one newspaper article, a senior partner of an accounting firm who did not want to be named joked that the new tax system is so simple that you need all these people to help you with it.

The ATO, as you might imagine, are not far behind them. There was a report recently that they are recruiting 100 specialist staff to work in their new GST fraud prevention and control unit. They seem to be looking overseas to get people for this unit. This is the tax office, which at the moment have got the biggest job in the country, struggling to find people with the qualifications and ability to actually do the job. (Time expired)

Senator MURRAY (Western Australia) (9.20 p.m.)—I am always keen to hear Senator Conroy’s contribution. I am beginning to believe that there is a Frank Muir School of Finished Talking in the Labor Party. I counted perhaps 50 different themes in your speech and as many hackneyed phrases about the GST as you could possibly get in there. I missed an ‘end of the day’; there was not an ‘end of the day’ statement in this, so you
missed out on that one. I must say that was a rehash of much that is pretty hackneyed.

What is not hackneyed, of course, is the detailing of the need for professional assistance in dealing with the new tax system. Frankly, I am not surprised that in any major implementation exercise you do need to bring in outside experts, contractors and so on. That is just the way it is. I am not surprised, and I do not think it is anything to concern ourselves about. It does indeed put a load on professionals and those who have to implement this matter, both at the government and at the private sector levels. But that is the case with any major reform and any major change. I just keep going back to the fact that three-quarters of the countries in the world have managed to cope with such a change and have gone through this process, and the result has been favourable to the countries concerned. So, whilst once again I do not minimise the complexity or the difficulty of implementation, it will pass, and when it does Australia will be all the better for the new tax system we have. As senators in this chamber know, I really do believe that and I have believed that for a long time.

The bill before us refers to the ‘new tax system’ rather than the GST. The other elements of the new tax system, which are quite considerable, are often overlooked or ignored in the focus on the GST, partly because of their very wide range and partly because they lack the excitement or the interest that attaches to the GST. These particular issues are not exciting, although they are important. The bill makes largely technical changes to the pay-as-you-go tax collection system. The bill affects the collection of fringe benefits tax, and it deals with the question of instalments which are payable. The bill specifically introduces provisions dealing with the calculation of income, tax rates and instalment payments for multi-rate trustees. It makes a couple of minor changes to FBT assessment and collection—particularly where FBT liability is varied downward, instalments already paid will be able to be credited against the remaining liability to the degree that they exceed the required instalment payments. The second change is to allow for a person’s notional amount of fringe benefits tax to be varied in certain circumstances. When you read out such a list, is it any surprise that the media concentrate on the GST and not on such changes? They are not exactly riveting, but they do matter to the businesses and the institutions affected and they help make the new tax system that little bit more workable. With those brief remarks, I advise you that, like the Labor Party, the Democrats will be supporting these amendments.

Senator QUIRKE (South Australia) (9.24 p.m.)—On behalf of Senator Conroy, I would like to move a second reading amendment to the A New Tax System (Tax Administration) Bill (No. 1) 1999. I move:

At the end of the motion, add:

"...but the Senate expresses its concern with the fundamental unfairness of the Government’s approach to taxation reform generally, including:

(a) the fundamental unfairness of a goods and services tax;
(b) the enormous compliance burden faced by small business from the GST; and
(c) the further increase in the compliance burden arising from the new Pay As You Go measures and other tax related changes such as those under the business tax reform process which will inevitably fall disproportionately heavily on small business".

The amendment is very good, and I think the sentiments expressed are laudable in the extreme. In essence, the Labor Party’s position on this is that we will let you have your 100 stuff-ups. That is all right, that is fine—we will let it go through and we will say, ‘For the administration of this act, you can have it, but it is going to be another opportunity for us to tell the world that Senator Kemp is wrong.’ Senator Kemp keeps getting up and saying that somehow or other this is our system, that somehow or other we have signed on to this. We have sat here and listened to question time since about the beginning of February, when somebody told Senator Kemp a fib. He was fibbed to, and he was fibbed to very badly. He was told that we would support the GST. I have to say this now: we will not. If he wants to, he can bring the main act back here—not the one that covers the bloke that goes out there and shakes the shillings out of the peasants, not the act that is here before us
tonight which is designed to go out there and rake in more tax money than has ever been raked in by a government in the history of this country—and we will soon show Senator Kemp what we think of that. I can say here and now that, no matter how many times during question time Senator Kemp says that we support it, we do not. We will not. And when it comes to the next election, I tell the Senate through you, Mr Acting Deputy President, that Senator Kemp will be held responsible for a lot of the administration of this, and it is not looking all that flash at this stage.

Senator Hogg—And the Democrats.

Senator QUIRKE—I will come to them in a moment. It is not looking all that good for them at this stage. I would suggest that, on the mathematics that was put to me the other day, only one person in every 135 has to be upset by this tax for us to be in government. That is the mathematics of the proposal: one person in every 135. Senator Kemp has done that alone, never mind the rest of his colleagues. Senator Kemp has certainly annoyed more than one person in every 135 out there!

Senator Hogg—He’d do that without a GST.

Senator QUIRKE—That is probably right, Senator Hogg, but I think you are a bit unfair on the good minister. He has a number of saving graces. Every day he gets up in here and he has not answered a question in the whole two and a half years that I have been here—and he has got away with it. It is an absolutely stunning performance. It is one of the best performances I have seen. In fact, I do not know why you did not get an Oscar the other night. I am told that it is in the order of about $11 billion or $12 billion more, than the system that it replaces. We are told that some of the state governments are going to repeal some taxes. That is a very difficult exercise for them because they love money too.

Senator Conroy—You know about state governments, don’t you?

Senator QUIRKE—I know all about state governments and their desire for money. If they can squirm their way out of it, they will do so. They have certainly done it with this exercise here by whacking the GST on any transactions they can, at the most opportune time for them. In other words, they are going to take full of advantage, through their stamp duty levies and through various other taxation and levies, to maximise the advantage out of the GST.
What Senator Murray and the Democrats who have voted for this have done is inflict on Australia a taxation system that really is what the tax office had wanted for years. I have watched now for about 20 years as each incoming Prime Minister or Treasurer was taken around the corner and sold what can only be described as the biggest load of nonsense that it is possible to sell. This is the tax that Treasury has always wanted. Firstly, Treasury mugged the former Treasurer, Mr Keating—I think that is a fair way of describing it. Certainly, they did not mug the Labor Party. Mr Keating attempted to try to persuade the Labor Party and he failed miserably. Most times, he was successful. On this one, he failed miserably.

The next one who came along was Dr Hewson. They got to Dr Hewson and Dr Hewson went in and decided we were going to have a GST. That one died, absolutely died. Then we had Mr Howard who promised us that we were never going to have a GST. Now we have it, and we have a compliance nightmare. I will make another prediction in the Senate tonight that any time a decision goes near the Taxation Office, they will prove the most difficult and intractible people because this is the taxation system which they want. This is the system that they are going to use to generate as much income as they possibly can, in the same way that the states will be very happy to take any buckets of money they are handed, and then they will put stamp duty on top of it.

The mechanisms by which this taxation system has unfolded are very interesting. The bill before us here tonight is a clear example of the fact that the system was not properly thought out. Not only was it not properly thought out, but it has not even been—I think, as yet—prepared for when it comes in in a matter of only weeks. On 1 July, this system is meant to be up and running smoothly—the collection of the tax, administration of the tax and probably, most importantly, the compliance out there with a couple of million taxpayers who will have the principal responsibility for collecting this tax on behalf of the government. There is every doubt that the system is ready. I think the slow number of applications for an Australian business number at this stage is a clear example of the fact that business out there is still not sure of what its obligations are going to be under this tax.

We will support this measure. As I understand it, we hope to get support for our second reading amendment that I have moved on behalf of Senator Conroy. Somehow or other I do not think the Democrats will vote for it. Senator Conroy may have had negotiations with them—I do not know. Somehow or other I do not think they will be attracted to this proposition because it puts a lie straight up and down to what they have done to the taxpaying public of this country. They have told them that there is going to be a simpler system and that it is going to be in everyone’s interests. We had Senator Murray coming in here tonight to honestly tell us that what it is really all about is collecting more and more money. Democrat policy, of course, is for the public service to decide what I and the rest of the taxpaying community want to spend our money on. They want to take money from us so that they can determine who they want to employ, and presumably that means another army of social workers. I am not sure exactly what they want to spend money on. I do not think battle ships are on the agenda. They could possibly be, but I do not know.

At the end of the day, what this system is going to do in July is bring chaos to large sections of the business community. I repeat again—and I will finish on this comment—that one person in every 135, on the mathematics of it, has only got to be annoyed enough to change their vote to make sure there is a change of government. The message that needs to be given to the Democrats is that we are going to be out there telling all of those Democrat supporters, who I do not think share Senator Murray’s enthusiasm for taxation and who are not going to be too happy about it at all. When this government does go to the polls on it, you can rest assured that the Labor Party position will be quite clear in people’s minds out there. It will take more than Senator Kemp getting up in here or on the 7.30 Report or anywhere else and alleging that somehow we have got something to do with it. We do not and we will not.
Senator HOGG (Queensland) (9.37 p.m.)—I rise to support my colleagues this evening. One must have a bit of sympathy for the statements that were made, particularly by Senator Conroy and also by my good friend Senator Quirke. Senator Conroy really got to the nub of it when he started to talk about Fawlty Towers.

Senator Conroy—Aren’t I your good friend?

Senator HOGG—You are my good friend, Senator Conroy. It then came to my attention that the real Manuel of the Liberal Party, the real Sergeant Schultz of the Liberal Party, is none other than the Assistant Treasurer, because I know nothing else typifies more the response that we have had out of the Assistant Treasurer over a long period of time. It has been a period of denial by the Assistant Treasurer as to the impact of this taxation system on ordinary Australians.

Senator Heffernan—You know!

Senator HOGG—You would not know, Senator Heffernan, because ordinary Australians know that Senator Conroy and Senator Quirke have hit the nail right on the head. They are the ones who are going to be affected by the introduction of this new tax system. They are the people who are going to be the sufferers.

Let us give a classic example that has come across my desk in my office. The ice makers of Australia have written to me complaining about the imposition of the GST on ice. Once ice has melted, it is no longer ice, it is merely water.

Senator Conroy—Tax avoiders.

Senator HOGG—Quite correct, Senator Conroy. Of course, this bears out the difficulties that are being experienced out there in the real world. Let us look at what happened the other morning on the Today program. It was a GST for beginners No. 1, the bakery. Tracy Grimshaw is talking to a Mr Trevor Morgan. The conversation goes:

Grimshaw: Are you ready for the GST?
Morgan: I hope so, like anyone else, but we’ve tried very hard over a period of time. We’ve done a lot of research on it. We haven’t, to coin a phrase, we haven’t buried our head in a bucket of flour, we’ve looked at the thing.

Grimshaw: Alright. Okay, now I guess most of us in thinking about the complications of the GST probably haven’t spared a thought for the local baker because bread is GST free,
Morgan: That’s right.

Grimshaw: But what percentage of your products will attract a GST?
Morgan: Well there is a considerable percentage that people don’t realise. I’ve got a couple of examples sitting in front of me at the moment. This one here is GST free. Sitting beside it, not GST free, it’s got a few cracked pepper and things on it. Two little buns here, that’s subject to GST; that’s not subject to GST. Another one here ... This is the simple tax that Senator Murray would lead us to believe is going to happen on 1 July. It is just a complete deceit. It is not simple, and that has been borne out in this chamber. The interview goes on:

Grimshaw: What’s the difference between the two little buns? One’s iced and one’s ...
Morgan: One’s iced and one’s not.

Grimshaw: Okay.
Morgan: So you pay the GST on this one, exactly the same bun, un-iced, no GST.

This is the simple system. Iced water and iced—

Senator Heffernan—Who wrote this rubbish?

Senator HOGG—Senator Heffernan, GST and no GST: this is the simple system you continue to try to tell us exists. It goes on:

Grimshaw: But the other bun’s got raisins. Now the raisins aren’t bread but they don’t attract a GST?
Morgan: That’s providing there’s no addition of glaze, no you can glaze them on top but you can’t ice them.
So if you glaze them it is alright; there is no GST. It continues:

Grimshaw: And are raisin, the raisins are not, they don’t attract a GST?

Morgan: They don’t. If I put a bit of apple in there, it is subject to GST.

So here we have a system that is supposed to be simple and easy to understand, but we have this baker on national TV explaining to the whole of Australia the complexities of the GST. It goes on:

Grimshaw: Okay, so how are raisins different to say sesame seeds or poppy seeds on the other loaf?

Morgan: Well sesame seed and poppy seed are not GST, but you would find a cracked wheat, probably an example behind me here. That is a cracked wheat, that is subject to GST.

Grimshaw: Right.

Morgan: If that didn’t have cracked wheat, it’s not subject to GST.

Grimshaw: Okay so the cracked ... but so how ... I mean this must be terribly confusing to you. You have ...

Senator Heffernan—This is boring!

Senator HOGG—Of course it is boring to you. Senator Heffernan. You might not have the capacity to understand the difficulties that these people are suffering in their businesses. You do not take the time, you do not have the compassion and you do not have the ability to go out there and understand the difficulties that are confronting them. I am glad to see you shaking your head in agreement with the statements I am making because I am so right. What we have here is this poor baker representing the difficulties confronting his business which have been put upon him by the dirty deal done between you and the Democrats.

Senator Kemp interjecting—

Senator HOGG—Maybe as someone who knows nothing, Senator Kemp, you should listen. Sergeant Schultz might even take a leaf out of your book at this rate. The interview continues:

MORGAN: I think I have got a few more grey hairs out of it.

So here you are now causing people out there to have grey hairs as a result of the difficulties that you have imposed upon them.

Senator Conroy—A struggling small business.

Senator HOGG—A struggling small businessperson. We will get to the rest of this small businessperson’s dilemma in a few moments. The interview goes on:

GRIMSHAW: So this is, and the distinction here is, now correct me if I’m wrong, because I’m trying to wade through it too, so is the rest of the country.

Grimshaw makes the fact quite clear that not only is she confused but so is the rest of the country. She continues:

Is ah, that food in production attracts a GST, but food for human consumption doesn’t. Is that right?

Is that right? Is that right? Morgan says:

That’s right.

The interview continues:

GRIMSHAW: Okay, so if you put cracked pepper on your Turkish loaf, that’s food in production, is it?

MORGAN: That’s right. It’s additional production therefore it’s subject to GST.

These are the people you claim you are trying to help, Senator Heffernan. You have not done anything to help them at all. All you have done is made their lives far more confused. You have given them far more burdens. You have given poor Mr Morgan grey hair. Mr Morgan was probably a healthy young agile person until he got your GST. Here he is now on national TV exposed with grey hair. You should have it too, Senator Heffernan, with the worry that you have caused this person.

Senator Conroy—A callous disregard for small business.

Senator HOGG—That is right—a callous disregard.

The DEPUTY PRESIDENT—Order! Senator Conroy, Senator Kemp, Senator Heffernan, we will have some order.

Senator HOGG—Thank you, Madam Deputy President, for protecting me.

Senator Conroy—From Senator Conroy!

The DEPUTY PRESIDENT—Order, Senator Conroy!
Senator HOGG—The interview continues:
GRIMSHAW: So do you pay the GST on the cracked pepper that you buy, or is it food for human consumption by the time you have bought it?
MORGAN: Well, I’m at the moment, I’m getting it tax free.
GRIMSHAW: Yes. After July the 1st?
MORGAN: That’s right. I don’t know. I’m not that good.
So on this small issue we have problems. Maybe when the minister is addressing the second reading amendment—this fine second reading amendment put up by Senator Quirke—he will address that issue and the other issues that I have raised this evening. The interview goes on:
GRIMSHAW: Because after July 1st you might well be paying a GST on your cracked pepper, then you’ll have to claim it back so it’s effectively revenue neutral, then you stick it on your Turkish bread and then suddenly it attracts a GST.
You wonder why this mess has been confused, Senator Heffernan. You have contributed in a great way to the mess that is before this nation. The interview continues:
MORGAN: That’s right.
GRIMSHAW: And now ... 
MORGAN: It gives me something to do at night, the late nights to work all the little sums out.
This is disgraceful. This person had a life before the GST. The interview goes on:
GRIMSHAW: You’ve invested $15,000 on infrastructure to cope with the GST. Is that going to sort out some of these accountancy problems for you?
MORGAN: It sorts out the retail accountancy problems. So it sorts out, we employ a lot of staff, we have a café here as well.
We have a real difficulty with the GST, as was said by my colleague Senator Quirke.
Debate interrupted.

ADJOURNMENT

The DEPUTY PRESIDENT—Order! It being 9.50 p.m., I propose the question:
That the Senate do now adjourn.

Corporations Law

Senator COONAN (New South Wales) (9.50 p.m.)—I want to raise in this adjournment debate a matter of considerable public importance, namely, the threat to Australia’s national system of Corporations Law highlighted by several recent High Court judgments. The threat amounts to nothing less than a fundamental challenge to Australia’s federal structure of corporate law. Many would know that the federal scheme of Corporations Law, which commenced in 1990, is a hybrid scheme that mingles both state and federal powers for the incorporation and regulation of corporations. Only the states have the power to deal with the incorporation of companies but, in order to provide uniform regulation and national enforcement, the Commonwealth agreed to provide some important features—I suppose you would call them federalising features—including the Australian Securities and Investment Commission as the national regulator. The Commonwealth also agreed that investigation of offences under the various state corporations acts would be undertaken by the Australian Securities and Investment Commission, the Federal Police and the Commonwealth Director of Public Prosecutions.

An imaginative and highly successful cross-vesting scheme was then enacted to allow the Federal Court to hear matters that would otherwise be confined to state jurisdictions. In effect, this arrangement has, for the past 10 years, provided a workable national system of Corporations Law that allows laws to be passed by the states but policed, administered and enforced by the Commonwealth. It has allowed Australia to be promoted as having a stable and well regulated national corporations scheme, which is an essential requirement for encouraging foreign investment and is a critical plank in Australia’s pitch to become a regional financial centre.

So why is this sensible and workable arrangement that was agreed between the states and the Commonwealth 10 years ago now unravelling? The answer is that cases capable of testing the constitutional validity of the scheme are only now being heard in the High Court. There are a number of such cases and already the prospects of the scheme surviving are bleak. The first nail in the coffin came last year in the case known as Wakim that struck down the cross-vesting legislation.
Technically, the High Court found that the state governments could not vest their own jurisdiction in the Federal Court, even if they had agreed to this. It is not difficult to imagine the effects of the decision. Firstly, the Federal Court is now unable to deal with matters arising under state corporations acts and, secondly, there is real doubt whether all previous Federal Court decisions given before the decisions came down are valid. Somewhat alarmed, the state governments have passed legislation trying to validate previous Federal Court decisions by deeming them to be state supreme court decisions. However, it is doubtful if these emergency arrangements will survive, with yet more High Court challenges due to be heard in May.

The next onslaught a couple of weeks ago occurred in the somewhat infamous appeal case involving Mr Alan Bond. Many were disappointed at the narrow interpretation given to the law by the High Court. Essentially, the court held that the Commonwealth Director of Public Prosecutions does not have the power to appeal against sentences for breaches of state Corporations Law. Instead, those must be appealed by the relevant state director of public prosecutions. If that is not arcane enough, in March the High Court heard argument in the Hughes case. This case challenges the validity of a section common to all state Corporations Law, a provision that an offence against the state act is taken to be an offence against the laws of the Commonwealth. This of course is the platform that provides the basis for the Commonwealth DPP to prosecute offences arising under the state corporations acts. If it is found to be unconstitutional, not only will the Commonwealth DPP be prevented from prosecuting breaches of state corporations laws but so too may the Australian Securities and Investment Commission’s power to investigate breaches.

So what can be done to fix this fiasco? The time has come to do more than paper over the cracks between the federal and state Corporations Law frameworks. This in turn raises the hoary problem of constitutional reform. As we all know, even if reforms are much needed and in the national interest, getting the Australian electorate in the requisite number of states to agree to constitutional change through a referendum can be a lost cause. This is particularly so when the constitutional change requires an adjustment between the powers of the Commonwealth and the states. Predictably, every state rights argument ever invented is likely to rise up again. After all, the precursor to the national arrangement of Corporations Law that we presently have—that is, the Hawke government’s attempt at a national system of Corporations Law—was struck down by the High Court in 1989 following appeals by the state governments in New South Wales, South Australia and Western Australia. It is difficult to accept that objections by the states could have much validity in this era of the global marketplace where a unified way of doing business is overwhelmingly in Australia’s national interest. The reality may not have sufficiently penetrated the consciousness of some of our state governments.

If a referendum is unlikely to succeed, what other options are there? In a recent note, Professor Ian Ramsay of the Centre for Corporate Law and Securities Regulation offers two other suggestions. The first is the referral, pursuant to placitum (xxxvii) of section 51 of the Constitution, by each of the state governments to the Commonwealth of their power to regulate companies. However, the Attorneys-General of both Western Australia and South Australia have already indicated that they would oppose such a referral. This would not stop other states referring and it may be that being outside the scheme would have such an adverse impact on Western Australia and South Australia that, with a bit of ‘finger pointing’ from the other states and the Commonwealth, they might join in. Another possibility, according to Professor Ramsay, would be to formally split the regulation of corporations, as occurs in the United States of America, with the states regulating incorporations and the federal regulators dealing with other matters, such as offers, takeovers and fundraising. Once again, the distribution of power between the states and the Commonwealth that is cemented in the Constitution would make this a difficult path to go down, with considerable room for doubt about where state powers end and where Commonwealth powers kick in.
If some listening to this debate think that problems with the Corporations Law are only the concern of business and do not concern them, I have a sober warning. In the argument before the High Court in the Hughes case a couple of weeks ago, Justice Michael McHugh remarked that the current hybrid Corporations Law system may fall foul of any guarantee of due process that one would expect in a bill of rights and that we see much vaunted in the media. As can be seen, the waters look very murky indeed when a citizen is in doubt and may not really know what his or her rights to due process are or from what jurisdiction they spring. Bill of rights advocates need to be aware of such potential pitfalls that lurk within the Constitution. The constitutional woes that have befallen the Corporations Law are an object lesson in point.

Mosby, Bishop Ted

Senator McLUCAS (Queensland) (9.59 p.m.)—I rise this evening to pay tribute to the late Bishop Ted Mosby, who was the Anglican Bishop in charge of the Torres Strait and northern peninsula area of the diocese of North Queensland. Bishop Mosby was a proud Torres Strait Islander who served his community with distinction over many years. He was born on Masig—known as Yorke Island—in the Torres Strait in 1949. He lived for only 50 years, but during that time he accomplished very much. He completed his secondary schooling at Trinity Bay State High School in Cairns and then went on to successfully complete a boilermaker’s apprenticeship. He was an excellent and well-regarded footballer. He played with the Kangaroos Rugby League Club in Cairns.

In 1973, Ted Mosby married Mary Sabatino and together they had 10 children—five girls and five boys. They have seven grandchildren. From 1978 to 1980, he began his theological studies at St John’s College at Morpeth near Newcastle in New South Wales. In 1981 he was ordained as a deacon at St Bartholemew’s Church on Thursday Island and in 1982 he became a priest. From 1981 to 1983, Ted served as the assistant priest at Weipa North on Cape York Peninsula. From 1984 to 1985, he was the assistant priest at St Bartholemew’s Church on Thursday Island. Later he moved to Injinoo in the northern peninsula area in 1986 to undertake the position of priest in charge at St Michael’s and All Angels. He and his family moved back to Masig in 1987. From 1989 he held the position of Anglican priest, as well as the Bishop’s Licence, on Masig.

While living on Yorke Island, Ted worked as a quarantine officer for the Australian Quarantine Inspection Service. During this time he was actively involved in management and was instrumental in the appointments of other indigenous officers to AQIS throughout the Torres Strait and NPA. To date AQIS—and this is a very proud fact for the people of the Torres Strait—have 100 per cent indigenous staff in the Torres Strait, a total of 23. In 1995, Ted returned to Thursday Island to be the Priest in Charge of the Cathedral Parish. In 1997 he was appointed Bishop of the Torres Strait Region by the Bishop of North Queensland, following a request to the bishop by the people of the Torres Strait. He was officially consecrated bishop on 29 September in 1997 at St Bartholemew’s Church on Thursday Island. Since then, until his death a couple of weeks ago, he was in charge of the Torres Strait and northern peninsula regions of the diocese of North Queensland.

Bishop Ted provided leadership in a spiritual sense to the people of the Torres Strait for nearly 20 years. His funeral was attended by Anglican leaders from across our nation, including Archbishop Hollingsworth from Brisbane and leaders from Canberra, Queensland and other parts of New South Wales. As well as being a spiritual leader, Ted was a community leader. He was respected by all in the Torres Strait, as well the broader North Queensland community. His funeral was a moving tribute to a much loved ‘ilan’ man. It was a traditional island funeral held at Ted’s and his wife Mary’s home, at the beautiful Masig church, and then at the cemetery. It was attended by hundreds of people who had travelled by dingy and light aircraft from across the Torres Strait, from the northern peninsula area, from Cape York Peninsula and from points further south. People travelled very far and took the time to express their respect for Bishop Ted and to his family.
I want to place on record my appreciation for the hospitality and friendship extended to me and my family by the family of Bishop Ted on the day of his funeral. In particular I want to place on record my thanks to Joe, Ned and Dan Mosby, Ted’s brothers. I also want to recognise Ted’s wife, Mary, for her strength on such a difficult day.

I am fortunate to have known the Mosby family for over 10 years. Joe has been the chair of Yorke Island for much of that time, and Ned has served both with AQIS and the police service. They are leaders in the community and have provided that leadership in a very strong way, but they are also people who enjoy a good laugh and especially a singalong. It was a moving and spiritual celebration of Ted Mosby’s life. He was a Christian and an islander who loved his culture and who loved to share his culture with those who did not necessarily understand it. He was a loving and loved husband, father and brother. He will be remembered well by the people of Yorke Island, the Torres Strait and the broader Australian community.

Ambon

Senator BOURNE (New South Wales) (10.04 p.m.)—I would like to speak tonight about the terrible situation in the Maluku Islands, particularly on the island of Ambon. It is easy to think that this situation has just blown up out of nowhere, or even as a separatist response to East Timor because, of course, East Timor has independence and that has set an example for other regions under Indonesian rule. But it is not that simple. In fact, Human Rights Watch have pointed out that the civil strife in Ambon and the Maluku islands is not new. The islanders have always walked a precarious line of religious and civil harmony.

The Indonesians declared independence from Dutch rule in 1945, leaving many Christians in Ambon feeling isolated. These Christians mounted a separatist movement known as the Republic of the South Molukus or the RMS. Members of this movement razed several villages in 1950, many of which have recently been the focus of more violence. In addition, there was an influx of devoutly Muslim migrants, ethnic Bugis, Butonese and Makassarese from the islands of Sulawesi. Of course, this brought changes altering the balance of the population to Muslim, who also now dominated local commerce. The new migrants also stood outside the traditional alliance mechanism between Muslims and Christians, known as ‘pila’. So what would normally have been sorted out by the community now resulted in a constant background of low level fighting. Christians experienced more resentment and fear in the 1990s when a Muslim Ambonese became governor and started employing Muslims in the civil service and the police force, which had previously been dominated by Christians. It was against this background that tensions heightened in the lead-up to the Christmas season and the Muslim fasting period late last year. In January the trouble started with a fight between a Christian public transport driver and two Bugis youths.

Even considering all this, the immensity and the speed of the violence that has occurred since December are still quite remarkable. Research conducted by Human Rights Watch indicates that many Indonesian commentators consider the violence was provoked as part of a nationwide strategy of rogue military officers linked to the still very well connected Suharto family to disrupt the parliamentary elections in June last year. There were fears that the military role was diminishing too dramatically in Indonesia and civil unrest would provide an effective way to create the conditions for a return to military rule. Another point of view was that community leaders with a localised agenda instigated the violence. Whatever its origins, once the violence started, it fed on itself as old grievances, long dormant, bubbled to the surface again.

Questions can also be raised regarding the Indonesian government’s response, its methods and its ability to quell the violence. It is crucial to note that there were two distinct phases to the violence. According to Human Rights Watch, the demarcation point was the decision to open fire on the demonstrators. Apparently, in the period of 19 January to 14 February this year most deaths were as a result of traditional homemade weapons or from burns when cars and houses were set on fire. From 14 February onwards, though,
most of the deaths took place when security forces, whose numbers had risen by March to 5,000 on an island with a population of 350,000, began to fire on rioters. Obviously there was a security threat and action needed to be taken, but it is not clear whether live ammunition was the answer or if other forms of crowd control may have been more effective. There are also questions about the ethnic mix of the security forces and their perceived bias. Both sides have reported perceptions of bias where security forces stood by while mobs from one side or another went on rampages.

I heard many examples of the horrors occurring in Ambon in recent months and still occurring. I do not need to go into the details. Suffice it to say that it is gruesome and quite shocking. It is important to remember that horrors are being committed on both sides. Sidney Jones, the executive director of the Asia division of Human Rights Watch, summed up the problem of trying to understand who is at fault here when she said:

Neither side has a monopoly on truth or suffering. The death toll is appallingly high for both, and both sides have seen entire neighbourhoods burned down and houses of worship destroyed.

The Uniting Church in Australia has been very active in keeping abreast of this horrific situation. It has provided me with very valuable information from the ground. The Uniting Church, along with other reputable organisations, has reported that some islands have been completely emptied of Christians—-islands such as Bacan, Tidore and Ternate. Churches, schools and hospitals have all been destroyed and people are living in makeshift accommodation. Some sources claim the number of displaced people is as high as 200,000. Other figures suggest that even this number is conservative. I was recently visited by several representatives of the Uniting Church who had heart-wrenching stories to tell. They told me they knew of villages that had been emptied in a concerted and methodical way, where people had been made to leave their houses and shortly afterwards the whole village was burnt down. They told me a lot of other stories, but I will not go into them here. Despite these stories, we must not forget that Christians have also killed Muslims. Both sides have militias who are brutally attacking innocent communities. Despite the call for a jihad or holy war by the Muslims, it is important to note that here in Australia the Uniting Church has been joined by the Federation of Islamic Councils in calling on the Indonesian government to find a solution to this issue. It is important to recognise that Muslims have died and suffered too. It is important that our media recognise that this is so, so that we do not feed the conflict by antagonising either side unnecessarily.

There is no easy solution. But it is clear that certain measures can be undertaken to save further lives and stop further horror. For example, all security forces sent to Ambon could be trained in non-lethal methods of crowd control and equipped appropriately. They can stop using live bullets. It is essential that international humanitarian organisations are allowed in to administer medical and food relief. It is also essential that Australia and other countries provide aid relief to deliver urgently needed food and medical attention. I note that Australia has recently increased its commitment to Maluku, but we must monitor the situation and increase it again if necessary. Finally, we must encourage the Indonesian government to investigate allegations that the violence on Ambon was provoked and that the security forces showed bias in dealing with that violence. Those found guilty of participating in provocation must be brought to justice as soon as possible.

Women in uniform: perceptions and pathways

Senator STOTT DESPOJA (South Australia—Deputy Leader of the Australian Democrats) (10.11 p.m.)— I rise tonight to talk about quite a significant publication which I was honoured to contribute to but, more importantly, launch today. It is a book entitled Women in uniform: perceptions and pathways, co-edited by two women, Kathryn Spurling and Elizabeth Greenhalgh. The book has been published by the School of History, University College of the University of New South Wales because the co-editors were unable to find a publisher willing to take on the publication of such a worthy
The book arises out of a very successful conference held in Canberra in May last year. The conference was entitled ‘Women in uniform: perceptions and pathways’ and the book draws together the proceedings of that conference. I delivered the Clare Burton Memorial Address at the conference dinner, and I remember being quite intrigued seeing workshop headlines such as ‘From CDF to Xena’. Anyone who has an interest in such interestingly titled workshops or indeed the broad range of chapters in this book is well advised to read it.

The book is certainly the first of its type in Australia—the first to address the issue of women in the armed forces, police and fire departments and to detail the resistance these women have faced in seeking professional equity. The essays in *Women in uniform* also reflect the collective and individual perceptions and experiences of women in many different uniforms across the globe. The experiences range from women fighting national wars of liberation in South Africa and Namibia, women who are firefighters or FBI agents in the United States of America and women who have chosen to walk the beat of the English bobbies. *Women in uniform* looks at pathways for these women in their chosen professions. The book provides several snapshots of the attitudes of outside groups and institutions towards these women in uniform and in doing so takes an important step towards opening up the dialogue with the broader women’s movement. I could not help but notice that many of the experiences, themes and messages of *Women in uniform* also apply to women in other non-traditional areas—themes such as chilly climates, a lack of promotion because of marriage or motherhood, the tyranny of workplaces which are not family friendly, the absence of support networks and the critical mass women need for cultural change, and the emphasis of appearance over performance. All these are too common barriers presented to women in professional life, as is the tendency for cultural reform to lag well behind legislative reform for equity in the workplace. These themes are echoed in many areas where women have not traditionally been involved. I am sure that many of my colleagues here would perhaps suggest that that has been the case for a non-traditional area for women such as the parliament.

I note that Australia has recently taken a significant step in relation to the achievement of gender equity, particularly in relation to the military. I refer, of course, to the decision coinciding with International Women’s Day by the Minister Assisting the Prime Minister for the Status of Women. That was in relation to removing the reservation against allowing women to participate in combat related duties. According to the announcement, although women have already been performing duties related to combat, they are still not allowed to fight in direct combat duties. The reason given at the time by the minister, Senator Newman, was that this is ADF policy. I think it is interesting that the ADF should make policy that is adhered to by the minister. I would have thought that the government should be making policy and that the ADF should be subordinate to that.

But that is not the most interesting aspect of that particular IWD announcement. Late last year at the suitability of the Australian Army for peacetime, peacekeeping and war committee hearing, the Chief of the Army stated that it was true that if women could not serve in combat units they would not have the opportunity to aspire to be promoted to the top level of the Army. The International Women’s Day announcement may be cold comfort to some women who are ambitious in the Army, but it probably means that at least there will be some official recognition of women involved in combat related duties and possibly some extra promotional opportunities.

In reality, though, the future for promotion for women in the Army is still not good, although the situation has slowly improved. I acknowledge the presence at today’s launch of Ms Julie Hammer. Last year Ms Hammer became the first woman to achieve the rank of Air Commodore in the Royal Australian Air Force. In fact, Ms Hammer is the first woman in the Australian military to achieve the equivalent of one star general rank. At the time of her appointment, the Democrats, the only party with a female leader and female deputy leader, acknowledged this great achievement. We congratulated not only Ms
Hammer but also the ADF on taking the first steps towards breaking the glass ceiling. We hope to see many women in the military follow in her footsteps.

Returning to some of the content of the previously mentioned book, avid viewers of the X-Files will be thrilled to discover that Women in uniform features the experiences of FBI Special Agent Susan Curtis—a real life Dana Scully. As fans of the show would be aware, Special Agent Dana Scully is not only a medical doctor with a speciality in forensics but also a firm believer in reason, which some might say directly contrasts with her male colleague. I would like to think that Agent Scully is perhaps a modern reflection of the FBI. Do not look so confused, Senators Heffernan and McGauran.

I would hope that she is a modern representation of the FBI. But, in reality, had Scully been modelled on the FBI culture of yesterday, as detailed by Susan Curtis, she would not have qualified as a special agent at all. Regardless of her medical or her academic qualifications, she would not have got in because she was not the requisite height. She was not five foot seven inches tall. For one thing, at five foot three inches, she would not make the prohibitive height requirements. It is true that, for many years after legislative reform, a height requirement that potential agents be at least five foot seven inches precluded many women from applying.

Senator Heffernan—J. Edgar Hoover had it good.

Senator STOTT DESPOJA—And this was due in no small part to J. Edgar Hoover, Director of the FBI for over 30 years. He did not support the role of women as special agents. His ability to exclude them, despite legislative and broader reforms, demonstrates the enormous power that gatekeepers have in these institutions. It is extraordinary to think that the role of women in the military is actually a subject of mirth for senators opposite. Still, perhaps this means they will read the book because they are interested.

One of the major differences between women in non-traditional professions breaking the glass ceiling and climbing the ladder of success, if you like, and women in the military has been, perhaps, a lack of involvement or not the same level of support from women in the women’s movement. I am glad to see, as evidenced in the chapters in the book, and in particular the one by Anne Summers, that this is now changing. I am cognisant of the comments of Kathryn Spurling, a co-author of the book, that women in uniform, until recently, have been attacked from all sides. She talks about the Bruce Ruxtons, if you like, of the world on one side suggesting that women who wish to serve their country might be hairy legged feminist types. But, more often than not, women are pitted against other women. So feminists tend to be pitted against those women who choose to serve, particularly by the media.

It is notoriously difficult for women to get good or accurate press when it comes to their service. Judith Youngman actually talks about this in the book and the stereotype of Rosie the Riveter, who, of course, came to personify the experiences of women in America—the 400,000 women who were citizens serving in uniform during the Second World War, including those women who were killed in the European and Pacific theatres of war. She talks about how unrealistic this particular image is for a variety of reasons.

The book talks about the belief that women are better at making love or babies but not war. It challenges some of those stereotypes that women are simply here to sustain and to nurture life, not necessarily to

Senator Heffernan interjecting—

The DEPUTY PRESIDENT—Ignore the interjections, please.

Senator STOTT DESPOJA—I know the truth is out there, but I did not realise that Senator McGauran was as well. Susan Curtis found that, despite the fact that a law had been passed saying that the prohibitive height requirement for women had gone, it was still on the application forms. This book details international experience, so it talks about how it took 64 years for a woman to get into the FBI—there are a number of reasons for this—even after special legislation was passed. In fact, it took a law suit and a death to open the doors for women to work in the FBI.
take it. I am sure that is a debate that would press many ‘hot buttons’, as Congresswoman Pat Shroeder said when she was investigating issues facing women in the military in the US. I will end on that note. I share the congresswoman’s shame when she discovered that the US military’s provisions for women’s sanitation needs during the Gulf War—we are talking about the 1990s—was based on the needs, literally, of women in the 1940s. So they were not getting tampons; they were getting sanitary provisions that related to the 1940s. Imagine if the US Army had done that with men serving during the Gulf War. They would have been getting Lucky Strike cigarettes and Brylcream. So it goes to show how out of date some of the US provisions were for women in the military.

Regional Forest Agreements: Local Government

Senator ALLISON (Victoria) (10.21 p.m.)—I want to talk this evening about the fact that the RFA was signed by the Victorian state government for Western Victoria. This is a sad day for those of us who so strongly value particularly the Otway forests in Western Victoria. So many of the communities around that area, I think, regard both the process of the RFA and the outcome as being of major disappointment.

As with any argument about forestry, at the end of the day it comes down to an argument about jobs and the environment. I will talk about the submissions made by various councils in the western area, who know a great deal about jobs in their area, of course, and who have argued very strongly that in this case there is no argument supporting clear-felling and woodchipping and that so much more is to be lost in jobs in other sectors.

The Otways is a very important forest for Geelong and surrounding townships’ water supplies. The very sad thing about the RFA process is that it will see so many coupes clear-felled which are in a water catchment area. The city of Geelong has had water restrictions for three years. They know what it is to have periods of low rainfall, and it is certainly exacerbated by the fact that their storage dams are very low. I think we can say already that a result of clear-fell logging has been a reduction in water going into those dams.

Some weeks ago, I visited a very important catchment area which was set out for logging even before the RFA process was completed, and that is a little stretch of forest called Riley’s Ridge. Riley’s Ridge is a very important wildlife corridor for the spotted-tailed quoll, which is an endangered animal in Victoria and elsewhere. Riley’s Ridge was fundamentally important in allowing the two remaining groups of spotted-tailed quolls in this part of Victoria to travel from one area to the other. Protestors spent some months in this part of the forest because they of course recognised the importance of the area and were determined to protect the site at least until after the RFA process was finished. They had some sort of assurance from the state Labor government that at least this part of the forest would not be touched. In their terms it was a high-order conservation area, and the state government had promised them that the logging would take place elsewhere. In effect it did not. The loggers moved in and a very frightening time was experienced by the protestors on a number of occasions when their camp was destroyed and attempts were made to bring them down from the trees that they were up in in an effort to stop the logging. I think the whole question of how we allow attacks to be made on people who are making a peaceful protest in this way needs closer examination.

Tonight I really want to talk about the local government response to this process and what various shire councils said in their submissions to the RFA process. The Surf Coast Shire report drew on statistical indicators of the significance of tourism to the Surf Coast Shire. They estimate that 2,230 jobs in the shire are directly associated with tourism, and that is equivalent to 45 per cent of all the jobs in the shire. $2.13 million in rates, equivalent to 41 per cent of all shire rates in 1995-96, was associated with tourism, commercial properties and holiday homes. The Surf Coast Shire see that as having major significance when considering the impact of downgrading in the timber industry, in particular the woodchip component of this industry, and they pose the very serious question, ‘Where is our
sustainable future? Is it in clear-felling pristine forests in our region and exporting woodchips? They say, ‘We think not,’ and I think not too.

The Colac Otway Shire report drew upon its social assessment report and consultation paper. They believe that the reports lack sufficient information to make a value judgment in respect to achieving a balanced outcome. They said that, although the special management zones are identified in the Otway area, council is unable to determine from the reports what timber resources or restrictions will apply. If quantities and qualities of likely time resources were known, then an economic assessment of sawlog production could be determined. They said that the flow-on effect to the wider community has not been costed, and that is to include service industries, retail, commercial and community services and social infrastructure of the region. They said that further research needed to be undertaken to reveal the real impact on employment in the Otway area and the impact within the western RFA; that is, the negative impact on the timber industry and a possible positive impact on the tourism industry.

The report appears to give little consideration to the effect of the modified areas and/or reserves on the adjoining privately owned land. They say that there is discussion in respect of the extension of the CAR reserves onto private land and that voluntary covenants are possible. However, there has not been an assessment of these lands, and there should be if a comprehensive and proper RFA is to be reached. They say the important aspect of fire protection had been overlooked in respect to fewer logging access roads, greater fuel loads, et cetera, which could have an adverse impact on the adjoining private land. The council acknowledges that approximately 11,000 cubic metres of sawlog timber was obtained from private land in the Otway FMA. They understand that these volumes were not sustainable and hence there will be future pressures on other areas.

The Macedon Ranges Shire Council expressed its concern that the criteria of environmental sustainability and social economic considerations were not met by the Regional Forest Agreement as presently proposed, and the council urged the parties involved to work to ensure those considerations were addressed by the arrangements finally entered into. The council will be actively involved, as appropriate, in that process.

They are just some excerpts from the submissions made by those three councils most affected by the RFA process in Western Victoria. I think it indicates the degree of concern in that area about logging in the Otways. Most people who live in that region would argue that the days of clear-felling should be long gone for the Otways. It is an area which has enormous natural, historical and cultural significance, but it is also the most complex region in the state, with a great deal of plantation timbers and a lot of surrounding development. In fact, it is something of an island of forest which really should be protected for so many reasons.

I just want to indicate again that the Democrats believe that the RFA process has failed, and the Otways is a very good example of why that is the case. It does not have local community support and it does not have council support. There is no longer any chance that we can see clear-fell logging and woodchipping in this area as sustainable. In the long term it is going to damage tourism, reduce the amount of water which is collected in this forest and used by residents in the immediate area and there are the usual problems—perhaps more so in this area than most other forest areas—of wildlife and what it will do to the scant remains. (Time expired)

Senate adjourned at 10.32 p.m.

DOCUMENTS

Tabling

The following documents were tabled by the Clerk:


Child Care Act—Childcare Assistance (Fee Relief) Amendment Guidelines (No. 1) 2000.
Civil Aviation Act—Civil Aviation Regulations—Civil Aviation Orders—Part—
105, dated 17 February; 2, 3 [5], 8 [3], 9 [7], 10 and 23 March 2000.
Customs Act—
CEOs Instruments of Approvals Nos 4-15 of 2000.
Regulations—Statutory Rules 2000 No. 32.
Customs Administration Act—Regulations—Statutory Rules 2000 No. 27.
Migration Act—
Certificates under section 502, dated 8 February and 8 March 2000.
National Parks and Wildlife Conservation Act—
Norfolk Island National Park and Norfolk Island Botanic Garden—
Comments on representations on proposed plans of management, dated February 2000.
Plans of management.
Uluru—Kata Tjuta National Park—
Comments on representations on proposed fourth plan of management, dated 2000.
Plan of management.
Taxation Determinations TD 2000/10 and TD 2000/11.
Taxation Ruling TR 2000/6.
Indexed Lists of Files
The following documents were tabled pursuant to the order of the Senate of 30 May 1996, as amended 3 December 1998:
Indexed lists of departmental and agency files for the period 1 July to 31 December 1999—
Statements of compliance—
Australia Council.
Australian Agency for International Development (AusAID)
Australian Broadcasting Authority.
Australian Broadcasting Corporation.
Australian Communications Authority.
Australian Film Commission.
Australian National Maritime Museum.
Department of Health and Aged Care.
National Archives of Australia.
National Gallery of Australia.
National Library of Australia.
National Museum of Australia.
National Science and Technology Centre.
ScreenSound Australia.
Special Broadcasting Service.

PROCLAMATIONS
Proclamations by His Excellency the Governor-General were tabled, notifying that he had proclaimed the following Acts and provisions of Acts to come into operation on the dates specified:
Corporate Law Economic Reform Program Act 1999—13 March 2000—
(a) Schedule 1;
(b) Parts 1 to 7, and Part 9 of Schedule 3;
(c) Parts 1, 2 and 4 of Schedule 4;
(d) Schedule 5;
(e) items 1, 4, 6, 7, 9, 10 and 16 of Schedule 6;
(f) items 1 to 11 of Schedule 7;
(g) Schedule 10.

(Gazette No. S 114, 10 March 2000).


QUESTIONS ON NOTICE

The following answers to questions were circulated:

**Department of Finance and Administration: Staff Remova...**

*Senator Robert Ray* asked the Special Minister of State, upon notice, on 23 June 1999:

1. On how many occasions during the 38th Parliament did the Department of Finance and Administration (or its predecessor) meet the removal and transfer expenses of staff employed under the Members of Parliament (Staff) Act.

2. Which members and senators authorised the department to meet such expenses on behalf of staff.

3. In each instance, what was the cost to the Commonwealth of: (a) removal; (b) travel costs (including the travel costs of dependants where applicable); and (c) temporary accommodation allowance.

4. In each instance, what was: (a) the previous home base of the staff member; and (b) the new home base after the transfer.

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

1. 196

2. Senator the Hon R Alston, Senator V Bourne, Senator P Calvert, Senator the Hon I Campbell, Senator G Chapman, Senator J Collins, Senator the Hon P Cook, Senator H Coonan, Senator W Crane, Senator the Hon R Crowley, Senator the Hon C Ellison, Senator the Hon J Faulkner, Senator the Hon B Gibson, Senator the Hon B Heffernan, Senator the Hon J Herron, Senator the Hon R Hill, Senator C Kernot, Senator M Lees, Senator the Hon I Macdonald, Senator S. MacDonald, Senator D Margetts, Senator the Hon N Minchin, Senator the Hon J Newman, Senator K O’Brien, Senator B O’Chee, Senator the Hon W Parer, Senator the Hon K Patterson, Senator the Hon C Schacht, Senator the Hon N Sherry, Senator N Stott-Despoja, Senator the Hon G Tambling, Senator the Hon A Vanstone, and Senator S West.


3. The total costs of (a) removal, (b) travel and (c) temporary accommodation allowance for each instance were as follows:

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<th>(a) Removal Cost</th>
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<td>$446,938.76</td>
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4. The changes in home base were as set out below:

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Department of Treasury: Costs of the News Clipping Service

(Question No. 1281)

Senator Robert Ray asked the Minister representing the Treasurer, upon notice, on 23 August 1999:

1. What is the annual cost to the department of news clippings purchased or produced by the department.

2. (a) Are the clippings provided regularly to the appropriate shadow ministers; and (b) in each instance, which shadow ministers receive a copy of the department’s news clippings.

3. (a) Are they provided to the appropriate Australian Democrats’ spokespersons; and (b) in each instance, which spokespersons receive a copy of the department’s news clippings.

4. Are the department’s clippings routinely provided to other members of Parliament; it so, which members and/or senators and in what capacity are they provided with a copy of the department’s clippings.

Senator Kemp—The Treasurer has provided the following answer to the honourable senator’s question:

1. The cost during 1998-99 financial year of the provision of news clippings purchased or produced by the department was $102,664.

   This comprises the following:

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(2) (a) No (b) n/a

(3) (a) No (b) n/a

(4) No
Minister for Aged Care: Departmental Liaison Officers
(Question No. 1312)

Senator Robert Ray asked the Minister representing the Minister for Aged Care, upon notice, on 23 August 1999:

(1) How many departmental liaison officers are employed in, or were seconded to, the Minister’s office as at 23 August 1999.

(2) (a) What are the names of the officers; (b) what are their employment classifications; and (c) what duties are they assigned, that is, to which policy areas or agencies are they allocated responsibility.

(3) What was the total cost to the department of these officers.

Senator Herron—The Minister for Aged Care has provided the following answer to the honourable senator’s question:

(1) At 23 August 1999 there was one permanent Departmental Liaison Officer (DLO) in my office.

(2) (a) Senka Stemberger

(b) Executive Level 2

(c) The officer is responsible for ensuring effective liaison between the Department and the Minister’s office, encompassing all of the portfolio policy areas and agencies.

(3) The total salary cost for the Departmental Liaison Officer (including the fixed allowance in lieu of overtime) to the Department of Health and Aged Care, incurred over the period 21 October 1998 to 23 August 1999, was $70,371.00.

Certified Air/Ground Radio Service: Trial Terms of Reference
(Question No. 1600)

Senator Mackay asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 29 September 1999:

(1) (a) What are the terms of reference for the trial Certified Air/Ground (CAGO) radio service at Yulara in the Northern Territory? (b) Who prepared the terms of reference; and (c) Will they be made public?

(2) (a) Was the trial put to tender; if not, why not; and (b) Who recommended the engagement of Ambidji to conduct the trial?

(3) What roles have the Civil Aviation Safety Authority (CASA) and Airservices Australia (ASA) taken in the trial?

(4) Did CASA formally request that ASA provide staff and/or services for the trial; if so, what was the response by ASA; if not, why not

(5) (a) How much will the CAGO cost; and (b) Who will pay for the trial?

(6) (a) How will the results of the trial be assessed;

(b) What are the guidelines for assessing the CAGO trial; (c) Who will assess the results of the CAGO trial; and (d) Will the assessment guidelines and/or performance indicators be made public?

(7) Will CAGO operators be subject to the same operator qualifications and licensing as licensed ASA staff; if not, why not?

(8) What safety procedures and arrangements are in place to ensure proper communications between CAGO and adjacent air traffic services.

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

The Civil Aviation Safety Authority (CASA) has provided the following information:

(1) (a) The purpose of this exercise was to trial a Certified Air/Ground Radio (CA/GRO) service at Yulara and to evaluate the level of safety enhancement and pilot acceptance of the service at that location. The trial stems from concerns that the Civil Aviation Safety Authority (CASA), Ansett Australia and Qantas have held for some time about the potential for aircraft conflict at Yulara, where high capacity passenger jets are mixed with general aviation sight-seeing aircraft during busy periods;

(b) The terms of reference and operational procedures were established by CASA in conjunction with
Ansett Australia and Qantas. There was also consultation with the management of the Ayers Rock Resort (who operate the airport at Yulara); and (c) The terms of reference were effectively included in the CASA authorising document, Aeronautical Information Publication Supplement AIP SUP H48/99 dated 9 September 1999, refer paragraph 2 “Purpose” (a copy of which has been provided to the Table Office).

(2)(a) and (b) Questions concerning the selection of the Ambidji Group Pty Ltd should be directed to the Ayers Rock Resort.

(3) CASA’s role has been to establish the operating standards and practices of the service, to facilitate provision of the trial service, to oversee the safety of service provision, and to arrange for its evaluation. Airservices’ role was the provision of the portable communications van, to house the operator and for ground/air communications and aerodrome weather instrumentation.

(4) Yes. Airservices agreed to provide equipment, but declined to provide operating staff.

(5) (a) The costs of the service trial are not being borne by CASA. Any questions concerning cost should therefore be directed to the Ayers Rock Resort; and (b) CASA has advised that Ansett Australia and Qantas jointly reimbursed the Ayers Rock Resort for the cost of the trial.

(6) (a) Assessment has been carried out primarily by analysis of pilot responses to a CASA questionnaire. In addition, the operator’s exit report, plus reports by the airlines and the management of the Ayers Rock Airport has been used; (b) The trial was assessed using as a basis the stated purpose contained in AIP SUP H48/99; (c) CASA assessed the results; and (d) The summary of pilot responses, and CASA’s assessment of the trial is available for interested parties. A copy of the report has been provided to the Table Office.

(7) No. CASA has advised that the CA/GRO service is an aerodrome radio information service, not an air traffic service as provided at certain other locations by Airservices staff.

(8) No communications or coordinations was carried out between the purely local CA/GRO service at Yulara and adjacent air traffic services outside the Yulara airspace. If such communications and coordinations with air traffic services were involved, CASA would have classified the CA/GRO service as an air traffic service.

Ministerial Staffing Establishment
(Question No. 1687)

Senator Faulkner asked the Special Minister of State, upon notice, on 19 October 1999:

(1) What is the Government’s ministerial staffing establishment under the Members of Parliament (Staff) Act 1984 as at 1 October 1999, including members of parliamentary staff employed in: (a) the Government Members’ Secretariat; (b) the Cabinet Policy Unit; (c) the Whips offices; and (d) the office of the Leader of the National Party in the Senate.

(2) Which positions have not been filled.

(3) (a) What is the breakdown, by office, of these staff; and (b) in each instance, what is the employment classification.

(4) How many of these staff have Canberra as their nominated home base.

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

(1) The ministerial staffing establishment as at 1 October 1999 was 342.

(2) to (4) The following table contains the information sought. Details are correct as at 1 October 1999.

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<td>5</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Mr Tuckey</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td></td>
<td>1</td>
<td>2</td>
<td>6</td>
<td>4</td>
</tr>
<tr>
<td>Mr Hockey</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td></td>
<td>2</td>
<td>5</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Ms Kelly</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td></td>
<td>1</td>
<td>2</td>
<td>6</td>
<td>4</td>
</tr>
<tr>
<td>Mr Anthony</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>3</td>
<td>2</td>
<td>7</td>
<td>5</td>
<td>(1 vacant)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Parliamentary Secretaries</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senator Campbell</td>
</tr>
<tr>
<td>Senator Tambling</td>
</tr>
<tr>
<td>Ms Worth</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Senator Troeth</td>
</tr>
<tr>
<td>Ms Sullivan</td>
</tr>
<tr>
<td>Senator Patterson</td>
</tr>
<tr>
<td>Mr Slipper</td>
</tr>
<tr>
<td>Senator</td>
</tr>
<tr>
<td>Abetz</td>
</tr>
<tr>
<td>Senator Heffernan</td>
</tr>
<tr>
<td>Mrs Stone</td>
</tr>
<tr>
<td>Mr Entsch</td>
</tr>
<tr>
<td>Senator</td>
</tr>
<tr>
<td>Boswell</td>
</tr>
</tbody>
</table>

Chief Government Whip in the House of Representatives

| Mr Ronaldson            | 1          | 1                 | 2              | 1               |
Department of Aboriginal and Torres Strait Islander Affairs: Cost of Legal Advice from Attorney-General's Department

(Question No. 1731)

Senator Faulkner asked the Minister for Aboriginal and Torres Strait Islander Affairs, upon notice, on 2 November 1999:

(1) What has been the total cost to the department, and each agency in the portfolio, of legal advice obtained from the Attorney-General’s Department in the 1998-99 financial year.

(2) What has been the total cost to the department, and each agency in the portfolio, in the 1998-99 financial year of legal advice obtained by the department from other sources.

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

(1) $1,671,610.27 was paid to the Australian Government Solicitor in 1998/99 for legal services provided to ATSIC and the Registrar of Aboriginal Corporations. This amount includes disbursements and costs recoverable from borrowers under the terms of ATSIC’s home loans program.

(2)
$208,600 is estimated to have been paid in 1998/99 to private firms of solicitors and to legal counsel for a range of legal services, including but not limited to legal advice provided to the Commission and legal advice obtained for the purpose of Commission programs. Legal services provided by private firms to the Registrar of Aboriginal Corporations are included in this amount. It is not possible to distinguish clearly between payment made for legal advice and payments made for other categories of legal services without re-examining every invoice received, an undertaking which would strain Commission resources to an unreasonable extent.

Department of Communications, Information Technology and the Arts: Salaries
(Question No. 1737)

Senator Faulkner asked the Minister for Communications, Information Technology and the Arts, upon notice, on 2 November 1999:

As a dollar amount, and as a percentage of the department’s total outlay on salaries, what was the cost in the 1996-97, 1997-98, and 1998-99 financial years of: (a) staff training; (b) consultants; and (c) performance pay.

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

<table>
<thead>
<tr>
<th>Year</th>
<th>Staff Training</th>
<th>Consultants</th>
<th>Performance Pay</th>
</tr>
</thead>
<tbody>
<tr>
<td>1996-97</td>
<td>$969,934</td>
<td>$4,127,818</td>
<td>$58,677</td>
</tr>
<tr>
<td>1997-98</td>
<td>$1,582,428</td>
<td>$10,862,625</td>
<td>$113,165</td>
</tr>
<tr>
<td>1998-99</td>
<td>$1,329,952</td>
<td>$12,510,078</td>
<td>$814,431</td>
</tr>
</tbody>
</table>

—The increases in 1997-98 and 1998-99 relating to Consultants is due to contracts let for the refurbishment of Old Parliament House, commencement of the National Museum of Australia and Australian Institute of Aboriginal and Torres Strait Islander Studies project, the extension to the ScreenSound Australia building and machinery of government changes.

Department of Employment, Workplace Relations and Small Business: Salaries
(Question No. 1738)

Senator Faulkner asked the Minister representing the Minister for Employment, Workplace Relations and Small Business, upon notice, on 2 November 1999:

As a dollar amount, and as a percentage of the department’s total outlay on salaries, what was the cost in the 1996-97, 1997-98 and 1998-99 financial years of: (a) staff training; (b) consultants; and (c) performance pay.

Senator Alston—The Minister for Employment, Workplace Relations and Small Business has provided the following answers to the honourable senator’s question:

1996-97 – for the Department of Industrial Relations

<table>
<thead>
<tr>
<th>Year</th>
<th>Staff Training</th>
<th>Consultants</th>
<th>Performance Pay</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1,415,471</td>
<td>4.91%</td>
<td>#</td>
<td>#</td>
</tr>
<tr>
<td>$471</td>
<td>#</td>
<td>$87,740</td>
<td>0.3</td>
</tr>
</tbody>
</table>

1997-98 – for the Department of Workplace Relations and Small Business

<table>
<thead>
<tr>
<th>Year</th>
<th>Staff Training</th>
<th>Consultants</th>
<th>Performance Pay</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1,872,494</td>
<td>5.8%</td>
<td>#</td>
<td>#</td>
</tr>
<tr>
<td>$494</td>
<td>#</td>
<td>$119,044</td>
<td>0.37</td>
</tr>
</tbody>
</table>

1998-99 – for the Department of Employment, Workplace Relations and Small Business

<table>
<thead>
<tr>
<th>Year</th>
<th>Staff Training</th>
<th>Consultants</th>
<th>Performance Pay</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1,872,494</td>
<td>5.8%</td>
<td>#</td>
<td>#</td>
</tr>
<tr>
<td>$494</td>
<td>#</td>
<td>$119,044</td>
<td>0.37</td>
</tr>
</tbody>
</table>
Explanatory Notes:

# figures for consultants for 1996-97 and 1997-98 are not available as these were not required to be kept for annual reporting purposes.

* figures for staff training for 1998-99 are not able to be provided because of Machinery of Government changes in October 1998.

Staff training figures include costs for consultants and staff time for attendance at training activities and long-term development programs.

**Indonesia-Australian Bilateral Defence Activities**

*(Question No. 1781)*

Senator Bourne asked the Minister representing the Minister for Defence, upon notice, on 23 November 1999:

Given the announcement by the Minister on 10 September 1999 that a ‘number’ of planned bilateral defence activities with Indonesia would not take place, and given the Minister’s announcement of a review of ‘all aspects’ of the defence relationship can details be provided of: (a) the nature of activities which were suspended; (b) the nature of bilateral defence activities which are continuing; (c) the nature of the planned review of the bilateral defence relationship; (d) the criteria under which the Australian Government would make a decision to re-establish bilateral defence training activities with Indonesia; and (e) the current status of the defence treaty between Australia and Indonesia.

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

(a) The activities suspended on 10 September were junior officer close country instructor training in Indonesia, a combined land force exercise in Brisbane and a seminar on management of capability development to have been held in Australia. Since then no exercises, study visits or combat-related training have occurred and scientific and technical cooperation has ceased.

(b) The following bilateral defence activities are continuing: defence attache representation in both countries, staff college exchanges, attachments in both countries (including ADF attachments in support of the Indonesian maritime surveillance capability and to the Indonesian military’s English language training institution), and non-combat training at civilian and military educational institutions in Australia.

(c) The bilateral defence relationship is being considered as part of the broader Governmental consideration of the entire bilateral relationship with Indonesia.

(d) The activities listed at paragraph (b), which include forms of non-combat training such as language, logistics and technical training, are continuing and will not need to be re-established.

(e) The 1995 Agreement on Maintaining Security is in abeyance following Indonesia’s announcement on 16 September that it was unilaterally abrogating the agreement.

**Indonesian Military Personnel: Training in Australia**

*(Question No. 1782)*

Senator Bourne asked the Minister representing the Minister for Defence, upon notice, on 23 November 1999:

(1) Can details be provided of the number of Indonesian military personnel who received training at each of the Australian Defence Force training establishments, including staff colleges and similar institutions, and the form of training undertaken in the 1997-98 and 1998-99 financial years.

(2) Can the Minister guarantee that no member of the Indonesian military who has received training in Australia is guilty of crimes against humanity in Indonesia or East Timor.

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

(1) Information on training provided to Indonesian military personnel in Australia is as follows:

<table>
<thead>
<tr>
<th>Staff Training</th>
<th>Consultants</th>
<th>Performance Pay</th>
</tr>
</thead>
<tbody>
<tr>
<td>$</td>
<td>%</td>
<td>$</td>
</tr>
<tr>
<td>*</td>
<td>*</td>
<td>3,935,910</td>
</tr>
<tr>
<td></td>
<td></td>
<td>81,305</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Explanatory Notes:</th>
</tr>
</thead>
<tbody>
<tr>
<td># figures for consultants for 1996-97 and 1997-98 are not available as these were not required to be kept for annual reporting purposes.</td>
</tr>
<tr>
<td>* figures for staff training for 1998-99 are not able to be provided because of Machinery of Government changes in October 1998.</td>
</tr>
<tr>
<td>Staff training figures include costs for consultants and staff time for attendance at training activities and long-term development programs.</td>
</tr>
</tbody>
</table>
Tables 1 and 2 give detailed information on training courses provided to Indonesian military personnel by each service and centrally. This information includes the courses, establishments and number of course positions provided to Indonesians. Some Indonesians have attended more than one course.

### TABLE 1: TRAINING PROVIDED TO INDONESIAN MILITARY PERSONNEL IN AUSTRALIA BY SERVICE AND CENTRALLY FROM 1-7-97 TO 30-6-98

<table>
<thead>
<tr>
<th>Establishment</th>
<th>Training Type</th>
<th>No. Indonesian Personnel</th>
</tr>
</thead>
<tbody>
<tr>
<td>HMAS Cerberus, Melbourne</td>
<td>Radio Frequency Management</td>
<td>1</td>
</tr>
<tr>
<td>HMAS Watson, Sydney</td>
<td>Navigation</td>
<td>2</td>
</tr>
<tr>
<td>HMAS Penguin, Sydney</td>
<td>Hydrography, Staff College, Underwater Medicine, Clearance Diving</td>
<td>4</td>
</tr>
<tr>
<td>HMAS Creswell, Jervis Bay</td>
<td>Damage Control/Fire Fighting</td>
<td>1</td>
</tr>
<tr>
<td>Training Centre – East, Sydney</td>
<td>Training Analysis and Design, Instructor Training, Training Quality, and Control</td>
<td>2</td>
</tr>
<tr>
<td>Total Navy</td>
<td>(All DC funded)</td>
<td>14</td>
</tr>
<tr>
<td>Army Command and Staff College, Queenscliff</td>
<td>Command and Staff Training</td>
<td>1</td>
</tr>
<tr>
<td>School of Artillery, North Head</td>
<td>Artillery Support</td>
<td>3</td>
</tr>
<tr>
<td>School of Infantry, Singleton</td>
<td>Infantry Training</td>
<td>1</td>
</tr>
<tr>
<td>School of Military Intelligence, Canungra</td>
<td>Reconnaissance, Intelligence Training</td>
<td>2</td>
</tr>
<tr>
<td>Total Army</td>
<td>(2 non-DC funded)</td>
<td>7</td>
</tr>
<tr>
<td>School of Air Navigation, East Sale</td>
<td>Navigation Training</td>
<td>2</td>
</tr>
<tr>
<td>Central Flying School, East Sale</td>
<td>Flying Instructor Training</td>
<td>3</td>
</tr>
<tr>
<td>Directorate of Flying Safety, Canberra</td>
<td>Flying Safety Training</td>
<td>1</td>
</tr>
<tr>
<td>RAAF Staff College, Fairbairn</td>
<td>Command and Staff Training</td>
<td>2</td>
</tr>
<tr>
<td>RAAF School of Technical Training, Wagga</td>
<td>Aircraft Life Support Fitting, Engineering Officer</td>
<td>2</td>
</tr>
<tr>
<td>501 Wing, Amberley</td>
<td>Aircraft Operation and Maintenance Role</td>
<td></td>
</tr>
<tr>
<td>Institute of Aviation Medicine, Edinburgh</td>
<td>Surface Finishing</td>
<td>3</td>
</tr>
<tr>
<td>Defence International Training Centre</td>
<td>Military Aviation Medicine</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>English Teaching Development, Australian and Military Familiarisation, Australian English Language</td>
<td>16</td>
</tr>
<tr>
<td>Establishment</td>
<td>Training Type</td>
<td>No. Indonesian Personnel</td>
</tr>
<tr>
<td>----------------------</td>
<td>-------------------------------------------------</td>
<td>--------------------------</td>
</tr>
<tr>
<td><strong>Total Air Force</strong></td>
<td>(All DC funded)</td>
<td>31</td>
</tr>
<tr>
<td><strong>CENTRAL</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Defence</td>
<td>International Training Centre, Melbourne</td>
<td>12</td>
</tr>
<tr>
<td>Australian Defence</td>
<td>Defence Management Seminar, Defence Cooperation</td>
<td>14</td>
</tr>
<tr>
<td>Force Academy,</td>
<td>Scholarships</td>
<td></td>
</tr>
<tr>
<td>Canberra</td>
<td>Australian College of Defence Strategic Studies,</td>
<td>4</td>
</tr>
<tr>
<td>Canberra</td>
<td>Defence Strategic Studies</td>
<td></td>
</tr>
<tr>
<td>Joint Services Staff</td>
<td>Joint Services Staff Course</td>
<td>4</td>
</tr>
<tr>
<td>College</td>
<td>Royal Australian Navy Maritime Studies Period</td>
<td>1</td>
</tr>
<tr>
<td>Navy Maritime</td>
<td>Management of Integrated Logistics Systems</td>
<td>2</td>
</tr>
<tr>
<td>Studies Program</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total Central</strong></td>
<td>(All DC Funded)</td>
<td>47</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>NAVY</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>HMAS Cerberus,</td>
<td>Marine Engineering Application Course</td>
<td>1</td>
</tr>
<tr>
<td>Melbourne</td>
<td></td>
<td></td>
</tr>
<tr>
<td>HMAS Watson,</td>
<td>Navigation, Anti-Submarine/Surface Aircraft</td>
<td>7</td>
</tr>
<tr>
<td>Sydney</td>
<td>Control</td>
<td></td>
</tr>
<tr>
<td>HMAS Penguin,</td>
<td>Staff College, Underwater medicine, Clearance</td>
<td>3</td>
</tr>
<tr>
<td>Sydney</td>
<td>Diving</td>
<td></td>
</tr>
<tr>
<td>HMAS Waterhen,</td>
<td>International Mine Warfare Officers’ Course</td>
<td>2</td>
</tr>
<tr>
<td>Sydney</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Training Centre –</td>
<td>Training Analysis and Design, Instructor Training,</td>
<td>3</td>
</tr>
<tr>
<td>East, Sydney</td>
<td>Training Quality, and Control</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Total Navy (All DC funded)</td>
<td>16</td>
</tr>
<tr>
<td><strong>ARMY</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Army Command and</td>
<td>Command and Staff training</td>
<td>1</td>
</tr>
<tr>
<td>Staff College,</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Queenscliff</td>
<td></td>
<td></td>
</tr>
<tr>
<td>School of Artillery,</td>
<td>Artillery Support</td>
<td>1</td>
</tr>
<tr>
<td>North Head</td>
<td></td>
<td></td>
</tr>
<tr>
<td>School of Infantry,</td>
<td>Infantry Officer - Basic Training</td>
<td>4</td>
</tr>
<tr>
<td>Singleton</td>
<td></td>
<td></td>
</tr>
<tr>
<td>School of Military</td>
<td>NBCD, Engineering officer – basic training</td>
<td>3</td>
</tr>
<tr>
<td>Engineering</td>
<td></td>
<td></td>
</tr>
<tr>
<td>School of Army</td>
<td>International Training Developer</td>
<td>2</td>
</tr>
<tr>
<td>Education</td>
<td></td>
<td></td>
</tr>
<tr>
<td>School of Armour</td>
<td>Armour Officer – Basic Armour (Reconnaissance)</td>
<td>1</td>
</tr>
<tr>
<td>Establishment</td>
<td>Training Type</td>
<td>No. Indonesian Personnel</td>
</tr>
<tr>
<td>---------------</td>
<td>---------------</td>
<td>-------------------------</td>
</tr>
<tr>
<td>Parachute Training School</td>
<td>Parachute Jump Master (Freefall)</td>
<td>1</td>
</tr>
<tr>
<td>ALTC Material Support Div</td>
<td>Ammunition Technician</td>
<td>1</td>
</tr>
<tr>
<td>ALTC Integrated Log Div</td>
<td>Logistics – Transport and Integrated</td>
<td>2</td>
</tr>
<tr>
<td>School of Military Intelligence, Canungra</td>
<td>Intelligence training – Research and Analysis</td>
<td>2</td>
</tr>
<tr>
<td>Total Army</td>
<td>(All DC funded)</td>
<td>18</td>
</tr>
<tr>
<td><strong>AIR FORCE</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>School of Air Navigation, East Sale</td>
<td>Navigation Training</td>
<td>2</td>
</tr>
<tr>
<td>RAAF School of Management and Training Technique</td>
<td>Instructional Technique</td>
<td>11</td>
</tr>
<tr>
<td>Directorate of Flying Safety, Canberra</td>
<td>Flying Safety Training</td>
<td>2</td>
</tr>
<tr>
<td>RAAF Staff College, Fairbairn</td>
<td>Command and Staff Training</td>
<td>2</td>
</tr>
<tr>
<td>RAAF School of Technical Training, Wagga</td>
<td>Engineering Officer Aircraft Operation and Maintenance Role</td>
<td>1</td>
</tr>
<tr>
<td>Combat Survival Training School</td>
<td>Combat Survival</td>
<td>1</td>
</tr>
<tr>
<td>Institute of Aviation Medicine, Edinburgh</td>
<td>Military Aviation Medicine</td>
<td>1</td>
</tr>
<tr>
<td>RAAF College</td>
<td>Engineer Officer Basic Course</td>
<td>1</td>
</tr>
<tr>
<td>HQ Training Command</td>
<td>Short Term Attachment</td>
<td>2</td>
</tr>
<tr>
<td>Air Power Studies Centre</td>
<td>Short term attachment to Studies Centre and RAAF Staff College</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total Air Force</strong></td>
<td>(All DC funded)</td>
<td>24</td>
</tr>
<tr>
<td><strong>CENTRAL</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Defence International Training Centre, Melbourne</td>
<td>Audiovisual Lab Technician</td>
<td>1</td>
</tr>
<tr>
<td>Australian Defence Force Academy, Canberra</td>
<td>Defence Management Seminar, Defence Cooperation Scholarships, Master of Defence Studies</td>
<td>22</td>
</tr>
<tr>
<td>Australian Defence Force Warfare Centre, Williamtown</td>
<td>Overseas Joint Warfare Course, ADF Peacekeeping Seminar, Maritime Air Surveillance</td>
<td>16</td>
</tr>
<tr>
<td>Australian College of Defence Strategic Studies/ Australian Defence College, Canberra</td>
<td>Defence Strategic Studies, Defence Staff Course</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>Management of Integrated Logistics Systems</td>
<td>3</td>
</tr>
<tr>
<td><strong>Total Central</strong></td>
<td>(All DC Funded)</td>
<td>50</td>
</tr>
</tbody>
</table>

Total Training Provided to Indonesian Military Personnel in Australia from 1/7/97 to 30/6/98 – 108

Total Training Provided to Indonesian Military Personnel in Australia from 1/7/97 to 30/6/99 - 207
(2) No. However, it should be noted that training provided to Indonesian military personnel is aimed at developing modern and professional Indonesian armed forces with the accountable and responsible codes of conduct that professionalism entails.

Indonesia: Export of Goods
(Question No. 1783)

Senator Bourne asked the Minister representing the Minister for Defence, upon notice, on 23 November 1999:

(1) What was the value of the following goods exported to Indonesia in the 1997-98 and 1998-99 financial years: (a) defence and related goods; and (b) dual-use goods.

(2) What was the nature of the equipment exported, either under the category of defence and related goods or

Senator Newman—The Minister for Defence has provided the following answer to the honorable senator’s question:

(1) (a) 1997-98 $5,045,821
1998-99 $786,316
(b) 1997-98 $1,590,011
1998-99 $388,203

(2) For defence and related goods in both financial years, the goods comprised exclusively commercial explosives for the mining industry.

(a) In the case of dual-use goods for 1997-98, the goods comprised:

(i) Computer software and hardware, mainly for the banking industry (219 shipments)
(ii) Sodium cyanide for gold mining (3 shipments)

(b) Dual-use goods for 1998-99 comprised:

(i) Computer software and hardware, mainly for the banking industry (43 shipments)
(ii) Sodium cyanide for gold mining (2 shipments)

Aged Care: Tasmania
(Question No. 1787)

Senator Brown asked the Minister representing the Minister for Aged Care, upon notice, on 24 November 1999:

Can the Minister please explain his justification for the claims that Tasmania has received an increase in funding of 42 per cent and $6.6 million in the area of aged care.

Senator Herron—The Minister for Aged Care has provided the following answer to the honourable senator’s question:

The increase of 42% is a national figure. In 1995-96, the Government spent $2.5 billion on residential aged care. The outlay in 1999-2000 is budgeted to be $3.5 billion. That is an increase of 42% since 1996.

Tasmania has received an increase in recurrent funding of $6.6 million from 1998-99 to 1999-2000 an increase of 6.7% in a single year.

Tasmania has received an increase in recurrent funding of $28.7 million, since 1995-96.

Airservices Australia: Services to Airports
(Question No. 1823)

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 13 December 1999:

(1) What services does Airservices Australia (ASA) provide at the following airports: (a) Alice Springs; (b) Cairns; (c) Canberra; (d) Coolangatta; (e) Darwin; (f) Hobart; (g) Launceston; (h) Rockhampton; and (i) Townsville.

(2) What level of charges is applied for each service at each of the above airports.
(3) Since 1 January 1997: (a) on how many occasions have the above charges been varied; and (b) in each case what was the basis for the variation.

(4) Since 1 January 1997, on how many occasions has the provision of fire services at the above airports been the subject of a review.

(5) (a) What were the terms of reference for each review; (b) what were the results of each review; and (c) what action, by ASA or the Government, followed each review.

(6) How many officers engaged in firefighting and related activities are there at each of the above airports.

(7) Since 1 January 1997: (a) on how many occasions has the number of firefighting positions at each of the above airports varied; and (b) in each case, what was the basis for the variation.

(8) At how many of the above airports is the number of firefighters supplemented to meet peaks in air traffic movements.

(9) In each case: (a) how many additional firefighters are provided; (b) how often are additional firefighters provided; (c) what is the duration of each supplementation of fire services; and (d) from where are these additional fire fighters sourced.

(10) What is the cost of providing additional, temporary firefighting capacity, on an annualised per capita basis, compared with the provision of a permanent firefighting service.

(11) As at 1 December 1999, what was the percentage of each ASA charge, at each of the above airports, required to meet the corporate overheads of ASA.

(12) (a) Since 1 December 1997 how has the percentage of each ASA charge, at each airport, required to meet the corporate overheads of ASA varied; and (b) in each instance, what was the basis of the variation.

(13) (a) What was the total number of aircraft movements at each of the above airports in (i) 1997, (ii) 1998, and (iii) 1999; and (b) what is the forecast level of activity at each of the above airports for the next: (i) 12 months, (ii) 24 months, and (iii) 36 months.

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

Airservices Australia has provided the following:

Airservices advise it provides the following air traffic services (ATS) and aviation rescue and firefighting services (ARFF) at the airports listed below:

<table>
<thead>
<tr>
<th>Airport</th>
<th>ATS</th>
<th>ARFF</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alice Springs</td>
<td>Non-Radar tower ATS</td>
<td>Category 6 (1)</td>
</tr>
<tr>
<td>Cairns</td>
<td>Radar tower ATS and radar terminal area ATS provided from Melbourne</td>
<td>Category 8 (2)</td>
</tr>
<tr>
<td>Canberra</td>
<td>Radar tower ATS and radar terminal area ATS provided from Brisbane</td>
<td>Category 6</td>
</tr>
<tr>
<td>Coolangatta</td>
<td>Radar tower ATS and radar terminal area ATS provided from Brisbane</td>
<td>Category 8</td>
</tr>
<tr>
<td>Darwin</td>
<td>Navigational facilities only. ATS provided by RAAF at zero cost to civilian users.</td>
<td>Category 8</td>
</tr>
<tr>
<td>Hobart</td>
<td>Non-Radar tower ATS</td>
<td>Category 6</td>
</tr>
<tr>
<td>Launceston</td>
<td>Non-Radar tower ATS</td>
<td>Category 6</td>
</tr>
<tr>
<td>Rockhampton</td>
<td>Non-Radar tower ATS</td>
<td>Category 6</td>
</tr>
<tr>
<td>Townsville</td>
<td>Navigational facilities only. ATS provided by RAAF at zero cost to civilian users.</td>
<td>Nil. Service provided by RAAF</td>
</tr>
</tbody>
</table>

(i) Category 6 ARFF caters for regular passenger services by aircraft up to B737-400 type (and occasional flights by some larger aircraft).

(ii) Category 8 ARFF caters for regular passenger services by aircraft up to B767/A300 type (and occasional flights by some larger aircraft).
Airservices advise that the following terminal navigation (TN) prices and aviation rescue and firefighting service (ARFF) prices currently apply to landings at the airports listed below:

<table>
<thead>
<tr>
<th>Airport</th>
<th>TN ($/tonne)</th>
<th>ARFF ($/tonne)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alice Springs</td>
<td>$6.75</td>
<td>$5.64</td>
</tr>
<tr>
<td>Cairns</td>
<td>$7.24 (1)</td>
<td>$3.25</td>
</tr>
<tr>
<td>Canberra</td>
<td>$7.96 (1)</td>
<td>$2.97</td>
</tr>
<tr>
<td>Coolangatta</td>
<td>$8.27 (1)</td>
<td>$3.73</td>
</tr>
<tr>
<td>Darwin</td>
<td>$3.01</td>
<td>$5.99</td>
</tr>
<tr>
<td>Hobart</td>
<td>$6.75</td>
<td>$7.05</td>
</tr>
<tr>
<td>Launceston</td>
<td>$6.75</td>
<td>$7.79</td>
</tr>
<tr>
<td>Rockhampton</td>
<td>$6.75</td>
<td>$8.51</td>
</tr>
<tr>
<td>Townsville</td>
<td>$4.33</td>
<td>N/A</td>
</tr>
</tbody>
</table>

(1) Aircraft with Maximum Take-off Weight (MTOW) less than 5.7 tonnes pay $6.75.
(2) Aircraft below 2.5 tonnes MTOW are not charged.
(3) Charges at Darwin and Townsville cover cost of navigational facilities only. ATS are provided free of charge by RAAF.

(3) (a) and (b). Airservices advise that the changes to TN and ARFF prices since 1 January 1997 are as follows:

<table>
<thead>
<tr>
<th>Date</th>
<th>Change</th>
<th>Basis</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 July 1997</td>
<td>The previous ARFF network price of $1.80 per tonne was replaced by Location Specific Pricing (LSP) of $5.78 at Alice Springs, $3.23 at Cairns, $2.83 at Canberra, $3.39 at Coolangatta, $5.68 at Darwin, $6.41 at Hobart, $7.68 at Launceston, $8.68 at Rockhampton.</td>
<td>LSP introduced for ARFF. ARFF charges varied to reflect the cost of providing services at each location.</td>
</tr>
<tr>
<td>1 July 1998</td>
<td>The previous TN network price of $5.19 per tonne was replaced by LSP of $7.35 at Cairns, $8.34 at Canberra, $8.61 at Coolangatta, $3.19 at Darwin and $4.51 at Townsville. (For 1998/99 international landings at Darwin and Townsville were charged $3.55 and $4.87 respectively). The TN prices at other locations increased to $6.75. The ARFF per tonne prices increased to $3.32 at Cairns, $3.11 at Canberra, $3.73 at Coolangatta, $6.07 at Darwin, $7.05 at Hobart, $7.79 at Launceston. The ARFF per tonne prices were reduced to $5.64 at Alice Springs and $8.54 at Rockhampton.</td>
<td>LSP introduced for TN. TN prices varied to reflect the cost of providing services at each location. The ARFF prices were varied to reflect changes in Airservices costs and the level of aircraft activity.</td>
</tr>
<tr>
<td>1 Jan 1999</td>
<td>TN general aviation prices were reduced to $6.75 from $7.35 at Cairns, $8.34 at Canberra and $8.61 at Coolangatta.</td>
<td>Prices for general aviation aircraft at Cairns, Canberra and Coolangatta were reduced to levels consistent with prices at general aviation aerodromes.</td>
</tr>
<tr>
<td>1 July 1999</td>
<td>See answer to (2) above.</td>
<td>The TN and ARFF prices were varied to reflect changes in Airservices costs and the level of aircraft activity.</td>
</tr>
</tbody>
</table>

(4) Three. Airservices advise that the level of service (Category) is reviewed annually.
(5) (a) Airservices advise that the Reviews are conducted in accordance with ICAO standards and recommended procedures and CASA regulatory requirements.
(b) and (c) Airservices advise the following:

<table>
<thead>
<tr>
<th>Airport</th>
<th>Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alice Springs</td>
<td>No change</td>
</tr>
<tr>
<td>Cairns</td>
<td>Category reduced to Category 8 in November 1999 due to decrease in B747 movements.</td>
</tr>
<tr>
<td>Canberra</td>
<td>No change</td>
</tr>
<tr>
<td>Coolangatta</td>
<td>Upgrade from Category 7 to Category 8 in May 1998 due increased aircraft activity.</td>
</tr>
<tr>
<td>Darwin</td>
<td>Upgrade from Category 7 to Category 8 in May 1998 due increased aircraft activity.</td>
</tr>
<tr>
<td>Hobart</td>
<td>No change</td>
</tr>
<tr>
<td>Launceston</td>
<td>No change</td>
</tr>
<tr>
<td>Rockhampton</td>
<td>Airport was temporarily downgraded from Category 6 to Category 5 in November 1999. Following completion of a current review it is expected that the airport will be formally reduced from Category 6 to Category 5</td>
</tr>
<tr>
<td>Townsville</td>
<td>Not applicable.</td>
</tr>
</tbody>
</table>

(6) Airservices advise the following ARFF staffing levels:

<table>
<thead>
<tr>
<th>Airport</th>
<th>Officers (1)</th>
<th>Firefighters</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alice Springs</td>
<td>3</td>
<td>11</td>
</tr>
<tr>
<td>Cairns</td>
<td>13</td>
<td>39</td>
</tr>
<tr>
<td>Canberra</td>
<td>4</td>
<td>17</td>
</tr>
<tr>
<td>Coolangatta</td>
<td>7</td>
<td>21</td>
</tr>
<tr>
<td>Darwin</td>
<td>11</td>
<td>31</td>
</tr>
<tr>
<td>Hobart</td>
<td>5.5</td>
<td>15</td>
</tr>
<tr>
<td>Launceston</td>
<td>3.5</td>
<td>13</td>
</tr>
<tr>
<td>Rockhampton</td>
<td>3</td>
<td>11</td>
</tr>
<tr>
<td>Townsville</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

(1) Firestation Managers are not included
(7) (a) Alice Springs 1
(8) Cairns 2
(9) Canberra 1
(10) Coolangatta 0
(11) Darwin 0
(12) Hobart 1
(13) Launceston 1
(14) Rockhampton 1
(15) Townsville N/A

(b) Airservices advise that the staff levels have been varied to take into account category changes and/or efficiency improvements.

(8) Airservices advise that none of the above mentioned airports have supplemented staffing levels. Airservices advise that all ARFF staff are permanent employees with staffing numbers at each location established under the current certified agreement.

(9) Not applicable (See 8 above)

(10) Not applicable (see 8 above)
(11) Airservices advise that the TN and ARFF prices at Alice Springs, Hobart, Launceston and Rockhampton make no contribution to corporate overheads because these ports currently operate at a loss. The percentage contribution of TN and ARFF prices to corporate overheads at other locations is as follows:

<table>
<thead>
<tr>
<th>Location</th>
<th>% of ARFF price</th>
<th>% of TN price</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cairns</td>
<td>3.7</td>
<td>4.9</td>
</tr>
<tr>
<td>Coolangatta</td>
<td>3.9</td>
<td>4.8</td>
</tr>
<tr>
<td>Darwin</td>
<td>3.2</td>
<td>3.6</td>
</tr>
<tr>
<td>Canberra</td>
<td>3.9</td>
<td>4.5</td>
</tr>
</tbody>
</table>

12. (a) and (b) Airservices advise that due to business restructuring and the introduction of location specific pricing it is not practical to provide realistic comparisons of changes to corporate overheads for the periods prior to December 1999.

(13) (a) Airservices has provided the following details on movements at the above mentioned airports:

<table>
<thead>
<tr>
<th>Location</th>
<th>1997</th>
<th>1998</th>
<th>1999 to November</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alice Springs</td>
<td>35,000</td>
<td>41,000</td>
<td>29,000</td>
</tr>
<tr>
<td>Cairns</td>
<td>110,000</td>
<td>108,000</td>
<td>98,000</td>
</tr>
<tr>
<td>Canberra</td>
<td>133,000</td>
<td>154,000</td>
<td>122,000</td>
</tr>
<tr>
<td>Coolangatta</td>
<td>94,000</td>
<td>92,000</td>
<td>83,000</td>
</tr>
<tr>
<td>Darwin</td>
<td>Not available</td>
<td>101,000</td>
<td>88,000</td>
</tr>
<tr>
<td>Hobart</td>
<td>48,000</td>
<td>13,000</td>
<td>11,000</td>
</tr>
<tr>
<td>Launceston</td>
<td>33,000</td>
<td>39,000</td>
<td>23,000</td>
</tr>
<tr>
<td>Rockhampton</td>
<td>35,000</td>
<td>37,000</td>
<td>30,000</td>
</tr>
<tr>
<td>Townsville</td>
<td>Not available</td>
<td>78,000</td>
<td>63,000</td>
</tr>
</tbody>
</table>

(b) Airservices advises that it expects a range of outcomes, including some reduction in traffic at some ports mentioned in (a). Overall, the average growth in terminal traffic is expected to be in the range 1-2% over the period to end of 2003.

Department of the Prime Minister and Cabinet: SES Officers
(Question No. 1827)

Senator Faulkner asked the Minister representing the Prime Minister, upon notice, on 20 December 1999:

(1) How many senior executive service (SES) officers did the department, and all agencies within the portfolio, employ as at December 1999.

(2) (a) What are the names of the officers; (b) what are their employment classifications within the SES band structure; and (c) what are the officers’ total emoluments, including but not limited to: (i) salary (including any salary packaging undertaken), (ii) any travel entitlements, (iii) fringe benefits tax paid on the officers’ behalf, (iv) use of motor vehicles, (v) mobile or home telephones, (vi) superannuation, (vii) performance payments, and (viii) other non-cash benefits (please specify).

(3) (a) How does the department and/or agency determine the basis for performance payments; and (b) in particular, what is the relationship between the performance payments policy and the department’s and/or agency’s actual performance.

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

I am advised by my department as follows:

(1) The Department of the Prime Minister and Cabinet portfolio employed 67 senior executive service (SES) officers as at 15 December 1999.

(2) (a) and (b)
<table>
<thead>
<tr>
<th>NAME</th>
<th>CLASSIFICATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ian Watt</td>
<td>SES Band 3</td>
</tr>
<tr>
<td>Jane Halton</td>
<td>SES Band 3</td>
</tr>
<tr>
<td>Alan Henderson</td>
<td>SES Band 3</td>
</tr>
<tr>
<td>Ian McPhee</td>
<td>SES Band 3</td>
</tr>
<tr>
<td>Peter Kennedy</td>
<td>SES Band 3</td>
</tr>
<tr>
<td>Miles Jordana</td>
<td>SES Band 2</td>
</tr>
<tr>
<td>Greg Williams</td>
<td>SES Band 2</td>
</tr>
<tr>
<td>Peter Vaughan</td>
<td>SES Band 2</td>
</tr>
<tr>
<td>Venessa Tripp</td>
<td>SES Band 2</td>
</tr>
<tr>
<td>Patricia Scott</td>
<td>SES Band 2</td>
</tr>
<tr>
<td>Brian Cassidy</td>
<td>SES Band 2</td>
</tr>
<tr>
<td>Grahame Cook</td>
<td>SES Band 2</td>
</tr>
<tr>
<td>Barbara Belcher</td>
<td>SES Band 2</td>
</tr>
<tr>
<td>Katrina Edwards</td>
<td>SES Band 2</td>
</tr>
<tr>
<td>Warren Cochrane</td>
<td>SES Band 2</td>
</tr>
<tr>
<td>Edward Hay</td>
<td>SES Band 2</td>
</tr>
<tr>
<td>John Meert</td>
<td>SES Band 2</td>
</tr>
<tr>
<td>Michael Watson</td>
<td>SES Band 2</td>
</tr>
<tr>
<td>John Doherty</td>
<td>SES Band 1</td>
</tr>
<tr>
<td>Nhan Vo-Van</td>
<td>SES Band 1</td>
</tr>
<tr>
<td>Peter Hamburger</td>
<td>SES Band 1</td>
</tr>
<tr>
<td>Jennifer Bryant</td>
<td>SES Band 1</td>
</tr>
<tr>
<td>Jenny Goddard</td>
<td>SES Band 1</td>
</tr>
<tr>
<td>Paul O’Neil</td>
<td>SES Band 1</td>
</tr>
<tr>
<td>David Webster</td>
<td>SES Band 1</td>
</tr>
<tr>
<td>Jo Caldwell</td>
<td>SES Band 1</td>
</tr>
<tr>
<td>Brian Jones</td>
<td>SES Band 1</td>
</tr>
<tr>
<td>Hugh Craft</td>
<td>SES Band 1</td>
</tr>
<tr>
<td>John van Beurden</td>
<td>SES Band 1</td>
</tr>
<tr>
<td>Stuart Sargent</td>
<td>SES Band 1</td>
</tr>
<tr>
<td>Arthur Camilleri</td>
<td>SES Band 1</td>
</tr>
<tr>
<td>Patrick Cole</td>
<td>SES Band 1</td>
</tr>
<tr>
<td>Brendon Hammer</td>
<td>SES Band 1</td>
</tr>
<tr>
<td>Bruce Smith</td>
<td>SES Band 1</td>
</tr>
<tr>
<td>Richard Oliver</td>
<td>SES Band 1</td>
</tr>
<tr>
<td>Susan Ball</td>
<td>SES Band 1</td>
</tr>
<tr>
<td>Julie Yeend</td>
<td>SES Band 1</td>
</tr>
<tr>
<td>Michael Clark-Lewis</td>
<td>SES Band 1</td>
</tr>
</tbody>
</table>
The identification and assessment of each officer’s individual financial arrangements and details is a major task and I am not prepared to authorise the time and expenditure to undertake it. In addition, the release of individual remuneration outcomes could raise privacy concerns. However, aggregate figures for SES salary packages were published by the Department of Employment, Workplace Relations and Small Business (DEWRSB) in the September 1999 Key Pay Indicators (online) Update No. 1999/03. The update document is located on the DEWRSB website under the Government Employment entry point (Agreement Making): www.dewrsb.gov.au/group_wr/agreemak/agree.htm These figures were prepared in December 1998 by the Australian Bureau of Statistics on behalf of DEWRSB and covers 24 agencies and approximately 75% of all SES.

(3) Department of the Prime Minister and Cabinet

(a) Under the terms of their Australian Workplace Agreements (AWAs), each SES officer is appraised annually against objectives, milestones and performance indicators set out in a performance agreement; and

(b) The Secretary determines performance payments based upon appraisal outcomes, the supervisor’s recommendations and the overall performance of the agency.

Public Service and Merit Protection Commission
(a) Performance payments are prescribed in each SES officer’s AWA. The Public Service Commissioner determines whether an officer has performed at a level that would warrant a performance payment in accordance with the officer’s AWA after assessing the performance against the officer’s performance agreement; and

(b) In determining annual performance payments for SES officers, the Public Service Commissioner takes into account a range of factors including the overall performance of the agency in the previous 12 months, the performance of individual SES officers and their personal contribution to the level of performance by the agency. Each SES officer’s performance agreement incorporates a business plan developed for their particular responsibilities in managing a part of the organisation.

Australian National Audit Office

(a) As part of the Australian National Audit Office’s (ANAO’s) certified agreement there is a mandatory performance assessment scheme which applies to all staff in the ANAO, including SES officers. This scheme requires all staff to have in place performance agreements which detail agreed levels of performance. Performance payments to the SES are determined on the basis of outcomes measured against performance standards contained in each performance agreement; and

(b) The determination of performance payments is based on an assessment of the agency’s overall performance and the contribution which each SES officer has made in the review period.

Office of National Assessments

(a) All SES officers are covered by the Office of National Assessment’s (ONA’s) performance management scheme with all SES negotiating and signing individual performance agreements. SES officers are appraised against the performance indicators detailed in the agreements; and

(b) All individual performance agreements are linked to ONA’s corporate plan, statutory responsibilities and agency performance.

Office of the Commonwealth Ombudsman

(a) All SES officers within the Office of the Commonwealth Ombudsman are subject to a performance management arrangement under an Australian Workplace Agreement. This provides for remuneration within a specified range to be based on an annual assessment of performance against a set of pre-determined performance related criteria; and

(b) The pre-determined criteria are related to key objectives and work priorities relevant to the year ahead. The extent by which they are achieved influences the level of remuneration of each executive and also reflects the Office’s achievement of its objectives as a whole.

Office of the Official Secretary to the Governor-General

Office of the Inspector-General of Intelligence and Security; and

Office of the Strategic Investment Co-ordinator

(a) and (b) N/A

Department of the Environment and Heritage: SES Officers

(Question No. 1831)

Senator Faulkner asked the Minister for the Environment and Heritage, upon notice, on 20 December 1999:

(1) How many senior executive service (SES) officers did the department, and all agencies within the portfolio, employ as at 15 December 1999.

(2) (a) What are the names of the officers; (b) what are their employment classifications within the SES band structure, and (c) what are the officers’ total emoluments including but not limited to: (i) salary (including any salary packaging undertaken), (ii) any travel entitlements, (iii) fringe benefits tax paid on the officers’ behalf, (iv) use of motor vehicles, (v) mobile or home telephones, (vi) superannuation, (vii) performance payments, and (viii) other non-cash benefits (please specify).

(3) (a) How does the department and/or agency determine the basis for performance payments; and (b) in particular, what is the relationship between the performance payments policy and the department's and/or agency's actual performance.

Senator Hill—The answer to the honourable senator’s question is as follows:
The portfolio consists of Environment Australia (the Department of the Environment and Heritage, Parks Australia, Wildlife Australia), the Great Barrier Reef Marine Park Authority and the Australian Greenhouse Office.

(1) As at 15 December 1999:
there were 45 SES employees in Environment Australia;
there was 1 SES employee in the Great Barrier Reef Marine Park Authority;
there were 6 SES employees in the Australian Greenhouse Office.

(2) (a) and (b)

<table>
<thead>
<tr>
<th>Environment Australia</th>
<th>Band</th>
</tr>
</thead>
<tbody>
<tr>
<td>Howard Bamsey</td>
<td>3</td>
</tr>
<tr>
<td>Stephen Hunter</td>
<td>3</td>
</tr>
<tr>
<td>Anthea Tinney</td>
<td>3</td>
</tr>
<tr>
<td>John Zillman</td>
<td>3</td>
</tr>
<tr>
<td>David Anderson</td>
<td>2</td>
</tr>
<tr>
<td>Robert Butterworth</td>
<td>2</td>
</tr>
<tr>
<td>Gerard Early</td>
<td>2</td>
</tr>
<tr>
<td>Douglas Gauntlett</td>
<td>2</td>
</tr>
<tr>
<td>Phillip Glyde</td>
<td>2</td>
</tr>
<tr>
<td>Arthur Johnston</td>
<td>2</td>
</tr>
<tr>
<td>Bruce Leaver</td>
<td>2</td>
</tr>
<tr>
<td>Geoffrey Love</td>
<td>2</td>
</tr>
<tr>
<td>Conall O'Connell</td>
<td>2</td>
</tr>
<tr>
<td>Tony Press</td>
<td>2</td>
</tr>
<tr>
<td>Geoffrey Bailey</td>
<td>1</td>
</tr>
<tr>
<td>Brian Babington</td>
<td>1</td>
</tr>
<tr>
<td>Leonard Broadbridge</td>
<td>1</td>
</tr>
<tr>
<td>Robert Brook</td>
<td>1</td>
</tr>
<tr>
<td>Andrew Campbell</td>
<td>1</td>
</tr>
<tr>
<td>Anne-Marie Delahunt</td>
<td>1</td>
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<td>Gerald Morvell</td>
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The identification and assessment of each employee’s individual financial arrangements is a major task and I am not prepared to authorise the time and expenditure to undertake it. In addition, the release of individual remuneration outcomes could raise privacy concerns. However, aggregate figures for SES salary packages were published by the Department of Employment, Workplace Relations and Small Business (DEWRSB) in the September 1999 Key Pay Indicators (online) Update No 1999/03. The update document is located on the DEWRSB website under the Government Employment entry point (Agreement Making): www.dewrsb.gov.au/groupwr/agreemak/agree.htm These figures were prepared in December 1998 by the Australian Bureau of Statistics on behalf of DEWRSB and cover 24 agencies and approximately 75% of all SES.

Performance payments are determined through the operation of a formal SES Performance Appraisal Scheme. This includes an annual performance appraisal for each Senior Executive assessed against individual performance agreements. These agreements contain corporate and program related key results areas with specified achievements, strategies and performance indicators. Performance payments are determined on the individual employees’ performance against key results areas outcomes.

GBRMPA has a performance management system that includes performance pay for SES Officers. The performance management system involves an assessment of performance based upon performance agreements which are directly linked to the strategic work program agreed with the Minister.

The basis for performance payments is a formal Performance Management, Recognition and Development Scheme (PMRDS). There is a direct correlation, which is quantifiable, between performance bonus outcomes and performance expectations under the PMRDS. The PMRDS includes:

- values expectations and how they will be measured;
- performance expectations which include business outcomes, leadership and team responsibilities, corporate citizenship and representation/consultation; and
- skills and abilities expectations.
Department of Communications, Information Technology and the Arts: SES Officers  
(Question No. 1832)

Senator Faulkner asked the Minister for Communications, Information Technology and the Arts, upon notice, on 20 December 1999:

(1) How many SES officers did the department, and all agencies within the portfolio, employ as at 15 December 1999.

(2) (a) What are the names of the officers; (b) What are their employment classifications within the SES band structure; and (c) What are the officers’ total emoluments, including but limited to: (i) salary (including any salary packaging undertaken), (ii) any travel entitlements, (iii) fringe benefits tax paid on the officers’ behalf, (iv) use of motor vehicles, (v) mobile or home telephones, (vi) superannuation, (vii) performance payments, and (viii) other non-cash benefits (please specify).

(3) (a) How does the department and/or agency determine the basis for performance payments, (b) in particular, what is the relationship between the performance payments policy and the department’s and/or agency’s actual performance.

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

(1) There were 41 Senior Executive Service officers within the Department at 15 December 1999. This is comprised of 3 SES Band 3, 11 SES Band 2, and 27 Band 1 officers.

(2) (a) Refer Attachment 1.  
(b) Refer Attachment 1.

(c) The identification and assessment of each officer’s individual financial arrangements and details is a major task and I am not prepared to authorise the time and expenditure to undertake it. In addition, the release of individual remuneration outcomes could raise privacy concerns.

However, aggregate figures for SES salary packages were published by the Department of Employment, Workplace Relations and Small Business (DEWRSB) in the September 1999 Key Pay Indicators (online) Update No. 1999/03. The update document is located on the DEWRSB website under the Government Employment entry point (Agreement Making):


These figures were prepared in December 1998 by the Australian Bureau of Statistics on behalf of DEWRSB and covers 24 agencies and approximately 75% of all SES.

(3) (a) Method of Assessment

Achievement is measured against the achieved outcomes as negotiated in the original Performance Management agreement.

Factors considered are:
- Demonstrated leadership
- Management abilities
- Problem solving skills
- Organisational prowess
- Responsiveness
- Time management
- Flexibility
- Initiative, innovation, judgement and team skills

Also required is as a part of Government policy the on-going employee will be assessed against their:

- Contribution to the promotion of a performance culture to improve the efficiency and effectiveness of the Department; and
- Contribution to the promotion of a greater client focus in relation to the development of policy and service delivery.

Rating System
- 4 Outstanding
3 Superior  
2 Fully effective  
1 Unsatisfactory  

(b) Each SES officer enters into a performance agreement with the Secretary wherein key responsibilities and individual performance indicators are recorded in line with the Departmental Business Plan. The Department Business Plan has been developed based on the Government’s expected outcomes for the Department.

The Secretary retains sole responsibility for individual SES performance reviews and exercises this responsibility within set parameters, namely, the government’s required outcomes as tabled in the Do-CITA Business Plan, and the performance indicators established in SES performance agreements which are linked directly to the Department Business Plan.

It is the Secretary’s knowledge of the Department’s actual performance and SES performance generally and individually which he exercises to determine individual SES ratings. Individual ratings dictate SES performance payments according to the SES performance pay policy.

ATTACHMENT 1  
OFFICERS BY DESIGNATION  
(Question 2(a) and (b))

| SES Band 3 | Glenys ROPER  
| Robert PALFREYMAN  
| Rodney BADGER  

| SES Band 2 | Keith William BESGROVE  
| Arthur William BLEWITT  
| Jenelle BONNOR  
| Ronald Ian BRENT  
| Christopher Michael CHEAH  
| Ann GHISALBERTI  
| Fay Elizabeth HOLTHUYZEN  
| George NICHOLS  
| Susan Lee PAGE  
| Warren RICHTER  
| Allan STRETTON  

| SES Band 1 | Gary ALLAN  
| Peter John ANDERSON  
| James BARR  
| Lynn BEAN  
| Christina BEE  
| Rohan BUETTEL  
| James CAMERON  
| Thomas DALE  
| Verna Kay DANIELS  
| Raymond Edgar EDMONSON  
| Steve FIELDING  
| Brendan HARKIN  
| Beverly HART |
Senator Faulkner asked the Minister representing the Minister for Health and Aged Care, upon notice, on 20 December 1999:

(1) How many Senior Executive Service (SES) officers did the department, and all agencies within the portfolio, employ as at 15 December 1999.

(2) (a) What are the names of the officers; (b) what are their employment classifications within the SES band structure; and (c) what are the officers' total emoluments, including but not limited to: (i) salary (including any salary packaging undertaken), (ii) any travel entitlements, (iii) fringe benefits tax paid on the officers’ behalf, (iv) use of motor vehicles, (v) mobile or home telephone, (vi) superannuation, (vii) performance payments, and (viii) other non-cash benefits (please specify).

(3) (a) How does the department and/or agency determine the basis for performance payments; and (b) in particular, what is the relationship between the performance payments policy and the department’s and/or agency's actual performance.

Senator Herron—The Minister for Health and Aged Care has provided the following answer to the honourable senator’s question:

(1) The Department of Health and Aged Care is part of a portfolio that contains the following agencies:

. Health Insurance Commission;
. National Health and Medical Research Council;
. Australian Hearing Services;
. Private Health Insurance Administration Council;
. Private Health Insurance Ombudsman;
. Professional Services Review;
. Australia New Zealand Food Authority;
. Australian Institute of Health and Welfare;
. Aged Care Standards and Accreditation Agency; and
. Australian Radiation Protection and Nuclear Safety Agency.

The SES is established under the Public Service Act 1999. It should be noted that some of these agencies do not employ their staff under the Public Service Act 1999 and therefore not all of them have SES officers. The information provided is limited to those agencies that employ staff under the Public
Service Act 1999 and have SES officers. The National Health and Medical Research Council is included under the Department of Health and Aged Care.

The department and all agencies within the portfolio employed 62 SES officers at 15 December 1999.

(2) (a) Attachment A provides the names of the officers.

(b) Attachment A provides the employment classifications of these officers within the SES band structure.

(c) The identification and assessment of each officer’s individual financial arrangements and details is a major task and I am not prepared to authorise the time and expenditure to undertake it. In addition, the release of individual remuneration outcomes could raise privacy concerns. However, aggregate figures for SES salary packages were published by the Department of Employment, Workplace Relations and Small Business (DEWRSB) in the September 1999 Key pay Indicators (online) Update No. 1999/03. The update document is located on the DEWRSB website under the Government Employment entry point (Agreement Making): www.dewrsb.gov.au/group_wr/agreemak/agree.htm. These figures were prepared in December 1998 by the Australian Bureau of Statistics on behalf of DEWRSB and cover 24 agencies and approximately 75% of all SES.

(3) (a) Department of Health and Aged Care (Including the National Health and Medical Research Council)

The Department of Health and Aged Care has a Performance Development Scheme (PDS) and a Senior Executive Service and Executive Professional Remuneration Policy (the Remuneration Policy). Senior Executive Service (SES) officers within the Department who are party to an Australian Workplace Agreement (AWA) are eligible for performance bonuses, as determined under the PDS and the Remuneration Policy.

To be considered eligible for a performance bonus the officers must:

1. have a performance agreement in place for a minimum of twelve weeks that sets performance expectations;
2. complete an assessment discussion at the end of the period being evaluated; and
3. receive a final overall rating of ‘fully effective’ or better.

(b) The PDS is a performance management and staff development system. It reflects the Government’s policy requiring all departments to have a performance management system and a mechanism through which remuneration is linked to performance.

The PDS provides a means for implementing the Department’s Corporate Plan and encourages improved performance, productivity, accountability, communication, skills development, management and planning.

As part of the PDS each officer is required to have a Performance Agreement. Performance Agreements define the core and job specific skills required by officers, as well as work expectations and performance measures. The work expectation and performance measures are aligned to the Portfolio Budget Statements and other Corporate planning documents.

For SES officers performance bonuses are a means of rewarding those who have performed well in relation to the performance measures in their Performance Agreements.

The Agency Head, in consultation with the Executive of the Department, moderates the SES performance pay ratings to determine an appropriate spread of performance ratings and payment levels.

Other Portfolio Agencies

(3) (a) Australia New Zealand Food Authority

The Australia New Zealand Food Authority (ANZFA) has a Performance Enhancement Scheme (PES) and a Senior Executive Service and Executive Professional Remuneration Policy (the Remuneration Policy). Senior Executive Service (SES) officers within ANZFA who are party to an Australian Workplace Agreement (AWA) are eligible for performance bonuses, as determined by the Managing Director in accordance with the PES and the Remuneration Policy.

To be considered eligible for a performance bonus the officers must:

1. have a performance agreement in place for a minimum of 3 months that sets performance expectations;
. complete an assessment discussion at the end of the period being evaluated; and
. receive a final overall rating of ‘fully effective’ or better.

(b) The PES is a performance management and staff development system. It reflects the Government’s policy requiring all departments to have a performance management system and a mechanism through which remuneration is linked to performance.

. The PES provides a means for implementing ANZFA’s Operational Plan and encourages improved performance, productivity, accountability, communication, skills development, management and planning.

. As part of the PES each officer is required to have a Performance Agreement that defines the core and job specific skills required by officers, as well as work expectations and performance measures.

. For SES officers performance bonuses are a means of rewarding those who have performed well in relation to the performance measures in their Performance Agreements.

(3) Australian Radiation Protection and Nuclear Safety Agency

(a) and b) The Australian Radiation Protection and Nuclear Safety Agency determines the basis for performance payments using the same criteria as the Department of Health and Aged Care.

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Department of Immigration and Multicultural Affairs: SES Officers
(Question No. 1842)

Senator Faulkner asked the Minister representing the Minister for Immigration and Multicultural Affairs, upon notice, on 20 December 1999:

(1) How many senior executive service (SES) officers did the Department, and all Agencies within the portfolio, employ as at 15 December 1999.

(2) (a) What are the names of the officers; (b) what are their employment classifications within the SES band structure; and (c) what are the officers’ total emoluments, including but not limited to: (i) salary (including any salary packaging undertaken), (ii) any travel entitlements, (iii) fringe benefits tax paid on the officers’ behalf, (iv) use of motor vehicles, (v) mobile or home telephones, (vi) superannuation, (vii) performance payments, and (viii) other non-cash benefits (please specify).

(3) (a) How does the department and/or agency determine the basis for performance payments; and (b) in particular, what is the relationship between the performance payments policy and the department’s and/or agency’s actual performance.

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

(1) 24

(2) (a) and (b)

Andrew Edgar Francis METCALFE SES3
Jennifer Jane BEDLINGTON SES2
Peter Gerard HUGHES SES2
Edward Victor KILLESTEYN SES2
Vincent McMAHON SES2
Desmond Stanley STORER SES2
Dario Oreste CASTELLO SES1
Stephen Donald DAVIS SES1
Mary-Anne Cathleen ELLIS SES1
Philippa Margaret GODWIN SES1

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<td>Australia New Zealand Food Authority</td>
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<td>Senior Executive Band 1</td>
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<td>$76,781 $88,902</td>
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Australian Radiation Protection and Nuclear Safety Agency

Senior Executive Band 1 Cable J $76,781 $92,102
The identification and assessment of each officer’s individual financial arrangements and details is a major task and I am not prepared to authorise the time and expenditure to undertake it. In addition, the release of individual remuneration outcomes could raise privacy concerns. However, aggregate figures for SES salaries packages were published by the Department of Employment, Workplace Relations and Small Business (DEWRSB) in the September 1999 Key Pay Indicators (online) Update No. 1999/03. The update document is located on the DEWRSB website under the Government Employment entry point (Agreement Making): www.Department of Employment, Workplace Relations and Small Business.gov.au/group wr/agreemak/ecoupdate/key. These figures were prepared in December 1998 by the Australian Bureau of Statistics of behalf of DEWRSB and covers 24 Agencies and approximately 75% of all SES.

(3) (a) The Secretary determines performance payments based on appraisals of performance against performance agreements.

(b) Performance agreements are linked to planned business outcomes.

Aviation: Torres Strait Operators

(3) (a) The Secretary determines performance payments based on appraisals of performance against performance agreements.

Senator O’Brien asked the Minister representing the Minister for Transport and Regional Services, upon notice, on 20 December 1999:

(1) Since 1 January 1998 how many air operators in the Torres Strait were issued with ‘show cause notices’, or had their air operating certificates (AOC) suspended, for illegally providing regular passenger transport (RPT) services while only holding a charter licence.

(2) When was each notice issued or each licence suspended.

(3) In each case: (a) what subsequent action was taken by both the holder of the AOC and Civil Aviation Safety Authority (CASA); and (b) when was each suspension lifted or ‘show cause’; notice withdrawn.

(4) How many air operators in the Torres Strait have applied for a special category AOC to allow them to operate RPT services to certain aerodromes in the Torres Straight.

(5) When did special category AOCs first become available.

(6) In each case: (a) when was an application for a special category AOC lodged with CASA; (b) how was each application assessed by CASA; and (c) when was each special category licence issued.

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

The Civil Aviation Authority (CASA) has provided the following information:

(1) Since 1 January 1998, four AOC’s were issued with show cause notices:

Janlin Pty Ltd trading as Cape York Air
Lip-Air Pty Ltd trading as Aero-Tropics
Uzu Air Pty Ltd and
Northern Air Services Pty Ltd.
(2) All four notices were issued on 7 January 1999.
The AOC of Uzu Air Pty Ltd was suspended on 19 January 1999.
(3) (a) Janlin Pty Ltd t/as Cape York Air.
21 January 1999 - CASA received response to notice from operator.
9 March 1999 - CASA amended CAO 82.3 to include RPT from Special Category Aerodromes / CAR 308 exemptions issued. No further action.
(b) Lip-Air Pty Ltd t/as Aero-Tropics.
14 January 1999 - CASA received response to notice from operator.
05 February 1999 - CASA decision no further action.
(c) Northern Air Services Pty Ltd.
19 January 1999 - CASA received response to notice from operator.
27 January 1999 - CASA granted approval under CAO 82.0 to conduct regular mail delivery to the Torres Straight Islands.
09 March 1999 - CASA amended CAO82.3 to include RPT from Special Category Aerodromes / CAR 308 exemptions issued. No further action.
(d) Uzu Air Pty Ltd.
12 January 1999 - CASA received response to notice from operator.
12 March 1999 - AOC suspension lifted with conditions imposed on AOC.
(4) Four operators applied:
Janlin Pty Ltd t/as Cape York Air
Uzu Air Pty Ltd
Lip-Air t/as Aero-Tropics.
Northern Air Services Pty Ltd (application withdrawn 19 April 1999)
(5) Amendments to CAO 82.3 regards RPT operations to and from Special Category Aerodromes gazetted 09 March 1999.
(6) (a) Janlin Pty Ltd t/as Cape York Air
Lodged - 15 March 1999
Assessed - In accordance with CASA’s Air Operators Certificate Manual and special requirements of CAO 82.3 subsection 11
Issued - 29 March 1999
(b) Lip-Air Pty Ltd t/as Aero-Tropics.
Lodged - 29 April 1999
Assessed - In accordance with CASA’s Air Operators Certificate Manual and special requirements of CAO 82.3 subsection 11
Issued - 20 May 1999
(c) Uzu Air Pty Ltd
Lodged - 30 March 1999
Assessed - In accordance with CASA’s Air Operators Certificate Manual and special requirements of CAO 82.3 subsection 11
Issued - 29 April 1999.
Lamb Industry: Assistance  
(Question No. 1849)

Senator O’Brien asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 20 December 1999:

1. When did assistance to Australian lamb producers to compensate for the introduction of a tariff by the United States Government commence.

2. What is the value of the levy payment relief program to date.

3. Has a Lamb Industry Development Program (LIDP) steering committee been established: if so: (a) what is the membership of the committee; and (b) what selection process was followed in selecting committee members.

4. Have guidelines for the LIDP been finalised: if so: (a) when were the guidelines finalised; and (b) can a copy of those guidelines be provided.

5. How much funding has been committed to date through the LIDP.

6. (a) How many proposals have attracted funding through the LIDP; (b) what is the nature of each proposal; and (c) what level of funding has each proposal attracted.

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

1. Levy relief arrangements commenced on 1 September 1999.

2. The value of levy relief to lamb producers was $1,628,836.48 for the period 1 September 1999 to 30 November 1999.

3. A Lamb Industry Development Advisory Committee (LIDAC) has been established. The Minister for Agriculture, Fisheries and Forestry appointed the members of LIDAC on the basis of recommendations coming from the Department of Agriculture, Fisheries and Forestry (AFFA) which consulted with relevant industry organisations during the process of formulating its recommendations. A list of LIDAC members and their respective occupations and organisations is as follows:

<table>
<thead>
<tr>
<th>Name</th>
<th>Occupation</th>
<th>Organisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr Gary Castricum</td>
<td>General Manager</td>
<td>Castricum Bros</td>
</tr>
<tr>
<td>(alternate)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr Errol Chant</td>
<td>Chartered Accountant (Retired)</td>
<td>Ex Deloittes</td>
</tr>
<tr>
<td>Mr Tim Clarke</td>
<td>Station Manager</td>
<td>Family lamb producing enterprise, Mount Schanck</td>
</tr>
<tr>
<td>Mr Garry Cullen</td>
<td>Director</td>
<td>AFFA</td>
</tr>
<tr>
<td>(Government member)</td>
<td>Beef and Sheep Section.</td>
<td>AFFA</td>
</tr>
<tr>
<td>Mr Don Fraser</td>
<td>Consultant</td>
<td>Ex Franklins</td>
</tr>
<tr>
<td>Mr Ralph Hood</td>
<td>General Manager</td>
<td>Meat and Livestock Australia Limited</td>
</tr>
<tr>
<td></td>
<td>Sheepmeat Industry Services</td>
<td></td>
</tr>
<tr>
<td>Mr Eckard Hubl</td>
<td>Managing Director</td>
<td>Tatiara</td>
</tr>
<tr>
<td>Mr Tom Maguire</td>
<td>Technical Services</td>
<td>National Meat Association</td>
</tr>
<tr>
<td>Mr Stephen Martyn</td>
<td>General Manager and Company Secretary</td>
<td>Australian Meat Council</td>
</tr>
<tr>
<td>Mr Greg Read</td>
<td>Assistant Secretary</td>
<td>AFFA</td>
</tr>
<tr>
<td>(Chair)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mr Bill Whitehead</td>
<td>President</td>
<td>Sheepmeat Council of Australia</td>
</tr>
</tbody>
</table>

(4) The LIDP Guidelines were approved by the Minister for Agriculture, Fisheries and Forestry on 2 December 1999. The LIDP Guidelines have been widely circulated and can be obtained from the De-
partment of Agriculture, Fisheries and Forestry. They are also accessible on the internet through the website http://www.affa.gov.au/idg/lidp/.

(5) and (6) To date, no funding has been committed to specific project proposals. However advertisements seeking expressions of interest for suitable projects appeared in the Australian newspaper and other major rural newspapers in late December.

Humans Rights: Australia-China Bilateral Dialogue
(Question No. 1856)

Senator Bourne asked the Minister representing the Minister for Foreign Affairs, upon notice, on 14 January 2000:

(1) With reference to the proposed discussions on the international human instruments planned for November 1999: (a) did they include an awareness that reports to the United Nations should include reporting on the extent of compliance of Chinese law with the terms of the Conventions; (b) did the Chinese Government indicate whether they proposed to amend any laws for this purpose; if so, what laws did they indicate would be amended; (c) was there any discussion about the laws enabling political organisations to be proscribed; if so, was there any discussion of those laws being modified to permit the registration of groups engaged in the peaceful expression of political opinion opposed to that of the Chinese Communist Party; (d) was there any discussion about modification of the offences of 'subverting state power' and/or 'endangering state security' in order to set out an exclusion from those offences of conduct constituting peaceful dissent; and (e) was there any discussion about monitoring mechanisms; if so: (i) to what extent were the mechanisms discussed or proposed independent of the Chinese Government, and (ii) will those mechanisms form part of the procuracy.

(2) With reference to the right of silence, was there any discussion about introducing into Chinese law an evidentiary rule barring the admissibility of evidence obtained by torture, or of allowing the court discretion to refuse its admission, together with the introduction of any necessary accompanying procedures to enable the admissibility of evidence to be challenged on this ground.

(3) With reference to human rights reporting training: (a) what arrangements have been made for the short training course in Australia; (b) from which Chinese agencies will the officials come; (c) is the seniority of the officials known; if not, what is their expected seniority; (d) which Australian agencies will be involved in the short training course; and (e) where is the short training course going to take place.

Senator Hill—The Minister for Foreign Affairs has provided the following answer to the honourable senator’s questions:

(1) and (2) The component of the Human Rights Training Program associated with the Australia-China Bilateral Human Rights Dialogue conducted in November 1999 was training in reporting under United Nations human rights Covenants, rather than discussions on international human rights instruments. This training did cover awareness that reports to the United Nations should include reporting on the extent of compliance of Chinese law with the terms of the Covenants (part (1) (a) of the question). It did not include any of the other elements raised in part (1) or (2) of the question.

(3) Arrangements for the short course in human rights reporting planned to be conducted in Australian during 2000 are not yet finalised. The agencies to be represented, the seniority of the representatives and the full range of Australian agencies to be involved are the subject of discussions between the Chinese Government and the Australian Human Rights and Equal Opportunity Commission, which is managing the Human Rights Technical Assistance program associated with the dialogue. Current planning is that the course will be conducted in Sydney and Canberra mid-year, with the participation of officials from the Departments of the Attorney-General and Foreign Affairs and Trade, and a range of other relevant Departments and agencies.

Regional Tourism Program
(Question No. 1861)

Senator Mackay asked the Minister representing the Minister for Sport and Tourism, upon notice, on 19 January 2000:

With reference to the Regional Tourism Program:

(1) What was the total amount of funding provided for the program, the period over which it was paid and disbursement to date.
(2) What was the purpose of the Program.

(3) Can details be provided of all projects implemented and funding assistance provided to community organisations/groups/the private sector under the above program from 1996 to date.

(4) What are the names of the community organisations/groups/private sector groups that have received funding under this program, their addresses and the electorates they are located in.

(5) Can details be provided of the person/organisations/group that announced each project/funding assistance given under this program, and the date of the announcement.

(6) Can details be provided of the approval process for each project/funding assistance given under this program, the number of applications, the names of the applicants, the names of the successful applicants, and the name of the person/committee/group who selected the successful applicants.

Senator Minchin—The Minister representing the Minister for Sport and Tourism has provided the following answer to the honourable senator’s question:

(1) Funding for the Regional Tourism Program is $8 million over the four years from 1998/99 to 2001/02. The 1999 Budget provided for an additional $8 million over 4 years for the Program from 1999/00 to 2002/03. Of this there is a commitment to $2 million over 2 years for the Regional Online Tourism Program. Disbursement to date for the Program is $2.3 million.

(2) The objective of the Regional Tourism Program is to boost the capacity of businesses and organisations to deliver higher quality tourism attractions, products and services in regional Australia. The objective of the Regional Online Tourism Program is to develop geographically based regional tourism websites which cover a range of tourism products and services in regional areas.

(3) A list of the successful proponents is at Attachment A.

(4) A list of the successful proponents, their addresses and their electorates is at Attachment A.

(5) The successful projects were announced by the Minister for Sport and Tourism. The announcement dates were as follows:

- 19 February 1999 - National Accreditation Scheme
- 29 April 1999 - Queensland
- 4 May 1999 - South Australia, Western Australia, Northern Territory
- 13 May 1999 - New South Wales
- 28 May 1999 - Victoria, Tasmania
- 14 December 1999 - Bass Strait Transport Study

Product Development Grants were announced on 30 June 1999 by the Department of Industry, Science and Resources and the Centre for Regional Tourism Research.

The following projects were announced by the Prime Minister:

- 8 September 1998 - Tamar River Festival
- 8 September 1998 - Inveresk Wood Chopping Stadium
- 8 September 1998 - Strategy for Development of Tourism Icon Project Burnie

No announcement was made for the TCA Domestic Campaign Project.

(6) The approval process involves assessment by the Sport and Tourism Division of the Department of Industry, Science and Resources. Projects are rated against the approved guidelines available to all proponents. The final decision is made by a senior official within the Department.

The following projects were election commitments, Tamar River Festival, Inveresk Wood Chopping Stadium, Strategy for Development of a Tourism Icon Project Burnie and Gum San Chinese Pagoda Complex. The Tourism Council Australia Domestic Campaign Project, National Accreditation Scheme and the Bass Strait Transport Study were Government priorities.

There have been a total of 1273 proposals under the RTP, including 514 under Round 1, 642 under Round 2 and 117 under the Regional Online Tourism Program. The names of the applicants are commercial in confidence, the names of the successful applicants are in Attachment A.
<table>
<thead>
<tr>
<th>Proponent</th>
<th>Project</th>
<th>Address</th>
<th>Electorate</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adelaide Hills Tourism</td>
<td>Adelaide Hills Information Services Network</td>
<td>85 Mount Barker Road STIRLING SA 5152</td>
<td>Wakefield/ Mayo</td>
<td>$20 000</td>
</tr>
<tr>
<td>Cabonne Council</td>
<td>Age of Fishes Museum - Stage 2</td>
<td>PO Box 17 MOLONG NSW 2866</td>
<td>Calare</td>
<td>$100 000</td>
</tr>
<tr>
<td>Cairns Regional Economic Development Corporation</td>
<td>New Horizons in Tourism - Industry Clustering</td>
<td>38 Grafton Street CARNS QLD 4870</td>
<td>Leichhardt</td>
<td>$25 000</td>
</tr>
<tr>
<td>Department of Environment, Heritage and Aboriginal Affairs</td>
<td>Rocky River Platypus Waterholes</td>
<td>Level 7 Chesser House 91-97 Grenfell St ADELAIDE SA 5000</td>
<td>Barker</td>
<td>$100 000</td>
</tr>
<tr>
<td>Echuca-Moama and District Tourism Assoc Inc.</td>
<td>Port of Echacu Sound and Light Show</td>
<td>2 Heygarth Street ECHUCA VIC 3564</td>
<td>Murray</td>
<td>$25 000</td>
</tr>
<tr>
<td>Eden Local Aboriginal Land Council</td>
<td>Moneroo Bobberra Keeping Place</td>
<td>11 Chandos Street NSW 2551</td>
<td>Eden-Monaro</td>
<td>$100 000</td>
</tr>
<tr>
<td>Flinders Island Tourism Association Inc.</td>
<td>Flinders Island Integrated Visitor Information System</td>
<td>PO Box 143 FLINDERS TAS 7255</td>
<td>Bass</td>
<td>$30 000</td>
</tr>
<tr>
<td>Indigo Shire Council</td>
<td>Victorian Wine Interpretation Centre</td>
<td>Ford Street BEECHWORTH VIC 3747</td>
<td>Indi</td>
<td>$100 000</td>
</tr>
<tr>
<td>Katherine Region Tourist Association</td>
<td>Katherine Information Centre upgrade</td>
<td>Cnr. Stuart Hwy &amp; Lindsay Street KATHERINE NT 0850</td>
<td>Northern Territory</td>
<td>$35 000</td>
</tr>
<tr>
<td>Kimberley Land Council</td>
<td>Mimbii Caves</td>
<td>Loch Street DERBY WA 6728</td>
<td>Kalgoorlie</td>
<td>$70 000</td>
</tr>
<tr>
<td>Lonely Planet Publications</td>
<td>Guide to Aboriginal Australia and the Torres Strait Islands</td>
<td>192C Burwood Road HAWTHORN VIC 3122</td>
<td>National</td>
<td>$100 000</td>
</tr>
<tr>
<td>Marine and Freshwater Resources Institute</td>
<td>Marine Discovery Centre</td>
<td>Weerona Parade QUEENSCLIFF VIC 3225</td>
<td>Corangamite</td>
<td>$80 000</td>
</tr>
<tr>
<td>Mid West Development Commission</td>
<td>Batavia Coast Interpretive Centre</td>
<td>244 Marine Terrace GERALDTON WA 6530</td>
<td>O'Connor</td>
<td>$100 000</td>
</tr>
<tr>
<td>Mount Tomah Botanic Garden</td>
<td>Mount Tomah Indigenous Ecotour</td>
<td>Bells Line of Road MT TOMAH NSW 2758</td>
<td>Macquarie</td>
<td>$32 000</td>
</tr>
<tr>
<td>Phillip Island Promontory Country Tourism Inc.</td>
<td>Regional Tourism Economic Impact Study</td>
<td>76 McBride Avenue WONTHAGGI VIC 3995</td>
<td>Gippsland</td>
<td>$50 000</td>
</tr>
<tr>
<td>Queensland Department of Natural Resources</td>
<td>Clohesy River Fig Tree Interpretation &amp; Boardwalk</td>
<td>83 Main Street AITHERTON QLD 4883</td>
<td>Leichhardt/Kennedy</td>
<td>$51 000</td>
</tr>
<tr>
<td>Queensland University of Technology/RMIT University</td>
<td>Ecotour Guide Training Video</td>
<td>57 McLeod Street CARNS QLD 4870</td>
<td>Leichhardt/Kennedy</td>
<td>$32 000</td>
</tr>
<tr>
<td>Savannah Guides Ltd</td>
<td>Expansion of the Savannah Guides</td>
<td>178 North Terrace ADELAIDE SA 5000</td>
<td>Leichhardt/Kennedy</td>
<td>$50 000</td>
</tr>
<tr>
<td>South Australian Tourism Commission</td>
<td>Tourism Product Audits to enhance Tourism</td>
<td></td>
<td>National</td>
<td>$50 000</td>
</tr>
<tr>
<td>Proponent</td>
<td>Project</td>
<td>Address</td>
<td>Electorate</td>
<td>Amount</td>
</tr>
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<td>-----------------------------------------------</td>
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</tr>
<tr>
<td>Tourism Tasmania</td>
<td>opportunities for People with Disabilities</td>
<td>110 Collins Street HOBART TAS 7000</td>
<td>Denison</td>
<td>$23,000</td>
</tr>
<tr>
<td>Tourism Training Australia</td>
<td>Yield Management for Attraction and Tour Operators</td>
<td>Level 4, 64 Clarence Street SYDNEY NSW 2000</td>
<td>Sydney</td>
<td>$80,000</td>
</tr>
<tr>
<td>Tourism Training NSW</td>
<td>Foreign Language &amp; Cross Cultural Skills</td>
<td>Level 6, 1 Chandos Street ST LEONARDNS NSW 2065</td>
<td>North Sydney</td>
<td>$75,150</td>
</tr>
<tr>
<td>Wet Tropics Management Authority</td>
<td>Barron Gorge Interpretation</td>
<td>12-15 Lake Street CAIRNS QLD 4870</td>
<td>Leichhardt</td>
<td>$90,000</td>
</tr>
<tr>
<td>The Royal Launceston Show</td>
<td>Inveresk Wood Chopping Stadium</td>
<td>Invermay Road INVERESK TAS 7248</td>
<td>Bass</td>
<td>$60,000</td>
</tr>
<tr>
<td>Burnie City Council</td>
<td>Tourism Icon Strategy</td>
<td>PO Box 973 BURNIE TAS 7320</td>
<td>Braddon</td>
<td>$50,000</td>
</tr>
<tr>
<td>Northern Tasmanian Regional Development Board Ltd</td>
<td>Tamar River Festival</td>
<td>PO Box 603 LAUNCESTON TAS 7250</td>
<td>Bass</td>
<td>$140,000</td>
</tr>
<tr>
<td>Western Australian Tourism Commission</td>
<td>World best practice for wilderness lodge and safari camp developments</td>
<td>GPO Box 2261 PERTH WA 6001</td>
<td>Perth</td>
<td>$20,000</td>
</tr>
<tr>
<td>Bramley Tourism Analysis</td>
<td>The use of cultural resources as a catalyst to stimulate</td>
<td>PO Box 964 INDOOROOPILLY TARINGA QLD 4068</td>
<td>Ryan</td>
<td>$18,000</td>
</tr>
<tr>
<td>Tourism Tasmania</td>
<td>Partnerships and natural attractions: The innovative use of</td>
<td>GPO Box 399 HOBART TAS 7001</td>
<td>Denison</td>
<td>$15,000</td>
</tr>
<tr>
<td>Country Victoria Tourism Council</td>
<td>Identify critical success factors for establishment of tourism routes</td>
<td>PO Box 181 MELBOURNE VIC 8003</td>
<td>Melbourne</td>
<td>$16,500</td>
</tr>
<tr>
<td>Tourism Tropical North Queensland</td>
<td>World best practice in ‘nature based tourism lodges’, their design,</td>
<td>PO Box 42F CAIRNS QLD 4870</td>
<td>Leichhardt</td>
<td>$18,000</td>
</tr>
<tr>
<td>Geelong Otway Tourism</td>
<td>Best practice interaction of public and private sectors in the</td>
<td>&quot;Kangarooie&quot; Great Ocean PRINCETOWN VIC 3269</td>
<td>Wannon/ Corangamite</td>
<td>$15,000</td>
</tr>
<tr>
<td>Tourism NSW</td>
<td>The development of regional tourism through the research and</td>
<td>GPO Box 7050 SYDNEY NSW 2001</td>
<td>Sydney</td>
<td>$15,000</td>
</tr>
<tr>
<td>Proponent</td>
<td>Project</td>
<td>Address</td>
<td>Electorate</td>
<td>Amount</td>
</tr>
<tr>
<td>-------------------------------</td>
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<td>------------</td>
<td>---------</td>
</tr>
<tr>
<td>North Star Holiday Resort</td>
<td>Branding</td>
<td>HASTINGS POINT NSW 2489</td>
<td>Richmond</td>
<td>$7,500</td>
</tr>
<tr>
<td>Fergusson’s Winery</td>
<td>Best practice wine and food</td>
<td>WILLS ROAD YARRA GLEN VIC 3775</td>
<td>McEwen</td>
<td>$17,500</td>
</tr>
<tr>
<td>Barton Cottage</td>
<td>Tourism models for delivery</td>
<td>PO Box 72 BATTERY POINT TAS 7004</td>
<td>Denison</td>
<td>$17,500</td>
</tr>
<tr>
<td>Tourism Council of Australia</td>
<td>Domestic campaign</td>
<td>Level 17/100 William St, WOOLLOOMOOLOO, 2011</td>
<td>Sydney</td>
<td>$50,000</td>
</tr>
<tr>
<td>Ararat Rural City Council</td>
<td>Gum San Chinese Pagoda Complex</td>
<td>PO Box 246, ARARAT VIC 3377</td>
<td>Wannon</td>
<td>$200,000</td>
</tr>
<tr>
<td>Tourism Council Australia</td>
<td>National Accreditation Scheme</td>
<td>Level 17/100 William St, WOOLLOOMOOLOO, 2011</td>
<td>Sydney</td>
<td>$173,000</td>
</tr>
</tbody>
</table>

Finances committed but not yet paid

<table>
<thead>
<tr>
<th>Proponent</th>
<th>Project</th>
<th>Address</th>
<th>Electorate</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tourism Council Australia (Tasmania)</td>
<td>Bass Strait Transport Study</td>
<td>16 Davey St HOBART 7000</td>
<td>Denison</td>
<td>$200,000</td>
</tr>
<tr>
<td>Tourism Council Australia</td>
<td>National Accreditation Scheme</td>
<td>Level 17/100 William St, WOOLLOOMOOLOO, 2011</td>
<td>Sydney</td>
<td>$127,000</td>
</tr>
</tbody>
</table>

**Department of the Prime Minister and Cabinet: Assistance to Gippsland Electorate**

*(Question No. 1868)*

Senator O’Brien asked the Minister representing the Prime Minister, upon notice, on 21 January 2000:

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

(2) What was the level of funding provided through these programmes and grants for the 1996-97, 1997-98 and 1998-99 financial years.

(3) What is the level of funding provided through these programmes and grants.

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

I am advised by my department:

(1) None.

(2) N/A.

(3) N/A.

**Department of Trade: Assistance to Gippsland Electorate**

*(Question No. 1871)*

Senator O’Brien asked the Minister representing the Minister for Trade, upon notice, 21 January 2000:

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

(2) What was the level of funding provided through these programs and grants for the 1996-97, 1997-98 and 1998-99 financial years.
(3) What is the level of funding provided through these programs and grants has been appropriated for the 1999-2000 financial year.

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

AUSTRADE

(1) Programs and grants administrated by Austrade providing assistance to people living in the federal electorate of Gippsland:

**Export Market Development Grants** - Export Market Development Grants are available to small to medium sized businesses in the Gippsland electorate which meet the eligibility criteria specified in the Export Market Development Grant Act 1997. The grants are designed to assist export marketing efforts through a rebate of up to 50% of eligible export promotional expenditure incurred. More details of the scheme are available on the Austrade web site at www.austrade.gov.au.

**Export Access Program** - Export Access program has supported 15 companies located in the electorate of Gippsland. Under this program, service providers contracted to Austrade provide one-on-one professional marketing advice and guidance to assist eligible businesses to commence exporting on a sustainable basis.

**Austrade services** - Austrade promotes its services throughout the business communities of the electorate of Gippsland and is well known to individual firms and business organisations. The electorate is within the territory of the Regional Trade Commissioner based in Dandenong. Austrade’s client management system has information on 69 businesses within the electorate of Gippsland.

(2) Level of funding provided through these programs and grants:

**Export Market Development Grants:**
- 1996/97 - 3 grants in Gippsland electorate were provided totalling $42,080
- 1997/98 - 3 grants in Gippsland electorate were provided totalling $31,691
- 1998/99 - 1 grant in Gippsland electorate provided totalling $16,995

**Export Access Program:**
- 1996/97 - 3 Gippsland businesses applied for and received assistance of $18,000 under the Export Access program.
- 1997/98 - no businesses from Gippsland applied for assistance under the Export Access program.
- 1998/99 - 2 businesses from Gippsland applied for and received assistance of $12,000 under the Export Access program.

(3) Level of funding provided through these programs and grants for the 1999-2000 financial year:

**Export Market Development Grants** - Funding is available to all businesses which meet the EMDG eligibility criteria and is not appropriated by electorate. Up to $142.5m is available for all Australian business in 1999/00.

**Export Access Program** - In 1999/00 the appropriation under the program is $3.705 million.

AusAID

(1) Programs and grants administrated by AusAID providing assistance to people living in the federal electorate of Gippsland:

Funding of $133,561 was made available by the Australian Agency for International Development for a project under the agency’s Private Sector Linkages Program (PSLP). Under this program, funding was provided on a competitive, 50:50 cost sharing, one-off basis, to establish a joint venture (JV) between Rudi’s Aero Engines Pty Ltd, of Sale, Victoria (an Australian owned company), and a counterpart Chinese Government business enterprise (Factory 5706, Dalian). The purpose of the project was to establish an engine overhaul and maintenance facility in Dalian, China, for agricultural aircraft. The payment was made on 10 April 1997.

(2) Level of funding provided through these programs and grants:
- 1996/97: $133,561
- 1997/98: Nil
- 1998/99: Nil
(3) Level of funding provided through these programs and grants for the 1999-2000 financial year:
Nil

**Department of Family and Community Services: Assistance to Gippsland Electorate**

(Question No. 1875)

Senator O’Brien asked the Minister for Family and Community Services, upon notice, on 21 January 2000:

1. What programs and/or grants administered by the department provide assistance to people living in the federal electorate of Gippsland.
2. What was the level of funding provided through these programs and grants for the 1996-97, 1997-98 and 1998-99 financial years.
3. What is the level of funding provided through these programs and grants has been appropriated for the 1999-2000 financial year.

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

(1) Programs and Grants

<table>
<thead>
<tr>
<th>(1) Program/grant</th>
<th>(2) funding for 1996-97, 1997-98 and 1998-99 financial years</th>
<th>(3) funding appropriated for 1999-2000 financial year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supported Accommodation Assistance Program</td>
<td>1996-97 $1,135,175; 1997-98 $1,006,415; 1998-99 $1,133,418</td>
<td>$1,141,699</td>
</tr>
<tr>
<td>Family Relationship Services Programme</td>
<td>Funding cannot be broken down by electorate. However, some $7.03 million was provided to agencies for Family Relationship Services Programme services in the State of Victoria as a whole for 1998-99. Centacare Catholic Family Services has been providing services under this programme through an outlet at Sale, in Gippsland. The programme was the responsibility of another portfolio in the years 1996–97 and 1997–98.</td>
<td>A total of $7.42 million is being provided to agencies for Family Relationship Services Programme services in the State of Victoria as a whole for 1999–00. Funding cannot be broken down by electorate.</td>
</tr>
<tr>
<td>Special Disability Employment Assistance</td>
<td>1996-97 $1,753,166; 1997-98 $1,756,689; 1998-99 $1,803,401</td>
<td>$1,778,239</td>
</tr>
<tr>
<td>Supported Wage System Payments</td>
<td>1996-97 +$2,500; 1997-98 +$2,500; 1998-99 $2,504</td>
<td>$2,194</td>
</tr>
<tr>
<td>Work Place Modifications</td>
<td>1996-97 Nil; 1997-98 Nil;</td>
<td>$951</td>
</tr>
</tbody>
</table>
### Commonwealth Childcare Programs

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Recurrent</td>
<td>$4,028,880</td>
<td>$4,033,624</td>
<td>$4,345,144</td>
<td>$4,285,262</td>
</tr>
<tr>
<td>Capital</td>
<td>$38,445</td>
<td>$294,353</td>
<td>$37,555</td>
<td>$16,062</td>
</tr>
<tr>
<td>Total</td>
<td>$4,067,325</td>
<td>$4,327,977</td>
<td>$4,472,969</td>
<td>$4,301,324</td>
</tr>
</tbody>
</table>

### Income Support Payments (*see notes below)

<table>
<thead>
<tr>
<th>(1) Program/Benefit</th>
<th>(2) Annual Expenditure (a) (k)</th>
<th>(3) Funding appropriated nationally for 1999-2000 (k) (l)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age Pension</td>
<td>118,919,000 119,612,000 123,652,000</td>
<td>14,536,426,000</td>
</tr>
<tr>
<td>Austudy (b)</td>
<td>(b) 876,000</td>
<td>297,717,000</td>
</tr>
<tr>
<td>Care Allowance (c)</td>
<td>- - -</td>
<td>399,885,000(i)</td>
</tr>
<tr>
<td>Carer Payment (d)</td>
<td>1,872,000 2,200,000 2,257,000</td>
<td>370,971,000(i)</td>
</tr>
<tr>
<td>Child Disability Allowance</td>
<td>- - -</td>
<td>-</td>
</tr>
<tr>
<td>Double Orphan Pension</td>
<td>11,000 12,000 16,000</td>
<td>1,860,000</td>
</tr>
<tr>
<td>Disability Support Pension</td>
<td>41,606,000 37,166,000 40,604,000</td>
<td>5,479,037,000</td>
</tr>
<tr>
<td>Family Allowance</td>
<td>53,539,000 53,798,000 53,721,000</td>
<td>6,758,582,000</td>
</tr>
<tr>
<td>Family Tax Payment</td>
<td>2,783,000 5,156,000 4,988,000</td>
<td>572,502,000</td>
</tr>
<tr>
<td>Mature Age Allowance</td>
<td>5,058,000 4,752,000 3,987,000</td>
<td>650,743,000</td>
</tr>
<tr>
<td>Mobility Allowance (d)</td>
<td>- - -</td>
<td>-</td>
</tr>
<tr>
<td>Newstart Allowance</td>
<td>19,939,000 44,874,000 15,201,000</td>
<td>5,765,437,000(j)</td>
</tr>
<tr>
<td>Parenting Partnered Payment (e)</td>
<td>- - -</td>
<td>-</td>
</tr>
<tr>
<td>Parenting Single Payment (f)</td>
<td>23,823,000</td>
<td>21,998,000</td>
</tr>
</tbody>
</table>
(2) Annual Expenditure (a) (k)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Partner Allowance</td>
<td>4,132,000</td>
<td>3,793,000</td>
<td>3,682,000</td>
<td>337,703,000</td>
</tr>
<tr>
<td>Sickness Allowance</td>
<td>903,000</td>
<td>564,000</td>
<td>601,000</td>
<td>98,763,000</td>
</tr>
<tr>
<td>Special Benefit</td>
<td>128,000</td>
<td>50,000</td>
<td>52,000</td>
<td>106,229,000</td>
</tr>
<tr>
<td>Widow Allowance</td>
<td>1,984,000</td>
<td>1,781,000</td>
<td>2,264,000</td>
<td>265,022,000</td>
</tr>
<tr>
<td>Widow B Pension</td>
<td>916,000</td>
<td>1,082,000</td>
<td>796,000</td>
<td>86,676,000</td>
</tr>
<tr>
<td>Wife Pension</td>
<td>9,076,000</td>
<td>6,568,000</td>
<td>6,636,000</td>
<td>740,378,000</td>
</tr>
<tr>
<td>Youth Allowance</td>
<td>1,506,000</td>
<td>1,430,000(h)</td>
<td>14,334,000</td>
<td>1,827,050,000</td>
</tr>
</tbody>
</table>

(a) Total expenditure has been calculated by applying the national rate of expenditure per customer for each payment type at the postcode level.

(b) From 1 July 1998 Austudy payment replaced payments made to students aged 25 or over who were paid the former AUSTUDY (Dept of Employment, Education, Training and Youth Affairs).

(c) Carer Payment actuals unavailable as payment was previously reported under Age Pension and Disability Support Pension.

(d) Due to system limitations in 1996-97 no expenditure details can be calculated for Gippsland.

(e) Parenting Payment Partnered was previously called Parenting Allowance.

(f) Parenting Payment Single was previously called Sole Parent Pension.

(g) In 1997-98 Parenting Payment Single figures are included in the Parenting Payment Partnered Figures.

(h) Youth Allowance was previously called Youth Training Allowance.

(i) In the 1999-2000 allocation Carer Allowance combines Child Disability Allowance and Domiciliary Nursing Care benefit.

(j) Parenting Payment for the financial year 1999-2000 includes both Parenting Payment Partnered and Parenting Payment Single.

(k) All figures have been rounded to the nearest thousand.

(l) All amounts are the annual national level of funding allocated to the program/benefits for the 1999-2000 financial year. No allocations are made below the national level. Accurate figures per electorate for the current financial year will not be available until the end of the current financial year.

(2) Refer to the tables above.

(3) Refer to the tables above.

Department of Industry, Science and Resources: Assistance to Gippsland Electorate

(Question No. 1879)

Senator O’Brien asked the Minister for Industry, Science and Resources, upon notice, on 21 January 2000:

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

(2) What was the level of funding provided through these programs and grants for the 1996-97, 1997-98 and 1998-99 financial years.

(3) What is the level of funding provided through these programs and grants has been appropriated for the 1999-2000 financial year.

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

Textile, Clothing & Footwear (TCF) Best Practice Program

Quality Business Improvement Program (TCF)

Approved Occupational Clothing (TCF) - Tax Expense Program
(2) Note: The following information refers to the number of companies registered in the electorate of Gippsland, which enable their employees to claim a tax deduction for non-compulsory occupational clothing. 1996-97 (8 companies), 1997-98 (11 companies) and 1998-99 (16 companies).

Project By-laws Scheme

Research & Development (R & D) Start Program
(2) $182 425 funding provided in 1996-97, $2 054 5999 provided in 1997-98 and $18 875 funding provided in 1998-99 in the electorate of Gippsland.

Australian Geological Survey Organisation (AGSO) - minerals and petroleum exploration promotion work programs, marine zone information work programs, and geohazards and geomagnetism information work programs.
(2) $200 000 funding provided in the electorate of Gippsland in 1996-97. $35 000 funding provided in 1997-98 and $540 000 in 1998-99.
(3) $90 000 appropriated in 1999-2000 in the electorate of Gippsland.

Department of Immigration and Multicultural Affairs: Assistance to Gippsland Electorate
(Question No. 1880)

Senator O’Brien asked the Minister representing the Minister for Immigration and Multicultural Affairs, upon notice, on 21 January 2000
(1) What programs and/or grants administered by the department provide assistance to people living in the federal electorate of Gippsland.
(2) What was the level of funding provided through these programs and grants for the 1996-97, 1997-98 and 1998-99 financial years.
(3) What is the level of funding provided through these programs and grants has been appropriated for the 1999-2000 financial year.

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

(1) The Department of Immigration and Multicultural Affairs administers the following services to facilitate a society which values Australian citizenship, appreciates cultural diversity and enables migrants to participate equitably:
(a) Community Settlement Services (CSS) Scheme (formerly known as the Grant-In-Aid/Migrant Access Projects Scheme programs),
(b) Migrant Resource Centre/Migrant Service Agency network (MRC),
(c) Integrated Humanitarian Services Scheme (IHSS),
(d) Adult Migrant English Program (AMEP),
(e) Translating and Interpreting Service (TIS) and
(f) in 1998-99, the Living In Harmony initiative.

2. As the Department does not collect data by electorate, postcodes have been used to identify the electorate of Gippsland, on advice from the Australian Electoral Commission.

1996-97
(a) CSS Scheme: The La Trobe Valley Migrant Resource Centre, Morwell, in the electorate of McMillan, was awarded $42,125 to provide services for a region that includes the electorate of Gippsland.
(b) MRC: The La Trobe Valley Migrant Resource Centre was allocated $127,745.
(c) IHSS: Nil, as the humanitarian settlement service was provided by the La Trobe Migrant Resource Centre under the MRC network funding.
(d) AMEP: The amount of AMEP funding provided for people living in the electorate of Gippsland in any year depends on how many eligible people from that area enrol with the AMEP as well as the type of service provided and the number of hours of tuition. An estimate of funding by electorate is not available for this year. In 1996-97 there were 17 clients.
(e) TIS funding covers salary and administrative expenses and is not allocated by federal electorate. The full cash cost of TIS (net of receipts) nationally for the financial year 1996-97 was $12.4 million.
(f) Living in Harmony: Nil, as the initiative had not been introduced.
Total, excluding AMEP & TIS: $169,870.

1997-98
(a) CSS Scheme: Nil.
(b) MRC: Gippsland MRC, formerly known as the La Trobe Valley MRC, was allocated $129,890.
(c) IHSS: Funding of $44,633 for the provision of humanitarian settlement services for eligible Humanitarian Program entrants was awarded to the Gippsland MRC in the electorate of McMillan which also services the electors of Gippsland.
(d) AMEP: 13 clients. An estimate of funding by electorate is not available for this year.
(e) TIS: $10.6 million nationally
(f) Living in Harmony: Nil, as the initiative had not been introduced.
Total, excluding TIS & AMEP: $174,523.

1998-99
(a) CSS Scheme: Nil.
(b) MRC: Gippsland MRC was allocated $136,086.
(c) IHSS: Gippsland MRC was awarded $45,346.
(d) AMEP: An estimate of $33,957 to service 19 clients.
(e) TIS: $9.9 million nationally.
(f) Living in Harmony:
Funding to the Gippsland & East Gippsland Aboriginal Cooperative Limited was $25,000
Funding to the Gippsland Regional Council of Adult Community and Further Education, located in the McMillan electorate, to implement initiatives involving further education providers in the Gippsland region, was $30,000.
Total, excluding TIS: $270,389.

3. (a) CSS Scheme: Nil.
(b) MRC: $138,927 was appropriated for the Gippsland MRC.
(c) IHSS: $47,070 was appropriated for the Gippsland MRC.
(d) AMEP: An estimate of $21,483 to service 13 clients as at the end of January 2000.
(e) TIS: The full accrual cost of TIS (net of receipts) nationally is $19.7 million.
Living in Harmony: Subject to the Gippsland & East Gippsland Aboriginal Cooperative Limited meeting their agreed Milestones, funding in 1999-2000 will be $20,000.

Subject to the Gippsland Regional Council of Adult Community and Further Education meeting their agreed Milestones for initiatives involving further education providers in the Gippsland region, funding in 1999-2000 will be $30,000.

Total, excluding TIS: $256,880.

Department of Agriculture, Fisheries and Forestry: Assistance to Gippsland Electorate
(Question No. 1881)

Senator O'Brien asked the Minister for Agriculture, Fisheries and Forestry, upon notice, on 21 January 2000:

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

(2) What was the level of funding provided through these programs and grants for the 1996-97, 1997-98 and 1998-99 financial years.

(3) What is the level of funding provided through these programs and grants has been appropriated for the 1999-2000 financial year.

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

(1) The following programs are available in the federal electorate of Gippsland.

. The Exceptional Circumstances Relief Payment (ECRP) assists farm families in Exceptional Circumstances (EC) areas who are experiencing difficulties meeting personal living expenses. The ECRP is currently available to farmers living in the East Gippsland area which was declared in drought exceptional circumstances (DEC) on 30 March 1998. The East Gippsland area includes part of the Shire of East Gippsland and the Shire of Wellington.

. EC interest rate subsidies are available to drought affected farmers in the East Gippsland DEC area.

. The Farm Family Restart Scheme (FFRS) which provides income support, professional counselling and re-establishment grants is available to all eligible farmers on a national basis.

. The Financial Counselling Service, part of the Rural Communities Program (RCP), provides rural community groups with Commonwealth grants to contribute towards the cost of employing a Financial Counsellor/s and associated administrative costs. The service is free and independent of financial institutions, welfare agencies or government. The Financial Counsellor/s can help primary producers, small rural businesses and individuals in rural areas who are experiencing financial difficulty.

. The Farm Management Deposit (FMD) Scheme is available to all eligible farmers in Australia and provides a tax-linked saving mechanism that allows farmers to set aside pre-tax income from years of good cash flow for use in years of low cash flow. The Scheme is operating out of private financial institutions and data covering use of FMDs in particular electorates are not available at present.

. The Retirement Assistance for Farmers Scheme (RAFS) provides a three-year opportunity for farmers to gift their farms to a younger generation and gain immediate access to the age pension. RAFS is available to all eligible farmers on a national basis. While the Department of Agriculture, Fisheries and Forestry (AFFA) has an interest in the operation of the Scheme, the Department of Family and Community Services administer it.

. The Australian Quarantine and Inspection Service (AQIS) provides, on an ongoing basis as required, a range of export certification and quarantine services in this electorate. These services are consistent with those provided anywhere else in Australia.

. Assistance is available through all programs under the Natural Heritage Trust (NHT) that are administered by AFFA. These programs are the National Landcare Program, National Rivercare Program, Farm Forestry Program and Fisheries Action Program.

. Payments have also been made under the Wood and Paper Industry Strategy (WAPIS) Regional Forest Agreement (RFA) – Participation and Awareness Grant Scheme.

(2) The level of funding provided through these programs and grants for the 1997-98 and 1998-99 financial years was
Information on ECRP is not available on an electorate basis. However, there were 466 ECRP recipients registered with the Sale Centrelink office as at 31 December 1999. In addition, as at 31 December 1999 there were 495 farmers in the East Gippsland DEC area who were approved for support under the EC interest rate subsidies.

Commonwealth expenditure for the EC programs in Victoria in 1996-97, 1997-98 and 1998-99 is summarised in the following table.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>ECRP</td>
<td>$0.4</td>
<td>$0.6</td>
<td>$6.6</td>
</tr>
<tr>
<td>EC Interest rate subsidies</td>
<td>0.02</td>
<td>2.2</td>
<td>2.4</td>
</tr>
</tbody>
</table>

Information on the FFRS is not available on an electorate basis. In Victoria, as at the end of December 1999 there were 535 current FFRS income support recipients with a total of 1278 farmers in Victoria who have benefited from FFRS income support since it commenced in December 1997. Since the program’s commencement, 129 re-establishment grants have been paid to farmers in Victoria.

Commonwealth expenditure for the FFRS program in Victoria in 1997-98 and 1998-99 is summarised in the following table.

<table>
<thead>
<tr>
<th></th>
<th>1997-98</th>
<th>1998-99</th>
</tr>
</thead>
<tbody>
<tr>
<td>FFRS Income Support</td>
<td>0.6</td>
<td>6.7</td>
</tr>
<tr>
<td>FFRS Re-establishment Grants</td>
<td>0.4</td>
<td>3.2</td>
</tr>
</tbody>
</table>

The RCP - Financial Counselling Service funds the Gippsland Rural Financial Counselling Service, which employs two financial counsellors, located in Maffra and Bairnsdale. Payments made were $50,000 in 1997-98 and $100,000 in 1998-99. Under the old Rural Counselling Program (ceased 1997-98), the same group (then called East Gippsland Rural Financial Counselling Service) received funding for the same positions of $99,153 in 1997-98 and $94,481 in 1996-97.

Environment Australia administers the NHT funds. AFFA has responsibility for administration of a number of programs funded under the NHT. Funding provided through the NHT for programs administered by AFFA in the federal electorate of Gippsland amounted to $622,484 in 1996-97, $781,284 in 1997-98 and $969,611 in 1998-99.

Funding under the WAPIS and RFA – Participation and Awareness Grant Scheme in the federal electorate of Gippsland in 1996-97, 1997-98 and 1998-99 is summarised in the following table.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>WAPIS</td>
<td>$000</td>
<td>$000</td>
<td>$000</td>
</tr>
<tr>
<td>Gippsland Farm Forestry Project (Regional Plantation Committee)</td>
<td>198.0</td>
<td>298.5</td>
<td>269.5</td>
</tr>
</tbody>
</table>

REGионаL FоREST AGREEMENT – PАRTСIPАTion AND AWARENESS GRАNT SCHEMA

Concerned Residents of East Gippsland | 2.5 | nil | nil |
Mallacoota Arts Council | 0.75 | nil | nil |
Moogji Aboriginal Council | 2.5 | nil | nil |
Tambo Environment Awareness Group | nil | nil | 2.0 |
Gippsland Apiarists Association Inc | nil | nil | 1.75 |
South Gippsland Shire Council | nil | nil | 0.75 |

AFFA directly administers the WAPIS funds.

The aim of the RFA – Participation and Awareness Grant Scheme is to facilitate regional stakeholder participation in the Comprehensive Regional Assessment/Regional Forest Agreement process and to assist stakeholder organisations raise awareness of the process in affected regional communities.
(3) The level of funding appropriated for the 1999-2000 financial year through these programs and grants is as follows:

- Exceptional circumstances funding is demand driven and sufficient funds to meet all approved claims for support under both the ECRP and EC interest rate subsides will be made available.

- Expenditure for FFRS income support from 1 July 1999 to 30 December 1999 in Victoria was $4.8 million. Assuming the current trend in demand continues, it is expected that demand will be at around $1.1 million a month in Victoria. Over $1.8m has been paid to Victorian re-establishment grant recipients and $0.4m for professional advice to 31 December 1999.

- FFRS funds are not allocated on a regional or state basis. Overall (national) funding to the FFRS income support in 1999-00 is expected to be $15.0 million. Funds are provided to farm families, which have been approved, for assistance regardless of their location.

- Funding for the Gippsland Rural Financial Counselling Service in 1999-00 is expected to be $100,000. No payment has yet been made.

- Funding provided through the NHT for programs administered by AFFA in the federal electorate of Gippsland amounted to $1,003,506 in 1999-00.

- Funding under the WAPIS and RFA – Participation and Awareness Grant Scheme in the federal electorate of Gippsland for 1999-00 is summarised in the following table.

<table>
<thead>
<tr>
<th></th>
<th>1999-00</th>
</tr>
</thead>
<tbody>
<tr>
<td>WAPIS</td>
<td></td>
</tr>
<tr>
<td>Gippsland Farm Forestry Project (Regional Plantation Committee)</td>
<td>134.0</td>
</tr>
<tr>
<td>REGIONAL FOREST AGREEMENT – PARTICIPATION AND AWARENESS GRANT SCHEME</td>
<td></td>
</tr>
<tr>
<td>Victorian Association of Forest Industries, Gippsland</td>
<td>1.25</td>
</tr>
<tr>
<td>Prospectors &amp; Miners Association of Victoria Inc – Gippsland Branch</td>
<td>1.25</td>
</tr>
</tbody>
</table>

Senator O’Brien asked the Minister representing the Minister for Sport and Tourism, upon notice, on 21 January 2000:

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

(2) What was the level of funding provided through these programs and grants for the 1996-97, 1997-98 and 1998-99 financial years.

(3) What is the level of funding provided through these programs and grants has been appropriated for the 1999-2000 financial year.

Senator Minchin—The Acting Minister for Sport and Tourism has provided the following answer to the honourable senator’s question:

(1) National Tourism Development Development Program (now replaced with the Regional Tourism Program)


Department of the Prime Minister and Cabinet: Year 2000 Compliance

(Question No. 1886)

Senator O’Brien asked the Minister representing the Prime Minister, upon notice, on 21 January 2000:

(1) What was the total cost of work undertaken by the department to ensure that all systems were year 2000 compliant.
(2) (a) Who were the consultants selected as part of the above work; and (b) what was the cost of each consultant.

(3) Where consultants were engaged, were they selected through a tender process; if not, why not.

(4) Have there been any problems with any systems within the department or any agencies since 1 January 2000; if so: (a) what was the nature of each problem; and (b) has each problem been corrected.

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

(1) I am advised that the total cost of the work undertaken by the Department of the Prime Minister and Cabinet to ensure that all critical business systems were Year 2000 compliant was approximately $235,000.

(2) I am advised that the Department of the Prime Minister and Cabinet engaged Computer Training and Consultancy to undertake two consultancies in relation to the above work at a cost of $3,000 and $47,295 respectively.

(3) I am further advised that the first consultancy was not publicly advertised, and that the second consultancy service was selected through a limited tender process.

(4) I am advised that the department has not experienced any problems with critical business systems due to Year 2000 issues.

Department of Foreign Affairs and Trade: Year 2000 Compliance
(Question No. 1889)

Senator O’Brien asked the Minister representing the Minister for Trade, upon notice, on 21 January 2000:

(1) What was the total cost of work undertaken by the department to ensure that all systems were year 2000 compliant.

(2) (a) Who were the consultants selected as part of the above work; and

(b) what was the cost of each consultant.

(3) Where consultants were engaged, were they selected through a tender process; if not, why not.

(4) Have there been any problems with systems within the department or any agencies since January 2000; if so (a) what was the nature of each problem; and (b) has each problem been corrected.

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

(1) The total cost of work undertaken by the department to ensure that all systems were year 2000 compliant was $25,262,555 from a total cost of $28,013,484 spent on overall year 2000 preparations.

(2) Existing contract employees were involved both directly and indirectly with year 2000 project and remediation tasks. However, specific consultants were selected for a 'Year 2000 Program and Project Process' audit and review undertaken in July 1999. These consultants were Interim Technology Solutions engaged at a cost of approximately $25,000.

(3) Interim Technology Solutions was selected for the audit and review task from a Office for Government Online (OGO) panel that was established for the purpose of 'whole of government' Y2K external reviews.

(4) As of early February 2000, the department and its agencies have not identified any problems with systems in the department or its agencies associated with the year 2000 since January 2000.

Department of Family and Community Services: Year 2000 Compliance
(Question No. 1893)

Senator O’Brien asked the Minister for Family and Community Services, upon notice, on 21 January 2000:

(1) What was the total cost of work undertaken by the department to ensure that all systems were year 2000 compliant.

(2) (a) Who were the consultants selected as part of the above work; and (b) what was the cost of each consultant.
(3) Where consultants were engaged, were they selected through a tender process; if not, why not.
(4) Have there been any problems with any systems within the department or any agencies since 1 January 2000; if so: (a) what was the nature of each problem; and (b) has each problem been corrected.

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

(1) The total cost for the Family and Community Services portfolio is estimated to be $23,479,000. However, final costs will not be known until the project is completed and accounts checked. The estimated figure includes work to make computer systems, communication networks and buildings compliant and provide for related contingencies.

(2) (a) (b) The following consultants took part in the portfolio's Year 2000 effort (at a cost of $415,895 which is included in the amount above): Unisys Australia ($166,535), Interim Technologies ($96,773), Reengineering Australia ($30,240), Deloitte Touche Tohmatsu ($30,000), Acumen Alliance ($30,000), Brightstar ($23,800), Software Improvements ($15,000), Walter & Turnbull ($11,430), World Wide Webster ($7,845), Compaq ($3,000), Chubb Security ($1,272).

(3) For the following reasons, none of these eleven consultants were selected by tender: extension of existing contracts (6); based on knowledge of capabilities where request for tender resulted in no responses (2); request for proposal of services based on a proprietary methodology (1); selection from OGO approved panel of auditors (1); selection from panel of approved internal auditors (1).

(4) (a) (b) A small number of very minor problems occurred and were corrected (for example, needing to re-set dates in some equipment where backup batteries were exhausted; date display problems on some local computer software packages). Centrelink and Child Support Agency customers were unaffected by the Year 2000 issue, with all payment systems operating as required. Final sign-off of Year 2000 issues will not occur until after 29 February 2000 (which non-compliant systems may not recognise).

Department of Education, Training and Youth Affairs: Year 2000 Compliance
(Question No. 1896)

Senator O’Brien asked the Minister representing the Minister for Education, Training and Youth Affairs, upon notice, on 21 January 2000:

(1) What was the total cost of work undertaken by the department to ensure that all systems were Year 2000 compliant.
(2) (a) Who were the consultants selected as part of the above work; and (b) what was the cost of each consultant.
(3) Where consultants were engaged, were they selected through a tender process; if not, why not.
(4) Have there been any problems with any systems within the department or any agencies since 1 January 2000; if so: (a) what was the nature of each problem; and (b) has each problem been corrected.

Senator Ellison—The Minister for Education, Training and Youth Affairs has provided the following answer to the honourable senator’s question:

(1) While some work is continuing with respect to Year 2000 activities, notably in the area of assurance checking of applications as functionality is exercised for the first time in 2000, the Department of Education, Training & Youth Affairs (DETYA) estimates total project costs of approximately $9.3 million. This amount includes some $2 million as a contribution towards the redevelopment of the Student Assistance Support Assessment System (ESAS), which needed to be redeveloped to ensure compliance and to accommodate some policy changes which took effect from 1 January 2000.

(2) As part of DETYA’s Year 2000 activities in the area of building compliance and related Y2K transition plans, two consultants were engaged. These firms and their associated costs were:

Engineered Solutions (Aust) Pty Ltd, $222,697
Intech Pacific, $45,000

(3) Both were selected through tender processes.
(4) DETYA experienced two confirmed Y2K related problems during the transition to 2000:

. PRISMS: (Provider Registration and International Students Management System) A report selection screen would not permit a 2000 date. The problem has been fixed.
. (Old) ESAS: Production batch process failed on the 4th of January, the problem was rectified in time for the next batch run on the 5th of January. Subsequent problems were also identified in an edit check on a date of birth, and with the exchange of information with the Commonwealth Bank. The problems have been fixed.

A potential problem with SPSS was corrected with a late update from the manufacturer, and a problem with SYBIZ (™) report extraction is under investigation, but is not believed to be Y2K related.

Department of Industry, Science and Resources: Year 2000 Compliance
(Question No. 1897)

Senator O’Brien asked the Minister for Industry, Science and Resources, upon notice, on 21 January 2000:

(1) What was the total cost of work undertaken by the department to ensure that all systems were Year 2000 compliant?
(2) (a) Who were the consultants selected as part of the above work.
(2) (b) What was the cost of each consultant.
(3) Where consultants were engaged were they selected through a tender process.
(4) Have there been any problems with any systems within the department or any agencies since 1 January 2000.

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

(1) Total Costs - $2,265,000
(2) (a) Computer Power/Interim Technology
   Unisys Australia Ltd
   Cubic Systems and Services Pty Ltd
(2) (b) Computer Power/Interim Technology $207,000
   Unisys Australia Ltd $229,000
   Cubic Systems and Services Pty Ltd $282,124
(3) Yes, with the following exception: Cubic Systems and Services Pty Ltd was employed under an existing contract with AGAL. The contract was extended to cover the Y2K Project.
(4) During testing on 1 January 2000, one date related problem was detected in one of the data extraction programs that operates as part of the Sample Manager for Windows suite of programs operating within the Australian Government Analytical Laboratories.

The program failed to extract data from the data base because the year 2000 was not recognised as a date that fell within the selection criteria. The problem was diagnosed and corrected by 12.00PM on 1 January 2000.

Department of Immigration and Multicultural Affairs: Year 2000 Compliance
(Question No. 1898)

Senator O’Brien asked the Minister representing the Minister for Immigration and Multicultural Affairs, upon notice, on 21 January 2000:

(1) What was the total cost of work undertaken by the department to ensure that all systems were year 2000 compliant.
(2) (a) Who were the consultants selected as part of the above work; and
   (b) what was the cost of each consultant.
(3) Where consultants were engaged, were they selected through a tender process; if not, why not.
(4) Have there been any problems with any systems within the department or any agencies since 1 January 2000; if so: (a) what was the nature of each problem; and (b) has each problem been corrected.

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

(1) $7,168,000
Work undertaken to ensure all systems were Y2K compliant has resulted in substantial benefits to the Department. These benefits have derived from having a detailed inventory of IT systems and business impact assessments for each of the systems which can now be used to better manage the delivery of IT services under the Cluster 3 Outsourcing Contract. 150 Mainframe Software products were upgraded. In excess of 3500 desktop machines had hardware and software checked and software upgraded to the year 2000 levels. Over of 80 midrange machines in overseas locations had software infrastructure upgraded and 900 network items were checked with approximately 80 requiring upgrades, including new PABX’s across all sites.

Experience gained from Y2K testing has enabled the Department to implement a more rigorous, comprehensive testing regime which will continue to be used for future systems development. In addition to retiring some 28 old systems, 17 desktop applications were rewritten to use standard desktop software. Two new business critical systems, ICSE and TRIM, were introduced to replace 8 non-compliant business critical and essential systems. Legacy mainframe applications were refreshed to take advantage of the enhanced functionality of Y2K compliant upgraded software which will result in quicker problem resolution, lower maintenance costs and lower running costs into the future.

(2) (a) and (b) Andersens - $277,147  
CSC - $643,227  
Paxus - $2,532,217  
SPL - $235,000  
Wizard - $107,850
(3) DIMA CSC Alliance processes were used to select consultants.  
(4) (a) DIMA experienced eight Year 2000 issues, one of which affected a business critical system but was corrected within 48 hours of detection. There was no business impact from this or any of the other detected Year 2000 related problems; and  
(b) All problems have been corrected.

Department of Veterans’ Affairs: Year 2000 Compliance  
(Question No. 1901)

Senator O’Brien asked the Minister for Veterans’ Affairs, upon notice, on 21 January 2000:
(1) What was the total cost of work undertaken by the department to ensure that all systems were year 2000 compliant.
(2) (a) Who were the consultants selected as part of the above work; and  
(b) What was the cost of each consultant.
(3) Where consultants were engaged, were they selected through a tender process; if not, why not.  
(4) Have there been any problems with any systems within the department or any agencies since 1 January 2000; if so, (a) what was the nature of each problem; and (b) has each problem been corrected.

Senator Newman—The Minister for Veterans’ Affairs has provided the following answer to the honourable senator’s question:
(1) $16.05 million  
(2) (a) & (b) The following consultants were engaged for Y2K activity:

<table>
<thead>
<tr>
<th>Consultant</th>
<th>Cost ($m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>IBMGSA</td>
<td>6.26</td>
</tr>
<tr>
<td>Acumen Alliance</td>
<td>0.025</td>
</tr>
<tr>
<td>Admiral Management Services</td>
<td>0.010</td>
</tr>
<tr>
<td>QDATA Australasia</td>
<td>0.065</td>
</tr>
<tr>
<td>Safetynet Pty Ltd</td>
<td>0.014</td>
</tr>
</tbody>
</table>
(3) All the consultants listed were selected under a tender process other than Acumen Alliance and Synchrotech Software. Acumen Alliance was engaged because the company was known to have an individual with the necessary specialist skills and DVA-specific knowledge. Synchrotech Software was engaged because the work to be undertaken involved that company’s proprietary software.

(4) (a) and (b) A number of minor problems were experienced and the details are set out below:

<table>
<thead>
<tr>
<th>Problem</th>
<th>Correction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Two batch programs returned unexpected return codes due to an invalid date range being calculated.</td>
<td>The problem was corrected immediately.</td>
</tr>
<tr>
<td>A table placed records with Year 2000 dates before those records with 1999 dates.</td>
<td>As the table only retains records for a 3 day period, no corrective action was required.</td>
</tr>
<tr>
<td>A report showed an invalid date.</td>
<td>The problem was corrected immediately.</td>
</tr>
</tbody>
</table>

Department of Industry, Science and Resources: Year 2000 Compliance (Question No. 1903)

Senator O’Brien asked the Minister representing the Minister for Sport and Tourism, upon notice, on 21 January 2000:

(1) What was the total cost of work undertaken by the department to ensure that all systems were Year 2000 compliant?
(2) (a) Who were the consultants selected as part of the above work.
(2) (b) What was the cost of each consultant.
(3) Where consultants were engaged were they selected through a tender process.
(4) Have there been any problems with any systems within the department or any agencies since 1 January 2000.

Senator Minchin—The Acting Minister for Sport and Tourism has provided the following answer to the honourable senator’s question:

(1) Total Costs - $2,265,000
(2) (a) Computer Power/Interim Technology
   Unisys Australia Ltd
   Cubic Systems and Services Pty Ltd
(b) Computer Power/Interim Technology $207,000
   Unisys Australia Ltd $229,000
   Cubic Systems and Services Pty Ltd $282,124
(3) Yes, with the following exception: Cubic Systems and Services Pty Ltd was employed under an existing contract with AGAL. The contract was extended to cover the Y2K Project.
(4) During testing on 1 January 2000, one date related problem was detected in one of the data extraction programs that operates as part of the Sample Manager for Windows suite of programs operating within the Australian Government Analytical Laboratories.

The program failed to extract data from the database because the year 2000 was not recognised as a date that fell within the selection criteria. The problem was diagnosed and corrected by 12.00PM on 1 January 2000.

Department of Employment, Workplace Relation and Small Business: Business Information System (Question No. 1909)

Senator O’Brien asked the Minister for Communications, Information Technology and the Arts, upon notice, on 28 January 2000:
(1) Was the Office for Government Online (OGO) responsible for overseeing the introduction of a computer system known as the Business Information System (BIS) into the Department of Employment, Workplace Relations and Small Business (DEWRSB) referred to in an article in the *Herald-Sun* on 17 January 2000.

(2) (a) What was the cost of installing the computer system; (b) when was it installed; and (c) what was the name of the contractor or contractors involved in the installation.

(3) (a) What is the nature of faults that have appeared in the BIS since its installation; (b) what has been the cost of rectifying those faults; and (c) who undertook that work.

(4) Has DEWRSB been required to carry out a number of functions manually because of the failure of the BIS; if so (a) what functions have been carried out; (b) when was each task commenced and completed; and (c) what has been the cost of that additional work.

(5) Has the OGO oversee, or been involved in, the installation of the BIS in any other federal departments or agencies; if so, which departments and agencies have had this system installed.

(6) In each case: (a) when it was installed; (b) what was the cost of the new system; (c) what problems have occurred with the system; and (d) what has been the cost to date of rectifying those problems.

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

(1) OGO is not responsible for overseeing the introduction of the Business Information System (BIS) into the Department of Employment, Workplace Relations and Small Business (DEWRSB). The responsibility remains with DEWRSB and any questions regarding it are a matter for that department.

The Shared System Suite is a series of contracts providing for the supply of Financial Management Systems (FMIS), Human Resource Management Information Systems (HRMIS) and Records/Information Management Systems (RIMS). These contracts are mandated for use by budget dependent agencies.

SAP has products on the FMIS and HRMIS Shared Systems Suites. Business Information System (BIS) is DEWRSB’s name for the SAP R/3 software package. This package is used by a number of government departments and also by many companies in the private sector.

With respect to the press articles, OGO has been advised by DEWRSB that these articles are substantially inaccurate and juxtapose comment by the reporter with material possibly from the department’s Annual Report and unrelated information apparently obtained from the BIS Status Report. For example, the articles claim that BIS has 'wiped' staff leave records. This is not correct. Personnel staff are able to provide all departmental staff with information about their leave entitlements and, progressively, staff are being given 'self-serve' access to their leave records on BIS via the department’s Intranet.

(2) (a) and (b) As OGO is not responsible for overseeing the contract, OGO does not hold these financial details. This is a matter for the Department of Employment and Workplace Relations and Small Business. (c) OGO does not record agency contractor details, nor oversight project implementation. This is a matter for DEWRSB.

(3) (a) OGO is not involved in agency project management. This is a matter for DEWRSB. OGO has been advised by DEWRSB that the press report detailing the nature of the faults is substantially inaccurate and that the system has not failed. (b) As above. (c) As above.

(4) (a) OGO is not involved in agency project management. This is a matter for DEWRSB. OGO has been advised by DEWRSB that the press report detailing the nature of the faults is substantially inaccurate and that the system has not failed. (b) As above. (c) As above.

(5) As stated in response to Question 1, OGO has not oversighted the installation product at any agency site.

(6) Not applicable, as the situation has not occurred.

Department of Industry, Science and Resources: Gavin Anderson and Kortlang

(Question No. 1931)

Senator Robert Ray asked the Minister for Industry, Science and Resources, upon notice, on 17 February 2000:
(1) What contracts has the department, or any agency of the department, provided to the firm, Gavin Anderson and Kortlang since March 1996.

(2) In each instance: (a) what was the purpose of the work undertaken by Gavin Anderson and Kortlang; (b) what has been the cost of the contract to the department; and (c) what selection process was used to select Gavin Anderson and Kortlang (open tender, short-list, or some other process).

Senator Minchin—The Minister for Industry, Science and Resources has provided the following answer to the honourable senator’s question:

(1) The Department of Industry, Science & Resources has not provided any contracts to the firm Gavin Anderson & Kortlang since March 1996.

(2) Not Applicable

Department of Agriculture, Fisheries and Forestry: Gavin Anderson and Kortlang
(Question No. 1934)

Senator Robert Ray asked the Minister for Agriculture, Fisheries and Forestry, upon notice, on 17 February 2000:

(1) What contracts has the department, or any agency of the department, provided to the firm, Gavin Anderson and Kortlang since March 1996.

(2) In each instance: (a) what was the purpose of the work undertaken by Gavin Anderson and Kortlang; (b) what has been the cost of the contract to the department; and (c) what selection process was used to select Gavin Anderson and Kortlang (open tender, short-list, or some other process).

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

(1) Nil

(2) N/A

Department of Aboriginal and Torres Strait Islander Affairs: Gavin Anderson and Kortlang
(Question No. 1936)

Senator Robert Ray asked the Minister for Aboriginal and Torres Strait Islander Affairs, upon notice, on 17 February 2000:

(1) What contracts has the department, or agency of the department, provided to the firm, Gavin Anderson and Kortlang since March 1996.

(2) In each instance: (a) what was the purpose of the work undertaken by Gavin Anderson and Kortlang; (b) what has been the cost of the contract to the department; and (c) what selection process was used to select Gavin Anderson and Kortlang (open tender, short-list, or some other process).

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

(1) The Commission has not entered into contracts with Gavin Anderson and Kortlang during the period in question.

(2) Not applicable.

Australian Federal Police: Staff
(Question No. 1937)

Senator Murray asked the Minister representing the Attorney-General, upon notice, on 17 February 2000:

Does section 40J(a) of the Australian Federal Police Legislation Amendment Bill 1999, passed by the Senate on 16 February 2000, apply to all employees of the Australian Federal Police whether members or civilians.

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

Paragraph 40J(a) of the Australian Federal Police Legislation Amendment Bill 1999 applies to all employees of the Australian Federal Police whether members or non-members.
Department of Agriculture, Fisheries and Forestry: Annual Income and Expenditure Return

(Question No. 1963)

Senator Faulkner asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, upon notice, on 23 February 2000:

Has the department, or any agency of the department, provided an annual return of income and expenditure for the 1997-98 and 1998-99 financial years pursuant to section 311A of the Commonwealth Electoral Act 1918; if so, can a copy of those statements be provided; if not, what, in detail, are the reasons for not providing those statements.

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

Yes. The Department of Agriculture, Fisheries and Forestry has provided this information in its annual report, as required by section 311A of the Commonwealth Electoral Act 1918. The information can be found at Appendix 3 (pages 189 – 194) of the 1997-98 annual report and Appendix 7 (pages 147 – 152) of the 1998-99 annual report. The information has been tabled in Parliament and is also available on the department’s website (www.affa.gov.au).